

OFFICE OF THE COMMUNITY LAWYER

July 24, 2012

Emailed to siting.council@ct.gov

Robert Stein, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Connecticut Siting Council Draft Wind Regulations

Dear Chairman Stein and Members of the Council:

This Office represents citizens in the greater-Winsted area, pro bono, on issues of public significance. We have worked with The Berkshire-Litchfield Environmental Council, the Housatonic Environmental Action League, Inc., the Housatonic Riverkeepers, the Housatonic River Initiative, and the Northwest Conservation District, among others.

Wind energy may be a valuable resource and an option worth exploring as a potential source of energy for Connecticut. But such assessments must be made considering the impact on the quality of life of residents and the potential negative consequences to wildlife. In this regard, the draft regulations fail to serve the best interests of the public.

Principle defects in the proposed regulations include inadequate setback requirements, inadequate noise level protections, inadequate protection of ridgelines, inadequate protection of bats and birds.

The 550 foot setback requirement separating industrial wind turbines from homes is insufficient to protect residents from the unwanted and potentially dangerous side effects of living in close proximity to wind turbines such as ice throw, shadow flicker and noise.

Complaints from residents 1,320 feet away from a 400-foot wind turbine in Falmouth, Massachusetts have led to mandatory nighttime shut-off. The industrial wind turbines recently approved for placement in Colebrook would stand even taller, at 492 feet, and have a blade sweep area of close to two acres. Any turbine this size, or even half this size, will loom large over neighbors well beyond the proposed 550-foot setback distance.

In addition, the 51 dBA proposed permitted noise level surpasses the level in other states and countries with industrial wind turbines, threatening to disrupt the peaceful, rural nature of Connecticut towns. In 2012, Maine reduced the permissible decibel level from 45 to 42 dBA based on complaints from residents. Vermont sets the limit lower, at 30 dBA. With a typical nighttime ambient sound level of under 30 dBA in many rural Connecticut towns, the proposed 51 dBA limit for wind turbines nearly doubles the amount of audible noise.

The proposed regulations do not adequately protect bats and birds and their natural habitats. Large wind turbine sites can devastate local bird populations by disrupting their habitat with the creation of massive turbine pads, roads to service the facilities, as well as the creation of artificial barriers and disruptions to birds' territories with turbine facility construction. Wind turbines contribute directly to the death of birds. In 2011, Dr. Albert Manville, a national expert on avian-structural impact problems with the United States Fish and Wildlife Service, estimated that commercial wind turbines kill 440,000 protected migratory birds in the United States each year. This annual death count is predicted to be even higher for bats, as they face both turbine collision and barotraumas – a result of blade wake, turbulence, and pressure gradients. The Council must not disregard the wellbeing and natural habitat of local bird and bat populations in an effort to promote wind turbine development.

The loose usage of the term “property rights” is disturbing. You propose that some property rights begin at the actual residence structure, rather than at the property line. No other state legislation uses this tortured definition.

Then there is the “waiver of requirements” section in three areas of the proposed regulations – noise, shadow flicker, and setbacks – that allow the regulations to be waived for “good cause.” This is vague and subjective language that paves the way for repeated future disregard of the regulations.

The proposed regulations are not ready for adoption. Wind energy may have potential in Connecticut but industrial wind turbines are complex and require thoughtful and intelligent investigation. Connecticut can borrow from the experience other states have had with this technology. Enthusiasm for ‘green’ technologies is no excuse to ignore the impact of industrial-wind turbines on rural regions, residential neighborhoods, sensitive environmental areas or scenic ridgelines.

The public interest requires further work on these regulations, based more on environmental principles instead of the best interests of the developers.

Thank you for your consideration.

Sincerely,

Charlene LaVoie
Community Lawyer