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Cape Cod Commission Approves Wind Turbine Regulations

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A set of proposed regulations for the siting and review of land-based wind turbines got the Cape Cod Commission's seal of approval yesterday, and now heads to the Barnstable County Assembly of Delegates for its vote.

The commission was barely at a quorum when it voted to approve the proposed changes to the Regional Policy Plan (RPP) following 90 minutes of public testimony, which was split between those who felt the standards were too lenient and did not adequately protect homeowners, and those who felt the standards were too strict and could unduly impede wind turbine development.

Royden Richardson, Barnstable's representative and chairman of the CCC, and Mary L. (Pat) Flynn of Falmouth, the representative from the Barnstable County Board of County Commissioners, voted in favor of the regulations.

Michael Blanton, Bourne's representative, left the meeting before the vote was taken just before 5 PM. Mario DiGregorio, Ernest Virgilio, and Joanne O'Keefe -- respectively the representatives from Falmouth, Mashpee, and Sandwich -- were absent from the meeting.

When the Assembly takes up the matter at its March 2 meeting, it will mark the second time the county's legislative branch has weighed in. The Assembly last reviewed the amendments to the RPP's energy section in November, but rejected the proposal as too lenient and in some areas too vague.

The Cape Cod Commission spent the following weeks crafting more specific and restrictive language that still granted maximum flexibility to develop onshore wind turbines. A revised proposal received a public hearing last month, and this past Monday underwent a final bit of fine-tuning during a joint meeting of the CCC's planning and regulatory subcommittees.

The final draft approved on Monday, which would apply to any proposed turbine greater than 65 feet in height (as measured from the base to the tip of the rotors at the apex of their rotation):

- Establishes a "clear area" of 1.5 times the overall height of the turbine or the turbine manufacturer's recommended minimum clear area, whichever is greater;
- Establishes for all turbines of 660 kilowatt (KW) capacity or greater a noise setback of 10 times the diameter of the turbine blades, as measured from the base to the nearest receptor -- defined as any occupied residential or commercial property -- or residentially zoned parcel;

- Requires all project applicants for projects of 660 KW capacity or greater to conduct a noise impact study and fund a CCC review of that study. Project applicants seeking a reduced noise setback may use the study results to prove minimal impacts to prove minimal impacts to receptors;
- Mandates project applicants prepare plan detailing reduced operating procedures, including full decommissioning of the turbine, to mitigate and address noise complaints by abutters;
- Requires all applicants to conduct studies of shadow flicker on all receptors, and file a mitigation plan that limit shadow flickers events to less than 10 hours per year;
- Directs project applicants to provide to the CCC security to cover full decommissioning of a turbine. A turbine would be decommissioned automatically if a turbine is inoperative for more than 120 consecutive days;
- Outlines visual mitigation requirements to reduce a turbine's impact on local aesthetics, particularly in scenic areas and protected areas (i.e., historical districts)

The subcommittees on Monday approved a new noise setback provision. The previous language called for a 3,000 foot minimum setback for turbines with a maximum generation capacity equal to or greater than one megawatt.

The subcommittees also deleted language that would apply the DRI review process to meteorological towers, which are often erected months in advance of a turbine project to measure a site's wind conditions.

The latest batch of provisions was approved almost unanimously at Monday's meeting, foreshadowing yesterday's vote. The sole holdout at both meetings was Roger L. Putnam, Wellfleet's representative to the CCC, who blasted the entire proposal as "watered-down and vitiated and garbled," and contrary to the Cape Cod Commission's mission.

"We are obligated under our (Cape Cod) Commission Act to preserve, protect, and enhance" Cape Cod, he said. "Does this preserve? No. Does it protect? No. Does it enhance? No...I object to even voting for these regulations until we have decided what we're going to do to preserve, protect, and enhance."

Mr. Putnam specifically faulted the language for shadow flicker, which he believed should come with a maximum daily limit of 15 minutes instead of the 10 hours per year standard. Mr. Putnam said limiting flicker to 15 minutes per day would protect homeowners better, particularly during certain times of the year when the angle of the sun could expose a house to several continuous hours of flicker.

Paul J. Niedzwiecki, executive director of the Cape Cod Commission, called the 10-hour standard "as conservative of any regulations on the planet," noting that other states use a standard shadow flicker limit of 30 hours per year.

As for the noise standard, Mr. Putnam said that should be based on raw decibel levels rather than turbine size. "If you raise the noise level, it hurts. If you raise the flicker level, it hurts," he said. "We're debating how much we ought to hurt people, and that's not right."

Mr. Niedzwiecki and Ryan Christenberry, CCC planner, explained that the noise issue had to take into account individual projects, which could be affected by factors such as surrounding topography and

ambient background noise, and as such it would be problematic to establish a blanket standard for all turbines based on decibel levels.

“It would be so variable on different parts of the Cape,” Ms. Christenberry said. “The decibel level is the same, but the approach to an allowable level over ambient is different. The ambient noise level in Wellfleet or Truro might vary greatly from the ambient noise level, particularly in daytime or nighttime, in Hyannis or in Falmouth or in Sandwich. It’s site-specific.”

Mr. Niedzwiecki said the county would address decibel levels as it develops detailed noise standards in a technical bulletin, which would be attached to the RPP regulations. “The decibel level is one part of the potential harm,” he said.

Other subcommittee members further noted that noise complaints from Falmouth residents living near the town-owned turbine on Blacksmith Shop Road have been based on the possible health effects of ultra low-frequency “infrasound” as well as the audible swishing sound of the blades in motion.

1 Responses to "Cape Cod Commission Approves Wind Turbine Regulations"

1. *cassickc* says: 02/22/11

I think that the action of the commission is the result of an extensive study and consideration for all involved. Change is not always welcome or embraced, but if you consider that we all could be paying \$5:00 a gallon for gas by the end of the year to people who are holding us hostage,I for one would embrace that audible swishing to protect my independence and freedom. cfc

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