



Town of Sheffield
Board of Selectmen
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December 2, 2013

The Honorable Benjamin B. Downing, Senate Chair
The Honorable John D. Keenan, House Chair
Joint Committee on Telecommunications, Utilities and Energy
State House, Room 413F & Room 473B
Boston, MA 02133

RE: S.1591 and H.2980: An Act Relative to Comprehensive Siting Reform for Land Based Wind Projects (WESRA)

Dear Senator Downing, Representative Keenan and Members of the Joint Committee:

We wish to submit this letter as testimony to your Joint Committee's December 3, 2013 hearing.

The Town of Sheffield Board of Selectmen, as we have since 2009, is pleased to comment on this proposed legislation and once again respectfully asks you to oppose both of these bills and relegated them to study order.

Since both bills are basically the same as previous WESRA bills, our objections continue to focus on the following:

Local Permitting: Permitting of wind projects should continue to be at the local level.

The proposed legislation continues to provide the Energy Facilities Siting Board (EFSB) the authority to modify or overrule part or all of the local permitting board's decision. Despite what we believe to be the intention of these bills to not allow the EFSB to overturn a denial decision by a local board, unlike earlier proposed legislation, neither of these bills clearly state this.

It continues to be our opinion that incomplete applications and state permitting processes have been responsible for the majority of delays in permitting wind energy facilities. We do not believe local boards want to deny wind energy projects; however, we believe they wish to be complete and legal in their permitting.

This institution is an equal opportunity employer and provider.

As such we feel that much of the language in these bills continues to be unneeded, complicated and contrary to the provisions of The Zoning Act, Chapter 40A. Such provisions include, but are not limited to, the establishment of a new Special Permit Granting Authority (SPGA); a potential legislated change to a municipality's established SPGA process; unique permitting procedures and timelines, including the number of days in which a constructive approval of an application occurs; and the continued denial to the board of any financial information on the proposed project, other than that which the applicant self-provides on the application.

Standards: Standards for the siting, operation and decommissioning of electric generating plants and ancillary facilities for wind energy facilities should be established before the expedited and consolidated permitting process proposed by these bills are adopted.

We understand that the Department of Public Utilities is soliciting comments on setting voluntary guidelines through its Energy Facilities Siting Board (EFSB). While we have concerns that the DPU, whose authority concerns power plants of 100 MW or more, may in the future use such guidelines or regulations to circumvent the legislative process, we do support their work at this time and their asking for public input.

In contrast, these bills have made no changes to how standards are set from previous proposed legislation and continue to provide no window for the assimilation of such regulations by local permitting boards and make no provisions for local board education. The regulations and processes proposed in these bills will be extensive and represent significant changes to the normal operations of local permitting boards.

Other Concerns: Other parts of the legislation appear to be inconsistent, favor the applicant/proponents over parties of interest or seek to keep the public from a full accounting of the work of the EFSB.

It continues to be difficult to understand what process an applicant is to follow, whether or not the application submitted meets specified standards. Further, we do not understand the need for EFSB processes to be Non-Adjudicatory. Given the importance of the EFSB's work, the public should benefit from the notification and other actions mandated for any Adjudicatory process.

We have concerns regarding the non-standard appeal processes and the unequal appeal provisions provided to applicants and other proponents and those provided to parties of interest as well as the omission of impacts of significant local scenic, recreational or archeological resources, which are of particular importance in the Berkshires and Cape Cod where tourism is a major economic engine.

Having provided written comments on WESRA for several years, this Board cannot fail to notice that seventy percent (70%) of the bills your Joint Committee will take testimony on seek to address possible impacts of wind turbine development.

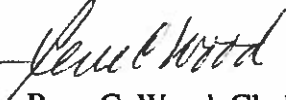
The remaining bills seek to exempt certain coastal areas or structures used for radio or telecommunication transmission from wind turbine facilities; to create funds to

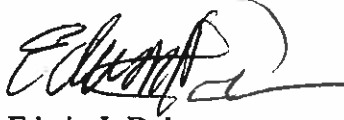
decommission certain wind energy facilities or provide relief, including monetary relief, from detrimental health effects or property losses caused by wind energy facilities; to create a special commission to investigate the health effects of wind turbines; or to prohibit the siting of wind turbines within 3,000 feet of a residence or residentially zone property.

Thank you for receiving our testimony.

Sincerely,


Julie M. Hannum, Chairman


Rene C. Wood, Clerk


Edwin J. Dobson

cc: The Honorable William "Smitty" Pignatelli, State Representative, 4th Berkshire District
The Honorable Gailanne M. Cariddi, State Representative, 1st Berkshire District
The Honorable Paul W. Mark, State Representative, 2nd Berkshire District
The Honorable Tricia Farley-Bouvier, State Representative, 3rd Berkshire District