

Planning for Wind Power Developments in Hilltown Communities

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Why your town needs to consider this now:

- 1) Massachusetts (and most other New England States) have established Renewable Portfolio Standards. These mandate that increasing percentages of electric power generation be produced from renewable sources. Wind power is widely viewed as the most promising of the possible alternatives.
- 2) Offshore waters have the most consistent winds in the Commonwealth but are expensive to harness and face well-funded politically connected opposition. The next best wind resources are the high ridges of the Berkshires and Hilltown regions.
- 3) Recent renewal of the Production Tax Credit provides powerful financial incentives for commercial developers.
- 4) Planning *before* a project is proposed in your town will avoid a lot of headaches.

Recounting the process in Hawley:

The Hawley Wind Study Committee was established by town meeting vote and was directed to issue a report to the selectmen. Interested citizens were asked to submit a letter of interest to selectmen who then selected the committee. The committee first examined potential positive financial benefits to the town. Community based wind development was explored for a piece of town-owned land with the assistance of the UMass Renewable Energy Resource Lab. The committee determined that development of the site was not feasible. Lengthily discussions on the associated various negative impacts of wind plants followed. It was determined that our current bylaws would not require any form of local review to minimize these impacts. A report outlining the above was provided to the selectmen concluding that the appropriate course of action was to establish a wind power bylaw.

The planning board then went to work. Existing bylaws from other towns were reviewed. A planning grant for research from HCI to augment its \$100 annual budget was applied for and received. I attended a conference specifically addressing siting put on by the American Wind Energy Association. I also attended a national conference of opponents of industrial wind development. Information from these conferences was pooled together with other information gathered largely from the Internet by other board members. The planning board spent several weeks drafting a bylaw that allows for wind turbines by special permit. The bylaw was submitted to the Attorney General's office, FRCOG planning department and town council. After revisions, it was submitted to the selectmen who then directed the planning board to hold a public hearing on it. A public hearing was held and it was decided to bring the bylaw, as drafted, to the town for a vote, which passed 28-8, sufficient for the 2/3 vote required for passage.

A suggested planning process:

First, determine potential for wind development in your town – **see attached map**, and check out wind maps on-line. Proximity to the grid, ease of access for construction including on-site limitations, constraints of town roads, etc. are also things that potential developers are looking at. Try to understand the scale of wind farms as construction projects by investigating various websites on-line. If determine that you may have potentially developable sites then:

- 1) Educate yourselves about wind power. Consult wide variety of sources, considering who is behind them and what their agenda may be. Websites are usually developed by those that have a financial stake in wind development, quasi-governmental agencies tasked with a mission to site renewable facilities, non-profit groups receiving funds to promote wind power, local groups opposed to siting in their communities, etc..
- 2) Your community needs to have a discussion about the degree to which it wishes to encourage wind power. Keep in mind 3 possible types of projects might be proposed. These would be small private installations, community wind initiatives and commercial development.
- 3) Develop bylaws that pursue one of 3 basic options:
 - a) You could ban wind turbines outright (they are not protected by laws that limit community's ability to control cell towers).
 - b) You could allow them by special permit.
 - c) You could allow them "by right" with few limitations.

What a bylaw should contain:

Statement of purpose – simple summation of this "community discussion". If your town chooses to allow wind power development, then the following topics need to be addressed, especially for commercial projects:

- 1) Application procedure – *there are several good models*
- 2) Mechanism for applicant to pay for independent consultants to review documents/studies that they provide.
- 3) Setbacks – *very important, potentially controversial, further research needed*
- 4) Public safety concerns during construction/operation.
- 5) Property values, aesthetic concerns. – *tough issues but very important*
- 6) Provisions for applicant to cover costs associated with repairing any damage to town roads during construction.
- 7) Noise – baseline studies, establishing thresholds (state guidelines may be deemed inadequate), monitoring and compliance. *Several models are out there. I'm not sure Hawley's is the best one. This, too, is quite controversial*
- 8) Environmental considerations. – pre-construction baseline studies are needed to document existing plant and animal populations, ecological communities, drainage patterns, etc.. Parameters need to be established for researching/predicting impacts to the above that would result from construction. Determine of acceptable levels of impact where state/federal guidelines are absent or found to be insufficient. Provide mechanism

for post-construction monitoring/compliance/mitigation. – *this is very difficult and may reach beyond the capabilities of small town boards to determine.*

Procedure to remove windmills in the event of abandonment/disuse. Create a requirement that owner provide for financial surety in the event that this task falls to the community.

Provide enforcement tools. Adopt penalties & fines should conditions for permits not be met.

Process not perfect

I had hoped to do more research in Hawley but our volunteer committees felt overtaxed with other time commitments, etc.. This dictated that the planning process not be drawn out any further than it already was.

Assessing the potential for wind power development is important for a community because it will affect its motivation to pro-actively address the issue. We, in Hawley, had a difficult time determining whether or not windy locations in town would be profitable for commercial entities to develop now or in the future. MTC & RERL have the resources to assist communities with this but when we asked for help from them, we were told that this was not within their purview.

Open questions remain:

What are appropriate setbacks?

What is the best way to regulate sound emissions?

How can a bylaw deal with preservation of local property values?

The wind industry has answers for all of the above but scholarly, truly independent analysis appears to be scant at best.

Town by town process flawed:

It is likely that many projects will be proposed in the coming years in Western Massachusetts.

Impacts of commercial wind development in your town such as degradation of view sheds, declining property values, construction access, and possibly noise will likely be felt in several towns that do not have input into your town's planning process. Similarly, your town may be impacted by projects in adjoining towns that provide no benefit to your community. No mechanism exists to deal with this.

Local bylaws are not ultimately the appropriate vehicle for addressing cumulative environmental impacts like possible harm to migratory bird populations, bats, habitat fragmentation, etc.. Nor are they the appropriate forums for weighing region-wide economic concerns (local tax benefit vs. regional tourism interests, for example). The state and federal government have been actively encouraging wind power development through a suite of monetary incentives but have not contributed much in the way of actual policy relating to these thorny issues which are regional in scope.

For further information:

Contact your regional planning department.

Lauren Gaherty at Berkshire Regional Planning has amassed quite a bit of locally oriented info (including bylaws in existence to date).

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Just a few of the many websites that are worth looking at representing many different points of view:

www.wind-watch.org National collaboration with volumes of material on wind power not produced by developers/wind power promoters

www.hoosacwind.com From the developers of the proposed project in Florida/Monroe.

www.users.globalnet.co.uk/~hills/cc/ See quick loading photo gallery to view ridgeline construction of current-technology wind turbines.

www.greenberkshires.com From the opponents to the Florida/Monroe project

<http://www.mass.gov/doer/programs/renew/renew.htm> Mass. Div. of Energy Resources Website.

For further info about Hawley's bylaw, contact Lloyd Crawford stmpsprt@crocker.com