

1 THE TOWN OF COVENTRY
2
3

4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 255, ARTICLE XX – Wind Energy Facilities
9

10 **Ordinance No. 2026-15**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article XX:

16
17 **Article XX, Chapter 255 — Zoning (Special Regulations for Wind Energy Facilities)**

18
19 **§ 255-2080 Decommissioning and abandonment.**

20
21 A. Prior to the issuance of a permit under this article, the applicant shall deposit, in an acceptable
22 form of “Financial Security” as authorized and defined in the Town of Coventry Code of
23 Ordinances, Part II General Legislation, Chapter 123 ~~the form of cash or a cash bond~~, with the
24 municipality the full estimated cost of dismantling and removal of the wind energy facility,
25 including the cost necessary to return the property to its pre-siting condition, which the
26 municipality shall place in an escrow account. A wind energy facility that is not generating
27 electricity for 12 consecutive months shall be deemed discontinued. In the event the facility has
28 not generated electricity for a period of 12 months, the zoning official shall notify the owner or
29 operator of the turbine that the turbine has been deemed abandoned. The owner/operator may
30 then file an appeal of the zoning officer's decision to the Zoning Board and/or may request an
31 extension of the period within which the facility must be dismantled. The filing of said appeal
32 shall serve as a stay of the requirement to dismantle. The facility shall be removed from the
33 property by the applicant/owner within 120 days of receipt of notice from the Zoning Official
34 unless an appeal has been filed. If, however, the wind energy facility is not removed within this
35 time period, the municipality may remove the turbine at the applicant's expense, using the
36 Financial Security ~~escrowed funds~~. These funds shall be used to pay all site reclamation costs
37 deemed necessary and reasonable to return the site to its preconstruction condition, including the
38 removal of roads and reestablishment of vegetation. If funds remain after the necessary
39 expenditures, the municipality shall reimburse the applicant.

40
41 B. The amount of said decommissioning fund shall be calculated by an independent firm selected
42 by the Town. The cost of this calculation shall be borne by the applicant. In the calculation of the
43 decommissioning costs, a deduction of the overall cost shall not be reduced as a result of
44 anticipated scrap metal recovery due to the volatility of the market.
45

46 **§ 255-20120 Improvement guarantees.**

47

48 A. Definition and purpose.

49

50 (1) An "improvement guarantee" is a security instrument accepted by the Town to ensure all
51 improvements, facilities, or work required by this article or as a condition of approval of a wind
52 facility will be completed in compliance with the approved plans and specifications.

53

54 (2) Improvement guarantees shall be provided to ensure the proper installation and maintenance
55 of required street, utility and other physical improvements and maintenance of other physical
56 improvements and to ensure compliance with other nonstructural conditions of approval (if any).
57 The nature and duration of the guarantee shall be structured to achieve this goal without adding
58 unnecessary costs to the developer.

59

60 B. General procedures.

61

62 (1) Before final plan approval of any wind facility, the developer must secure the agreement of the
63 Zoning Board to approve agreements for the completion of all required improvements. Such
64 agreements may take the form of cash or bond.

65

66 (2) At the preliminary plan review stage, the developer shall submit a letter requesting that security
67 sufficient to cover the cost of required improvements be established by the Board.

68

69 (3) If improvements are to be guaranteed, the provisions of this section shall apply.

70

71 C. Procedures for financial guarantees.

72

73 (1) Amount.

74

75 (a) Improvement guarantees shall be in an amount and with all necessary conditions to secure for
76 the Town the actual construction and complete installation of all of the required improvements,
77 and the satisfactory completion of all conditions of final approval within the time periods required
78 for completion provided therein.

79

80 (b) The amount shall be based upon actual cost estimates which would be required for the Town
81 to complete all improvements required as a condition of final approval. These estimates shall be
82 initially prepared by the Municipal Engineer and/or the Director of Public Works and submitted
83 to the Administrative Officer, who shall review the estimates, if requested, with the developer. If
84 the developer disagrees with the estimated amount, he/she shall have the opportunity to submit a
85 revised estimate along with supporting justification for the revisions.

86

87 (c) The Technical Review Committee shall review the Municipal Engineer's and the Director of
88 Public Works' cost amount of the improvement guarantee, or the developer's revision, and make a
89 recommendation to the Zoning Board, which shall review and set the final amount.

90

91 (d) The Zoning Board may set the guarantee in a reasonable amount in excess of the estimated
92 costs in order to anticipate for increases in economic or construction conditions. However, the
93 amount of such increase shall not exceed 120% of the estimated costs of improvements as
94 recommended by the Technical Review Committee or as recommended by the Municipal Engineer
95 and Director of Public Works.

96
97 (e) At the expiration of the approval period, if all required improvements are not complete, the
98 Zoning Board shall review the status of improvements and may implement one of the following
99 actions:

100
101 [1] Require the developer to extend the duration of the entire improvement guarantee;

102
103 [2] Reduce the amount of the improvement guarantee to cover the estimated costs of remaining
104 improvements; or

105
106 [3] Authorize the Administrative Officer to take the steps necessary to ensure completion of the
107 remaining work by using the improvement guarantee funds.

108
109 (f) If at any time during the guarantee period the procedures, implementation measures, methods,
110 materials, and/or schedules of construction are determined by the Zoning Board not to be in
111 compliance with the approved plans, the Board may, after proper notification to the developer,
112 authorize the use of improvement guarantee funds to insure proper compliance.

113
114 (2) Form and amount of guarantee. The developer shall submit to the Zoning Board an
115 improvement guarantee in an acceptable form of "Financial Security" as authorized and defined
116 in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123. ~~the form~~
117 ~~required by the Zoning Board and based upon the recommendation of the Town Manager. Said~~
118 ~~guarantee shall be payable to the Town of Coventry.~~

119
120 (3) Conditions.

121
122 (a) Establishment of reliability. The Town Manager shall establish the reliability of the person,
123 persons, or company furnishing the required improvement guarantee to the developer.

124
125 (b) Binding agreement. Acceptance of the required improvement guarantee by the Zoning Board,
126 certification by the Town Treasurer of the receipt of such guarantee(s), and the recording of such
127 action in the minutes of the Zoning Board meeting shall constitute a binding agreement between
128 the principal, surety, and the Town of Coventry.

129
130 (4) Duration and release of guarantee.

131
132 (a) Term of duration of the required improvement guarantee shall begin with the date of acceptance
133 of such instrument of guarantee by the Zoning Board.

134
135 (b) Expiration. The required improvement guarantee shall be condition on the faithful completion
136 of construction and installation of required improvements to the land within a period of one year.

137 Said guarantee shall have a minimum expiration date of one year after completion of said
138 improvements as certified by the Municipal Engineer in coordination with the Director of Public
139 Works and shall contain the provision that same may be released to the developer only upon the
140 due authorization of the Coventry Town Council.

141
142 (c) Release of guarantee. At the end of the one-year period, the developer may apply to the Town
143 Council at a regularly scheduled meeting for the release of the improvement guarantee. This
144 application shall be accompanied by certificates from the Director of Public Works, Municipal
145 Engineer, the Town Surveyor, and the Zoning Board that all required improvements have been
146 installed, constructed, and completed within the specified time limit and in accordance with the
147 specifications contained in these regulations.

148
149 (d) Approval of release. Certificates for release of the improvement guarantee shall be promptly
150 executed by the Town Council upon receipt of the prescribed certificates of completion of required
151 improvements from the Director of Public Works, Municipal Engineer, the Town Surveyor, and
152 the Zoning Board.

153
154 (5) Extension of time. If, due to circumstances beyond the control of the developer, the
155 construction or required improvements to the land cannot be completed in the prescribed time, the
156 Zoning Board may grant a one-time extension for a period not to exceed 90 days. During such
157 time extension, the guarantees shall remain in full force.

158
159 (6) Default.

160
161 (a) Conditions of default.

162
163 [1] The Town of Coventry shall hold the developer and surety in default of guarantee should the
164 developer:

165 [a] Fail to meet all specifications for construction of required improvements to the land.

166
167 [b] Fail to properly notify the Director of Public Works and the Municipal Engineer of the
168 beginning and completion of all phases of construction of required improvements to the land.

169
170 [c] Fail to protect existing improvements and/or properly repair such improvements should damage
171 occur during construction of the development.

172
173 [d] Fail to clean debris from the site and adjacent areas upon completion of construction within the
174 development.

175
176 [e] Fail to complete required improvements to the land within the time prescribed.

177
178 [f] Fail to correct improvement deficiencies evident within one year of the completion of said
179 improvement.

180
181 [g] Fail to correct improvement deficiencies evident within one year of the completion of said
182 improvement.

183
184 [2] Within the time periods of the improvement guarantee, the Zoning Board shall make any and
185 all tests and inspections necessary to determine if any conditions of default exist. The Board shall
186 require the developer to pay any inspection fee.

187
188 (b) Certification of default.

189
190 [1] Should any of the conditions cited above occur, the Municipal Engineer and agents retained by
191 the Zoning Board shall certify in writing to the Zoning Board that the developer has not complied
192 with the requirements of these regulations, the Municipal Engineer shall further certify the extent
193 of noncompliance and the conditions thereof.

194
195 [2] The Zoning Board shall submit in writing to the Town Council its concurrence with or
196 disapproval of the determination of the Municipal Engineer.

197
198 (c) Execution of guarantee. The Town Council shall, under the provision to Title 45, Chapter 23-
199 46-11 of the General Laws of Rhode Island (1956 as amended), execute only that portion of the
200 guarantee which shall be necessary to correct the deficiency for which the developer and surety
201 are held in default.

202
203 (d) Payment of surety. Upon notification to the surety by the Town Council that the developer has
204 been held in default of guarantee, the surety shall promptly pay to the Town of Coventry that
205 portion of the guarantee which shall be necessary to correct the deficiency for which the developer
206 and surety are held in default.

207
208 (7) Partial releases. Partial releases or reductions in the guarantee amount may also be authorized
209 at any time prior to the expiration of final approval. A written request for release or reduction of
210 any improvement guarantees shall be made to the Town Council, which shall act thereon upon
211 receipt of a recommendation from the Zoning Board.

212
213 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

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229 Approved as to Form:

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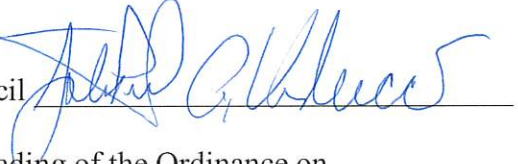
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232 _____
Town Solicitor Date

233

234

235

236 Introduced by/Pursuant to: Council 

237

238 Referred to/for: First Reading of the Ordinance on _____, 2026

239

240 Planning Commission for recommendation on _____, 2026

241

242 Public Hearing before the Town Council on _____, 2026

243

244

245 Passed or Denied on a vote of _____

246

247

248 _____
John-Paul A. Verducci – Town Council President

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251 Approved:

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254 _____
Daniel O. Parrillo – Town Manager

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257 Certification Actions by Town Clerk:

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259 _____