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Comprehensive Wind Energy Siting-will a statewide bill be enacted?

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Last summer as the Mass. legislative session drew to a close, time ran out for the passage of the long debated Comprehensive Wind Energy Siting Bill. To the disappointment of many, but to the satisfaction of some, the Bill did not pass. Two similar bills pertaining to land-based wind projects have recently been filed in the Mass. House and are awaiting hearings in the Joint Committee on Telecommunications, Utilities, and Energy. In the meantime, the void presented by the lack of a statewide siting bill has left individual municipalities to continue to enact their own provisions, which many have; as well as the continuing development of public- private partnerships for the permitting and construction of land-based turbines. The soon to be operating Berkshire Wind Power Cooperative, serving 14 municipalities throughout the state, is one such example. Will a comprehensive bill be supported in this legislative session? Given the delays in the legislature, and the often lengthy legal battles in communities and appeals resulting in litigation, it is questionable, as a Patrick Administration official recently said, whether the population has the "appetite" for such a tool, which is perceived to reduce a community's control over such siting. Accordingly, it is not surprising that a Legislator from Barnstable has introduced a bill to prohibit the siting of industrial wind turbines closer than 3,000 feet from any residence or residentially zoned property. Stay tuned. Susan Bernstein is an attorney at law, Needham, Mass.

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