

Important Information: Commercial Land Wind Turbine Siting in Southeastern Massachusetts

Since the construction of Interstate 195, development has placed pressures on open space for residential housing on the South Coast and Cape Cod. Open space and recreation plans have been established in the densely populated residential locations along the shoreline, which include the state parks system. The best wind resources are found along the shoreline among the waterfront residential property locations and state parks.

The state of Massachusetts is about to set standards for responsible development of land-based commercial wind turbines through the Wind Energy Siting Reform Act. The current standards for setbacks are the least protective in the world.

The Wind Energy Siting Reform Act will shift control over the permitting from local zoning boards to the Massachusetts Energy Facilities Siting Board (EFSB). This opens constitutionally protected lands to industrial wind turbine development. The EFSB has never turned down a power plant. This act could change the character and economy of our area.

Communities have seen concerned citizens' groups bring legal actions against the placement of commercial wind turbines too close to residential property. The main concerns include; ice throw, shadow flicker as the sun rises and sets (the blades of the turbines cause a flickering in the windows of homes), airplane night warning strobe lights, noise issues, setbacks in case the blades break away, and in general the placement of a commercial product in residential-zoned locations.

Through the new legislation, Massachusetts chooses to redefine property rights through the Wind Energy Siting Reform Act. The state needs to protect individuals from bearing the burdens imposed by the takings clause of the Fifth Amendment of the Constitution. A quote from this amendment is: "nor shall private property be taken for public use, without just compensation." The placement of commercial wind turbines in residential locations by zoning change or special permit is a form of intervention called a "police power," or placing restrictions on land use activities that could be injurious to the health, morals and safety of the community.

For example, Mattapoisett had a recent event where the Massachusetts Dept. of Conservation and Recreation in partnership with the Town of Mattapoisett placed a meteorological tower 160 feet tall in Nasketucket State Reservation from 2005 to 2007. The installation was based on a flawed study done by a semi-quasi state agency. We were told at that time the land would fall under Article 97. The only future use of the park was recreation and that the met tower was being set up for "educational purposes."

PLEASE NOTE: This listening session is about wind development on public lands and makes no mention of the Wind Energy Reform Act. We need a legal public hearing. The executive branch is doing these listening sessions. The legislative branch should hold the public hearing. Since the Joint Committee is the one handling this legislation, they should be the one to hold the public hearing.

Thanks, Concerned Citizens for Responsible Wind Power: Frank Haggerty and Joe DeLEO