

From: [Lubieniecki, Vanessa \(MECP\)](#)
To: [Jabbour, Rita](#)
Subject: RE: Reduction in Setback between Commercial Wind Turbine and Residence
Date: Wednesday, December 15, 2021 8:37:57 AM
Attachments: [image003.png](#)
[image004.png](#)
[image007.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Rita,

Thank you for providing your email to the Ministry.

Further to our letter dated January 8, 2021, the Ministry of the Environment, Conservation and Parks' (ministry's) position is that permitting the construction of a dwelling less than 550 meters from a wind turbine risks exposing the residents to noise from the turbine above the Ministry's allowable sound level limit of 40 decibels. The Ministry's sound level limits are intended to be protective against an adverse effect, and therefore an exceedance of these limits may result in an adverse effect under the Environmental Protection Act.

As you know, the Ministry is responsible for issuing renewable energy approvals for wind facilities. Upon issuing a renewable energy approval to a wind facility, the Ministry ensures that all appropriate setbacks from noise receptors are met. As per Section 4.1 of Ontario Regulation 359/09, the wind facility's obligation to meet a prescribed setback distance does not apply in respect of any proposed dwelling that was not brought to the attention of the proponent within 60 days of submission of the request for site plan approval or building permit information to the Clerk of the municipality.

Accordingly, the Town of Essex is responsible for any municipal planning decisions that will permit Upper Canada Grower to construct two dwellings at 1110 Ridge Road in Harrow, closer than 550 metres to the nearest wind turbine. Provided that the wind facility is complying with its renewable energy approval, please be advised that the Ministry will direct any noise complaints in relation to impacts from turbines less than 550 meters on residents of the dwellings to the Town for follow up with Upper Canada Grower.

The Ministry recommends that the Town ensure that the owner of the dwelling(s) hire a consultant (Qualified Person) to assess technologies in relation to mitigating noise impacts from a nearby wind turbine on the dwelling. A Qualified Person is best suited to providing the owner with approaches to meet applicable sound level limits at the dwelling(s) and reduce the risk of an adverse effect. In addition, given that the dwellings are to be utilized by migrant workers, the Town should ensure that any occupants of the dwellings may refer any turbine-related noise complaints directly to the Town, and consideration should be given to the applicability of health and safety

standards under applicable labour legislation.

If you have any further questions, please let me know.

Vanessa

Vanessa Lubieniecki

Senior Environmental Officer / Windsor Area Office
Ministry of the Environment, Conservation and Parks
4510 Rhodes Dr. Unit 620, Windsor, ON N8W 5K5



We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888 or at [//ontario.ca/inspectionfeedback](https://ontario.ca/inspectionfeedback)



Please consider the environment before printing this email note

From: Jabbour, Rita <rjabbour@essex.ca>

Sent: December 2, 2021 9:46 AM

To: Lubieniecki, Vanessa (MECP) [REDACTED]

Subject: Reduction in Setback between Commercial Wind Turbine and Residence

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Vanessa.

I have an application for a zoning bylaw amendment for the construction of two new bunkhouses for migrant farm help. The bunkhouses will be located less than 550 metres from an existing commercial wind turbine on the neighbouring lot.

The exact setback reduction is not yet known but will likely be around 30 metres for a total setback of 520 metres.

Last year, we received comments from you on a similar setback reduction for the same property (see attached). We are wondering if the Ministry has any best practices for noise attenuation as the setback reduction cannot be avoided.

Your assistance would be appreciated.

Thank you.

Rita Jabbour, RPP, BA, MSc | Manager, Planning Services

Town of Essex | Department of Development Services
33 Talbot Street South, Essex, ON, N8M 1A8

519-776-7336 ext 1112 | 519-776-8811

Learn more online at the links below:



NOTICE OF CONFIDENTIALITY This communication, including any attachments, is intended only for the use of the addressee(s) to this email and is confidential. If you are not an intended recipient or acting on behalf of an intended recipient, any review, disclosure, conversion to hard copy, dissemination, reproduction or other use of any part of this communication is strictly prohibited. If you receive this communication in error or without authorization, please notify the originator immediately and remove it from your system.