

Senator Benjamin Downing, Senate Chair
Representative John D. Keenan, House Chair
Joint Committee on Telecommunications, Utilities, and Energy

Testimony opposing S. 1591 and H. 2980, the Wind Energy Siting Reform Act.

Main points that seem problematic with these bills.

The DOER will identify towns with “significant wind resources.” It has been found that the Truewind Solutions LLC-modeled Wind Resource data on the state GIS map overestimates actual wind speeds. That was found to be true in Brimfield. Our town had a small area of “marketable” wind on the Wind Resource Map, but a year of data collection with an anemometer found that a wind project would not be economically viable. A wind developer could come into a town and say that according to the wind resources map you have great wind, submit a permit application and 30 days later the town is in the process. No actual evaluation of wind resources is required.

If your town has a “significant wind resource” the town's Board of Selectmen shall appoint a Local Wind Energy Permitting Board. The members of the Local Wind Energy Permitting Board include the Conservation Commission, Planning Board and Zoning Board of Appeals. No members from the Board of Health are included and yet, as can be seen around the state, Boards of Health are being swamped with complaints of noise from existing wind turbines.

Local planning boards, health boards, boards of appeal, conservation commissions and other local permit granting authorities should retain their current powers over wind turbine siting.

The Local Wind Energy Permitting Board may waive zoning and non-zoning requirements of the municipality's local laws, regulations, policies or other regulatory requirements. Substitute the words “shopping mall” or “heavy industrial site” for wind plant and what happens? A municipality establishes certain zoning and regulations for reasons applicable to the town. The planning board and zoning board of appeals are established to deal with those types of developments.

No town board member can appeal a decision of the Local Wind Energy Permitting Board, even if the Board waives all town bylaws and ordinances in contradiction to the desire of town residents as demonstrated in bylaws and zoning adopted by town meeting.

Once the wind developer files the permit a 30-day clock starts to tick. WESRA does not specify that the permit must be deemed complete before the clock starts to tick. An incomplete permit may not give enough information for the town to respond within 30 days.

The DOER will set up a new State Board (not the currently configured Energy Facilities Siting Board) as the Board to hear appeals of the Local Wind Energy Permitting Board.

WESRA removes rights of due process and appeal. An “aggrieved party” may appeal to the new Wind EFSB Board. That means that the hearing will be non-adjudicatory. Traditional rights of appeal, that are granted during review of every other kind of energy construction, is denied for wind projects alone

There are no requirements made of the developer to give the cons (not just the pros) of the proposed wind project. The wind developer does not have to provide scientific data about the amount of CO2 emissions avoided or even give actual calculated data about the amount of electricity that will be generated based on capacity factors.

WESRA replaces state laws with standards that are set by, and either enforced or waived, by the EFSB. All laws are jettisoned, not just environmental but public safety, competitive bidding, etc., and the expertise of state agencies is sidelined with their only responsibility to enforce the decisions of the EFSB.

This is not a good bill. WESRA as enacted would speed up permitting of wind turbines but at the expense of much of local and state laws and regulations that have been carefully crafted over years.

Please do not report these bills out of Committee.

Thanks You,

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