



**TOWN OF WEBSTER
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John F. McAuliffe, Town Administrator

October 22, 2010

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: Deirdre Buckley, MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: EEA #14647
Douglas Woods Wind Farm, Expanded Environmental Notification Form

Dear Secretary Bowles:

These comments are provided in response to the Expanded Environmental Notification Form (EENF) submitted to the Massachusetts Environmental Policy Act (MEPA) office by Vanasse Hangen Brustlin, Inc. (VHB) on behalf of American Pro Wind, LLC (the Proponent) for the Douglas Woods Wind Farm project, EEA #14647.

The proposed Douglas Woods Wind Farm project (the "Project") is located on a 298-acre site off Route 16/Webster Street in Douglas, MA and directly abuts approximately 5,000 linear feet of the Webster corporate boundary. Several of the proposed wind turbines are just over 150 feet from the Douglas/Webster corporate line, and within 1,400 to 2,000 feet from residences in the Town of Webster. Our comments pertain to impacts to the Town of Webster and its residents; to the Proponent's request for a Waiver from the Environmental Impact Report (EIR) and for a Single EIR; and to specific information that we believe needs to be provided in an EIR.

The Town of Webster (the "Town") is generally supportive of appropriately sited clean energy projects, both from an environmental and economic development perspective. The Town also understands that wind energy is an important component of the Governor's Clean Energy agenda, and that this project has already received support from the state in the form of funding from the Massachusetts Clean Energy Center (MassCEC) for design and construction. While the Town does not argue that the potential benefits of clean energy are important, these benefits do not relieve the Proponent from complying with MEPA and other environmental regulations to assess and mitigate project-related impacts. As noted herein, we believe that the Town of Webster and its residents are unfairly burdened by this project as presently designed, and that the Proponent should be required to minimize and mitigate these impacts significantly.

The EENF states that that numerous alternative locations for the commercial wind farm were contemplated during the planning process, but that the proposed site was selected for several reasons, including "availability of a large, relatively remote upland land area" and

“minimal impact on the environment” (EENF, p, 4-5). The EENF also states that numerous studies have been completed “which all indicate that the Project will result in minimal or acceptable environmental effect” (EENF, p. 5). Similarly, the Douglas Zoning Board of Appeals (ZBA) found in a May 13, 2009 Height and Use Variance granted for the project that “the isolation of the Locus caused by the surrounding State Forest and landlocked parcels greatly minimizes any adverse impact of the proposed use of the surrounding area” (Finding #13), and that granting of the Variance “would not be to the substantial detriment of the public good” (Finding #15).

We agree that these statements are generally accurate for the Town of Douglas. The project site is remote to sensitive receptors in Douglas, and the environmental effects of the project will be minimal to Town of Douglas residents. Indeed the closest Douglas resident is more than $\frac{3}{4}$ of a mile from the proposed project site. However, from the perspective of the Town of Webster, the site is anything but remote, and the environmental and human impacts are not acceptable. The majority of project-related impacts, including commonly accepted adverse impacts associated with wind turbines such as noise, shadow flicker, ice throw, infrasound, stray voltage, and lightning strikes will be suffered by residents of a Town that has little control over the project.

Many of the Town’s concerns about the project fall into the category of public health, safety, and nuisance issues, which are typically regulated at the local level. As explained in the EENF, the Proponent has received a Height and Use Variance for the project from the Douglas ZBA. We recognize that opportunity to participate in that review process has lapsed. While the project does require Site Plan Review from the Douglas Planning Board, it is exempt from the requirements related to commercial-scale wind in the Douglas Zoning Ordinance, specifically as a result of the Proponent’s intervention in the development of that Section of the Ordinance. We also note for the Secretary’s consideration that the Town of Douglas Planning Board itself objected to the granting of the Variance, in communication dated February 10, 2009.

This background is presented to provide some context for our following comments. While MEPA has broad-scope jurisdiction on this project by virtue of the state funding involved, the Town of Webster understands that the Secretary’s jurisdiction on this project is largely limited to the subject matter of applicable state regulations. Notwithstanding the MEPA office’s limited ability to intervene with regard to the “local” and “nuisance” aspects of commercial wind farms (i.e., noise, shadow flicker, aesthetics), we do not believe that the Proponent has evaluated alternatives to the project that could minimize these and other impacts, including evaluation of a project of a reduced scale. The Proponent should be required to conduct a comprehensive analysis of project alternatives to minimize impacts to the Town of Webster, including potential elimination of individual wind turbines.

Waiver/Single EIR Request

The Town of Webster does not support the Proponent’s request for a waiver from the requirement to prepare an EIR for the project. While the EENF document is lengthy, it does not satisfy the requirements at 301 CMR 11.05(7) for preparation of an EENF and has not fully demonstrated that preparation of an EIR will not serve to avoid Damage to the Environment as defined at 301 CMR 11.02(2). The EENF does not provide an adequate level of detail about project alternatives, impacts, and mitigation.

The Proponent has also not provided a compelling reason that undertaking the EIR process would result in an undue hardship. The assertion in the EENF that the project must start construction prior to December 31, 2010 in order to qualify for a federal grant (Section 1603 of ARRA), and that completion of an EIR will present an undue hardship with regard to

this funding program does not make sense. Many aspects of the project are still conceptual in nature, and significant local permitting obligations exist before the project can begin construction. Even if an EIR Waiver was granted, the Town finds it impossible to believe that the project could begin construction before December 31, 2010.

Based on the above, the Proponent has not met the criteria for a full waiver outlined at 301 CMR 11.00, and we do not believe the waiver request has merit.

In addition, we do not believe that the EENF has satisfied the criteria at 301 CMR 11.05(7) to allow for the preparation of a Single EIR. When a Proponent is allowed to submit a Single EIR, it generally means that the EENF contained a level of detail that would be required for a Draft EIR. As outlined further in this letter, critical details related to alternatives, minimization, and mitigation have not been provided in the EENF. The most glaring omission in the EENF is the lack of an alternatives analysis. The Proponent mentions an analysis of potential alternative sites, but no analysis of alternative layouts or project configurations is presented. The purpose of the MEPA process is for a Proponent to evaluate means to avoid, minimize, and mitigate Damage to the Environment. Without an alternatives analysis, one of the most basic components of any MEPA submission, the Proponent has not adequately documented compliance with MEPA.

Additionally, the Town is aware that several issues related to conditions in the Height and Use Variance granted by the Douglas ZBA remain unresolved. One specific issue is outlined in Condition #20, which requires the Proponent to combine all parcels needed for the project into one single parcel having frontage on Webster Road. While the Town understands that issues related to local zoning are not directly within MEPA's jurisdiction, the Proponent's ability to comply with the conditions of the ZBA Variance may affect project layout, viability, and associated impacts.

Most importantly, the Town believes that a full MEPA review of this project will provide for valuable public discourse and input about the project. The opportunity for your office, state agencies, and other stakeholders to hear from all interested parties about the project would be lost or greatly minimized should the Proponent be granted a Waiver or a Single EIR. The Town respectfully requests that you require a Draft EIR (DEIR) for this project. Issues that we believe need to be addressed in the DEIR are outlined below.

Scope Items

The remainder of our comments focuses on specific items that should be addressed by the Proponent in the DEIR. These items are not presented in any particular order, and should all be thoroughly addressed in the DEIR.

- The DEIR should include a comprehensive alternatives analysis to demonstrate how the proposed project will avoid, minimize, and mitigate environmental impacts to the maximum extent feasible. The Proponent should specifically be required to evaluate alternatives that reduce the number of wind turbines proposed, particularly those that will result in significant impacts to the residents of the Town of Webster. We note that the Douglas ZBA Variance stipulated that the Site Plan Review process cannot result in the elimination of turbines (Condition #5.a.v); however the MEPA office is not restricted from requiring an analysis of project minimization measures. Further, this condition is now moot based on the fact that the number of turbines proposed in the EENF (11) is less than in the Variance approval (13). The Proponent should outline in the DEIR why it is technically and economically infeasible to reduce the number of turbines proposed.

- The Proponent should clarify how much land will be altered as a result of the project. The EENF states that approximately 60 to 75 acres of land will be altered (including the 21 acres of land already altered prior to MEPA review). The 15-acre margin is not insignificant, and speaks to the premature nature of the project and the need for further MEPA review.
- The EENF states that the project will not result in any wetland impacts. The Town understands that an Abbreviated Notice of Resource Area Delineation (ANRAD) was undertaken at the project site by the Town of Douglas, using funding from the Chapter 43D program. We also understand that the Order of Resource Area Delineation (ORAD) issued November 2, 2009, referenced by the Proponent in the EENF does not include all of the subject parcels for the project. It also does not include any of the parcels in Webster that may be impacted as a result of the interconnection work. The fact that wetland resource areas have yet to be identified and confirmed on portions of the project site where project activities are proposed is in conflict with the Proponent's statement that no wetland impacts are anticipated with the project.

In addition, the Town is aware that wetland impacts may have already occurred as part of the Proponent's land clearing and wind measurement activities. The fact that the Proponent has already undertaken work (land clearing), resulting in potential wetlands violations in Douglas, speaks to the fact that a comprehensive analysis of project related impacts should be completed before any more project activities are undertaken at the site.

The Proponent should provide additional information regarding existing and potential wetland impacts in the DEIR. The Proponent should address impacts to Certified and Potential Vernal Pools as shown on the attached figure. Project activities also appear to come within 100 feet of the Town of Webster border. The Proponent should be required to confirm that activities will not occur within the 100-foot buffer zone to wetlands located in Webster.

- The Town has significant concerns regarding the impact of proposed blasting and project operations on the quantity and quality of groundwater supplies in the project area. Specifically, the Webster Family Campground, located at 106 Douglas Road in Webster has already experienced impacts to drinking water as a result of test pits dug at the project site. As can be seen on the attached figure, drinking water wells at the Campground are considered non-municipal public water supplies regulated by the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Resource Protection. The Proponent should conduct a hydrologic assessment of the project area as part of the DEIR. Potential impacts from blasting and potential spills of lubricants and other chemicals used in the wind turbines should be evaluated for impacts to withdrawal rates and water quality.
- While impacts associated with the distribution line and substation work are located within the Town of Webster, it is an integral part of the Project. Impacts associated with this work should therefore be thoroughly documented in the Draft EIR.
- We are aware that on other projects, turbine vendors are reluctant or even unwilling to supply equipment at sites located in close proximity to occupied structures. The Proponent should provide documentation from the proposed vendor (Nordex) that it finds the proposed site plan acceptable and that it includes sufficient set-back distances from occupied structures. If the location of proposed turbines is modified

as a result of micro-siting activities with the vendor, the site plan modifications should be presented in the DEIR.

- In the DEIR, the Proponent should outline any changes to the project resulting from the ongoing Town of Douglas Site Plan Review process.
- The statement that the recommendations of peer review consultants for the acoustic and shadow flicker studies have been incorporated into the final reports for those two issues is not substantiated by the Town of Douglas, who has indicated that the peer review is ongoing. In the DEIR, the Proponent should provide an updated on the peer review process for these studies, outline any modifications to the findings of these studies, and identify proposed mitigation.
- The Proponent indicates in the EENF that seventeen residences (note that these are all in the Town of Webster), will experience shadow flicker at greater than 30 hours per year, and require mitigation. This 30 hour per year standard was stipulated in the Town of Douglas Height and Use variance for the project. The Proponent indicates that equipment will be installed on the turbines (#1, #7, #8, and #9) that will shut off the turbines during conditions when flicker may occur such that experienced flicker hours/year are reduced to 30 hours or less for affected receptors. The Proponent should provide an explanation of associated loss in energy production associated with shutting off the turbines during flicker conditions, and demonstrate the amount of time that would be required to cease production such that no shadow flicker is experienced.
- Similarly, noise impacts from the project will be felt most significantly in the Town of Webster. While the project appears to meet MassDEP's Noise Policy, the Proponent should propose measures in the EENF that could be taken to further reduce noise impacts.
- The Department of Conservation and Recreation (DCR) indicated at the MEPA site visit for the project on October 13, 2010 that an Article 97 release may be required in association with the air space easement needed by the Proponent. In the DEIR, the Proponent should present additional information regarding compliance with EEA's Article 97 disposition policy. Should the Proponent not be able to meet this requirement, the DEIR should explain how the proposed project layout will be modified accordingly.

Conclusion

Thank you for your consideration of these comments. This project has been touted as having minimal impacts and being located in an excellent site in terms of human and environmental receptors. Our comments and the information presented in the EENF reveal in fact that the project will result in unacceptable impacts to the Town of Webster. We hope that as part of your goal of encouraging appropriately-sited land-based wind in the Commonwealth, you require the Proponent to reduce and fully mitigate the project's impacts to the maximum extent feasible, even if it requires a reduction in project size.

Should you have any questions or require additional information, please don't hesitate to contact me at 508-949-3800 x4000.

Sincerely,

John McAuliffe
Webster Town Administrator

Enclosures: Douglas Woods Wind Farm, Environmental Receptors Figure

Cc: Senator Richard Moore
Representative Paul Kujawski
Rick Sullivan, Commissioner, Department of Conservation and Recreation
Martin Suuberg, MassDEP, Worcester Office
William Cundiff, Town of Douglas
Doug Vigneau, VHB