

Town of Duxbury
Wind Advisory Committee
Minutes for 3/29/16

TOWN CLERK
2016 OCT -5 PM 3: 16
DUXBURY, MASS.

Call to Order: 7:35pm

Members present:

Andreas Klein

Susan Fontaine

Joanne Levesque

Jim Savicki

Robert Knapp

Minutes: none available to review

The following topics were discussed:

1. AK summarized recent WNTAG meeting: results of Research Study on Wind Turbine Acoustics conducted by RSG and WNTAG draft noise rules and future plans. Understand from presentation that MassDEP will adopt current policy regarding turbine noise limits as rule (10dB(A) over ambient, L90 to define ambient, etc); MassDEP does not have any plan to consider infrasound (<20Hz) "not on our radar". MassDEP will look to WNTAC to develop guidance for complying with rules – how/when/where will noise need to be measured. Draft rule and guidance may be available in Fall 2016, will be subject of multiple public meetings for feedback in year to come.
2. JL presented several examples of MA town regulations regarding turbines. Of note, Bourne Board of Health, in absence of town bylaw, issued regulations establishing lower sound limits (6dB(A) above ambient) than current MassDEP policy.
3. Board considered adequacy of current Duxbury bylaw to protect town. General agreement that current audible noise limits were appropriate although limited setbacks may not adequately protect against intrusion of sub-audible sound which has proven very difficult to model. JL described current situation in Kingston whereby the town of Kingston allowed the turbines to be built along Rt3. The developer was/is required to comply with MassDEP noise policy – recent testing has borne out the complaints of the neighbors – the turbines are often louder than policy limits. We understand that the Kingston Board of Health issued a demand for remediation and the developer sued. The case is currently under litigation – and likely will be for years to come. In the meantime, the town is stuck with these too-loud turbines and no apparent recourse. Is our bylaw adequate to protect us against Kingston's problem? If a turbine were built in Duxbury according to the bylaw and with the support of the town, what could we do if it was noisier than billed? Should the bylaw be amended to add a compliance / mitigation requirement, perhaps backed by a bond?

4. JL pointed out that while construction of a turbine in Duxbury would require a Special Permit, there are two separate references to requirements for the special permit listed under the wind bylaw (section 600) and another set of requirements under the Special Permitting section (400) – the requirements are similar, but much more detailed and specific in the latter. Is this a conflict – or would both requirements be required to be met? It would presumably be easier to meet the more limited requirements under the wind bylaw. It did not seem to be the intention of the town to make it easier to get a Special Permit for a turbine than any other project.
5. AK will bring forward queries under 3 & 4 to Selectman representative for advice on who can answer. Board agreed to meet again to follow up on items 3 & 4. Next meeting will be held Tuesday, May 24, 2016 at 7:30 pm.

Meeting adjourned 9:10 pm.

Andreas Klein
Chairman

Amended: 6/28/16
Approved: 10/4/16