



Conservation Law Foundation

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Creating Model By-laws for Wind Projects



Webinar

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About CLF

- Founded in 1966, CLF uses legal advocacy, science and economics to protect the people and environment of New England.
- Four program areas:
 - Clean Energy & Climate Change
 - Ocean Conservation
 - Clean Water & Healthy Forests
 - Healthy Communities & Environmental Justice
- Environmental consulting affiliate: CLF Ventures



Climate Change & Regulatory Context

- MA Global Warming Solutions Act
- MA Green Communities Act
 - 15% new renewable energy by 2020
 - Green Communities Program
 - as-of-right siting of renewable or alternative energy generating, R&D or manufacturing facilities
 - expedited application and permitting (1 yr or less)
 - access to funding



As-of-right Wind Bylaw: Key Considerations

- Designated locations
- Height Limits
- Setback distances
- Shadow/flicker
- Sound
- Decommissioning



Designated Locations

- Wind resource availability
 - Min avg wind speed of 6m/s
- Realistic/practical opportunity for wind dev
- Proximity to transmission lines, roads
- Avoid, minimize conflicts w/ resources & uses
- Specific zoning districts v. overlay district



Turbine Height

- Power output as a function of size
 - Model bylaw: 450' limit = example
 - Higher limits: more power from fewer turbines
- Different limits for different districts?
- At least 1 turbine rated at 600 kW +
 - MMA example



Setback distances

- Model bylaw:
 - 1x turbine height from private/public ways, critical infrastructure, buildings
 - 3x turbine height from nearest residential structure
 - 1.5x turbine height from nearest property line
 - Waivers: site-specific considerations or written consent of abutters



Other considerations:

- Shadow/flicker impacts
 - burden on developer re: no significant adverse impact
- Sound: DEP noise regulations
- Decommissioning
 - Amount & type of surety required
 - Model bylaw: not to exceed 125% cost of removal



Other considerations...

- Do your site plan review bylaws need to be amended?
- Streamlined filing requirements/process for smaller turbines?



Making progress in MA:

- Over 2 dozen MA towns have wind bylaws
 - See mass.gov/doer for list
- Learning as we go...
 - Eastham & Cohasset examples



Resources

- MA DOER Green Communities Program
 - www.mass.gov/doer
 - Mark Sylvia, Meg Lusardi
- Renewable Energy Research Lab
 - UMass/Amherst, Lynn DiTullio
 - MA Wind Working Group
 - www.ceere.org/rerl
- Cape & Islands Self-Reliance
 - www.reliance.org



Resources (cont'd)

- Center For Ecological Technology
 - www.cetonline.org/
- Clean Power Now
 - www.cleanpowernow.org
- Emerging crop of specialists/consultants



For more information...

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