

Town of Greenwood
Ordinance Review Committee Meeting Minutes
August 3, 2017

(A digital recording exists for this meeting)

Item 1: Call the Meeting to Order/Determine quorum

Chair Merlino called the meeting to order at 5:30pm and after roll call it was determined that a quorum was met.

Larry Merlino, Chairman
Paul Marcolini, Vice Chair
Brad Payne, Secretary
Tyler Bennett
Jim St. Germain
Dennis Doyon
Becky Secrest
Rob Lally (arrived at 6:00pm)
John Maloney, AVCOG
Kim Sparks, recording secretary

Jessie Fredrickson, absent

Attendance: 21

Item 2: Citizen/Public comments – 10 Minutes

Chair Merlino asked how many would like to comment and three raised their hands – so three minutes each.

Suzanne Preuss, East Twitchell Pond resident: Ms. Preuss stated that she had been on the pond for over 40 years. She asked the Board to consider adding a section to the ordinance that would provide guidelines for a real time flicker and noise control system that we would have the wind operators implement. She stated that with today's technology there is no reason that sensors placed at the sites couldn't provide feedback with regards to shadow flicker or noise conditions and relay it back to the wind turbines so that things could be changed in real time such as if the shadow flicker unit has been exceeded for that particular residence let's stop those blades from turning. She stated that there are guidelines in Germany and Belgium that show a maximum amount of actual flicker time say of 8 hours over a calendar year or 30 minutes per day...there is no reason with today's technology, there are sensors that see light, there are sensors that can control noise, and let's get that data and get it back to the wind operators so they can adjust their systems accordingly so they can't exceed the specifications listed in the wind ordinance. She stated that the sensor will help reduce complaints to the Town Office and to the Wind Companies. She stated that she would like to see real time data shared with the residents so when someone has a complaint they can get the data to show how long they have been in the flicker zone. She stated that there is no reason that this can't be done in real time and that technology is here today and let's use it to the benefit of our citizens.

Skip Potter, East Twitchell Pond resident: Mr. Potter stated that at our last Ordinance Review Meeting that he was asked to update one of his submissions on shadow flicker from a 600' tower. Mr. Potter submitted the updated paperwork to the Committee and stated that the greatest impact from the flicker would be the Mt. Abrams area and Irish Neighborhood area. Skip also submitted paperwork which included statements from the Town's Comprehensive Plan and a depiction of what the view of the towers

would look from the west side of Twitchell Pond. Mr. Potter stated that the paperwork has also included a list of all of the downsides of having these towers in Greenwood.

Lauriet Corriveau, South Pond resident: Mr. Corriveau stated that his mother who recently passed away would have hated these towers and they would have kept her up at night. Lauriet asked where they were with writing the ordinance and if the intent was to not want the Towers and if they were drafting an ordinance that would make it so the towers don't want to come here. Lauriet stated that he was normally pro green energy sources and would be in favor of the town forming a co-op for energy to be used by the Greenwood residents but he could not approve our resources going to Massachusetts and it is his own opinion that Massachusetts doesn't want these wind towers in their own back yards. Chair, Larry Merlino stated he would give a general overview. Chair Merlino stated that the Committee has stated that they were going to be very transparent and deliberative and investigate. Chair Merlino stated that they are looking at their neighbors, looking at the wind company, and looking at the Town. Chair Merlino stated that they were going to decide and agree together and that there has been no pre-decisions and no one here has said they want a 200' height and say good bye to them and no one has said they want a two mile set back and say good bye to them and things of that nature. Mr. Corriveau stated that's what they teach you in court. Chair Merlino stated that the Committee is trying to be transparent and deliberative and it's going to take a long time because there is so much information to deal with. Chair Merlino explained that they are dealing with low frequency noise which is not something you hear but feel, dealing with audible noise, dealing with flicker, and other items. Chair Merlino stated that they also have to consider the Greenwood Comprehensive plan and to listen to the concerns of the residents who are all very interested in what is going on. Chair Merlino stated that the Committee wants to do this review correctly and has spent quite a bit of time on decommissioning as that is important to what will happen 20 years out. Chair Merlino stated that they have also been working on how they are going to handle complaints and tonight we are in hopes to wrap up that section... what we consider low hanging fruit and then we will start reviewing the more difficult items along with visiting other wind power farms. Chair Merlino stated that he read in the Bethel Citizen that the Bethel Committee was reviewing their work as they thought the 2 mile set back might have been too restrictive. Lauriet asked if the Committee had enough time to do their work. Chair Merlino stated that the Board of Selectmen could issue an extension for another 6 months if they needed to. Lauriet asked if there were copies of the wind proposal. Chair Merlino explained that nothing has been brought before the Planning Board.

Item 3: Committee Member comments – 10 Minutes

Tyler Bennett: Tyler stated that he wanted to apologize to the Board, that he just got this information about two hours ago and hasn't had a chance to go thru it all. Tyler stated that he would get a copy of it to Kim so she can make everyone copies. Tyler stated that the State of Massachusetts has decided that by the year 2035 they have to be using renewable energy and that they have to outsource some of that out of state. Tyler stated that in 2011 the State of Massachusetts decided that their towers heights can be no larger than 450 feet that was set by DEP. Tyler stated that Calpine is proposing 600' towers on Long Mt. in Greenwood possibly depending on what we are doing with the moratorium and just last week on July 26th Calpine submitted a bid to the State of Massachusetts for the potential production of wind and what they are doing. Tyler stated that what bothered him is that in the bid there is a guaranteed commercial operation date of 12/31/2020 and as a business owner guaranteeing something when the Town is in the middle of a moratorium and deciding where the Town stands - this leaves a bitter taste in my mouth. Tyler stated that Calpine also gave the capacity and how many megawatts they were going to produce and looking at this information with the MET tower only being up for six months now I find it hard to believe that they are using information from that tower now or from something else... it is an exact number and it seems not 100% exact yet. Tyler stated that Calpine also had to show their local support and submitted letters from one citizen, one from

Greenstock snowmobile club which will get an annual \$ 10,000 donation for 20 years, the other was the Maine Renewable Energy Association which discusses what Calpine has done in other operations outside of Greenwood, and the third group was the Oxford Hills Trailblazers ATV club that has trails on Patch Mt. in Greenwood. Tyler stated his concern that there are groups from the Norway area listed but doesn't mean that Calpine has full community support. Tyler stated that was really hard for him to read that Calpine has a start date when the Town hasn't even voted if they want this or not.

Dennis Doyon: Dennis had questions for Skip Potter's submissions. Dennis stated that there are 13 wind towers on Mr. Potter's submissions and that there had been no submissions or any applications to the Town from Calpine or any company saying they would be installing 13 wind towers. Mr. Potter stated that he was referring to a submission from Calpine with their estimated tax revenue to the Town and that referenced 13 towers. Skip explained that this was his depiction and estimate of what 13 towers could look like on the mountains across from Twitchell Pond. Dennis stated that Skip had 13 towers here and from what little information that is out there and they are talking a total number of towers is 16 and you have 13 towers that don't even span 2/3rds of the total length of Twitchell Pond. Dennis questioned the scale of the depiction and looking roughly at the picture these towers should be 900' tall. Dennis explained that he is bringing this up, as he heard someone in the front row who looked at Skip's depiction and asked if this is what they are proposing and stated that this is not what they are proposing as there is absolutely no proposal. Dennis stated to put this here for the record is irresponsible and the scale is off and this is not representative to any current or future application that will come before the Planning Board. Skip stated that the ordinance is talking about wind turbines and this is just an example of what 600' wind towers could look like. Skip stated that he felt that this was accurate and would certainly take a better review of it in relation to scale. Committee Member, Becky Secrest stated that she thought it would be very helpful to the Committee to get someone who is an expert in this type of projection and to show the Committee what these could potentially look like. Dennis stated that is not representative to anything that has been put up in our area. Becky stated that it is really important to show people what this will look like. Committee Member, Paul Marcolini stated that he felt they were both in agreement and maybe this is something that we ask for help with and start using that money that we have to hire those who can help us with these items. Becky Secrest stated that she would be happy to work with Kim on this.

Item 4: Review Minutes of July 6, 2017

The Committee read the minutes. Marcolini motioned and Bennett seconded to accept the minutes as presented. Vote: 7-0. Motion passes and minutes were approved.

Item 5

Item 6: Items up for Discussion after review of John Maloney's revisions

Revised Standards submitted by John Maloney

Town of Greenwood, Maine
Site Plan Review Ordinance
Commercial Wind Energy Facilities
Revised Standards
July 20, 2017
August 3, 2017
Decommissioning/Abandonment

[Current Provisions]

- 1-401.3- Submission Requirements
- 1-401.3.D. Decommissioning plan

[Proposed Provisions]

- 1-401.3- Submission Requirements
- 1-401.3.D. **A preliminary decommissioning plan that includes the following.**
 - 1. Methods to remove all parts of the CWEF including foundations and how they will be disposed of.**
 - 2. Areas and the methods to restore disturbed land areas.**
 - 3. Estimated time period (months) to complete decommissioning.**
 - 4. Estimated cost for decommissioning in accordance with Section 1-7-701.3.S.4.**

[Current Provisions]

S. Decommissioning

The CWEF shall be decommissioned within twelve months after it ceases to generate electricity, or after any permit has been revoked.

Decommissioning shall include removal and disposal off-site of all parts of the CWEF (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, reseeded, or otherwise re-vegetated, unless the landowner of the affected land requests otherwise in writing.

2. A Maine Licensed Professional Engineer shall be retained by the Planning Board and paid for by the Applicant to estimate the total cost of decommissioning and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization
3. No permit for a CWEF shall be issued until decommissioning funds have been posted by the Applicant with a bonding company or a Federal or State-chartered lending institution (the Escrow Agent) authorized to conduct such business in the

State of Maine and approved by the Selectmen. Permit shall be valid for two (2) years subject to renewal as described in item d following.

4. Estimates as described in section 2 above shall be redone every two years on the anniversary of the granting of a CWEF Permit and shall be submitted to the Town. Upon acceptance of the revised estimates, the Town will issue a two (2) year permit extension. The owner/operator of the CWEF shall be required to maintain decommissioning funds that are at least equal to the most recent estimate
5. Decommissioning funds may be in the form of a performance bond, surety bond or other form of financial assurance acceptable to the Selectmen.
6. If the owner/operator of the CWEF does not complete decommissioning within the prescribed time period the Town may take such action as necessary (including court action, with all legal costs to be paid by applicant) to secure the posted decommissioning funds and to ensure completion of the decommissioning.
7. The Escrow Agent shall not release the decommissioning funds except upon written approval of Selectmen.

[Proposed Provisions]

S. Decommissioning and Abandonment

- 1.** The CWEF shall be decommissioned within twelve months after it ceases to generate electricity, is **abandon**, or ~~after any permit has been revoked as the result of legal action as provided for in Section 1-110.2.~~

1-110.2 Legal Action

The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 1-110.1 above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

2. Final Decommissioning Plan

At least six (6) months from the anticipated start date of decommissioning the owner of the CWEF shall submit to the planning board a final decommissioning plan for review and approval. The final decommissioning plan shall include but not limited to the following.

- a. Anticipated start date of decommissioning.**
- b. Anticipated completion date of decommissioning.**
- c. Methods to remove all parts of the CWEF including foundations and how they will be disposed of.**

- d. Areas and the methods to restore disturbed land areas.
 - e. Time period (months) to complete decommissioning.
 - f. Cost for decommissioning based on Section 1-701.3.S.4.
 - g. Copies of all permits from local, state, and/or federal agencies needed for decommissioning.
3. Decommissioning shall include removal and disposal off-site of all parts of the CWEF (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, reseeded, or otherwise re-vegetated, unless the landowner of the affected land requests otherwise in writing.
24. A Maine Licensed Professional Engineer shall be retained by the Planning Board and paid for by the Applicant to estimate the total cost of decommissioning ~~less salvage value of the equipment~~ and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization
35. No permit for a CWEF shall be issued until decommissioning funds have been posted by the Applicant with a bonding company or a Federal or State-chartered lending institution (the Escrow Agent) authorized to conduct such business in the State of Maine and approved by the Selectmen. Permit shall be valid for ~~two (2)~~ five (5) years subject to renewal as described in item ~~d-5~~ following below.
45. Estimates as described in section ~~2-4~~ above shall be redone every ~~two-five~~ years on the anniversary of the granting of a CWEF Permit and shall be submitted to the Town. Upon acceptance of the revised estimates, the ~~Town Planning Board~~ will issue a ~~two (2)~~ five (5) year permit extension. The owner/operator of the CWEF shall be required to maintain decommissioning funds that are at least equal to the most recent estimate
56. Decommissioning funds may be in the form of a performance bond, surety bond or other form of financial assurance acceptable to the Selectmen.
67. If the owner/operator of the CWEF does not complete decommissioning within the prescribed time period the Town may take such action as necessary (including court action, with all legal costs to be paid by applicant) to secure the posted decommissioning funds and to ensure completion of the decommissioning.
78. The Escrow Agent shall not release the decommissioning funds except upon written approval of Selectmen.

- 9. In the case of abandonment the Town shall utilize the decommissioning funds to decommission the CWF and take such action as necessary, including court action, to secure funds and to ensure completion of the decommissioning should the posted decommissioning fund not be sufficient to complete decommissioning.**

1-112 DEFINITIONS

Abandonment-Commercial Wind Energy Facility: no power has been generated and sold for a continuous twelve (12) month period.

John Maloney stated that after our last meeting everyone was comfortable with the decommissioning section but we needed to work on the abandonment section. John explained that he had researched what other Towns had been using in their ordinances and also at our last meeting had discussed linking it to if they were able to pay their property taxes. John researched the issue and found that it could not be linked to the property owner not paying their property taxes. The Committee reviewed the updated document.

Doyon motioned and Bennett seconded to approve the revised decommissioning and abandonment standards as submitted by John Maloney.

Discussion:

Becky asked if everyone was ok with the 12 month period that is on page 4 and wanted to make sure if something happened during the winter it might take longer than expected to remedy. Dennis stated that this was just for abandonment and gives a timeframe.

Paul asked how much money they would have to put in to hold for that and at our last meeting we said we would take a look at it and make sure we hadn't short changed ourselves. John Maloney explained that is why you hire an independent engineer to assess that. Paul stated that he understood that the amount would be determined by an independent engineer hired by the Town and they would have to factor in what the cost would be for decommissioning.

Vote: All in favor – 7-0. Motion passes and revised decommissioning and abandonment standards approved as submitted.

**Town of Greenwood, Maine
Site Plan Review Ordinance**

Commercial Wind Energy Facilities
Revised Standards

July 6, 2017

August 3, 2017

Public Inquiries and Complaints

7-701.3.R- Public Inquiries and Complaints

[Current Provisions]

R. Public Inquiries and Complaints

1. The Applicant or its designee shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the CWEF.
2. The Applicant or its designee shall provide the Code Enforcement Officer with a written notice that a complaint has been received within 10 days of its receipt.
3. Then within 20 days of the date that the applicant or its designee received the complaint the applicant or its designee shall provide the Code Enforcement Officer with written notice of how the complaint was responded to.

[Proposed Provisions]

1-403.3.D.17. The name, telephone number, and E-mail address of the CWEF owner's/operator's contact person that is responsible to respond to public inquiries and/or complaints.

18. A copy of the owner's/operator's public inquiry/complaint response protocol.

Note: These are new submission requirements.

7-701.3.R- Public Inquiries and Complaints

1. **CWEF public inquiries and/or complaints shall be made as follows.**
 - a. **By completing a public inquiry and complaint form found on the Town of Greenwood, Maine web site (www.greenwoodmaine.org, or**
 - b. **By completing a public inquiry and complaint form at the Town of Greenwood, Maine town office (593 Gore Road) during normal office hours.**
2. **Receipt of CWEF public inquiries and/or complaint**

Upon a receipt of a public inquiry and/or complaint the Town shall.

 - a. **Notify the inquiry and/or complainant that a public inquiry and/or**

complaint have been received.

- b. Forward by E-mail and US Mail to the CWEF owner/operator's contact person that is responsible to respond to public inquiries and/or complaints, the public inquiry and/or complaint form.
 - c. Place in the appropriate file for public inspection the public inquiry and complaint form.
3. Responsibility of the CWEF owner/operator
- a. Within seventy-two (72) hours the owner/operator's contact person, that is responsible to respond to public inquiries and/or complaints, shall provide a response to the Town and the person filing public inquiry and/or complaint in accordance with the approved public inquiry/complaint response protocol.
4. Responsibility of the Town
- a. The Town shall attach to the appropriate public inquiry and complaint form the response of the owner/operator.
 - b. Within one (1) week of the receipt by the Town of the response from the owner/operator, the Town shall contact the person that made the inquiry and/or complaint to assess if he/she is satisfied with the response based on the approved public inquiry/complaint response protocol, Town Ordinances and conditions of and CWEF approval.
 - c. The Town within one (1) week shall forward to the owner/operator's contact person, that is responsible to respond to public inquiries and/or complaints, the results of the assessment as identified in b above.
 - d. If the Town after the actions provided in Sections 3.a and 4.b determines that the complaint is without merit, it will be dismissed, and the Town will inform the complainant and the Owner/Operator.
 - e. If needed the Town shall convene a meeting with the Town, the owner/operator, and person filing the inquiry and/or complaint to attempt a resolution.

The Committee reviewed the public inquiries and complaint standards submitted by John Maloney. John explained that the Town will have to set up their own protocols and he suggested 72 hours for a response to the inquiries or complaints. John explained that 4.e – the Town would have to determine how long it takes to attempt a resolution. Tyler asked if there is a complaint about a tower is there any way that the tower could be stopped until the issue is resolved. Chairman Merlino thought that could be putting the shackles on a resolution. John Maloney stated that the Ordinance already has a section for an emergency shut down and as part of the Planning Board review the applicant would have to submit a plan for an emergency shutdown. Tyler asked if there Owner/Operator would have a set amount of time to fix any issues that come up and that he understood that they have to respond in 72 hours but is there a set

timeframe as to when they have to have it resolved. John explained that he thought it should be part of the discussion resolution as the timing schedule should be specific to the issue and some things are easy fixes where other issues are more complex and could take longer. Becky asked there is another set of protocols that the Town can set up in their protocols. John explained that the Town will still have some work to do and forms to develop. Becky stated that in the resolution the Town could set up a time for completion. Dennis stated that the Planning Board could require post construction noise levels and have a base line to go by in the future. John stated that part of the ordinance could include a second noise study to be completed or it could be part of the resolution. Paul stated that he would like to see that the mail is done certified and in 4. e. do we want to consider a timeline as he is concerned about getting the three parties together in a timely manner to respond and it could be delayed by any one of the three groups. Tyler said he thought that 14 days would work. Paul stated that it could say something like if a meeting is deemed necessary then it would need to be held within 14 days. Dennis stated that you can send certified mail and you might not get a receipt back for 30-60 days. Paul stated that he felt it gives the Town a good paper trail. Dennis stated that he agreed with that but it can take some time to get it back. Chair Merlino asked if there was a motion to accept this section with the stated amendments so we could move on to other pressing issues. Dennis asked if John could work on language that would include pre and post construction audible sound limitations. John stated that he could work on this. Paul stated his concern with overloading Kim with working on the Protocols. Becky stated that she would be willing to work with the Town to help prepare. Tyler asked if the protocols could be written after this process. Dennis explained that the Committee just voted on the format and it would take some time for the Town to write the protocols. Paul asked if a subcommittee could be formed to help Kim write the protocols. John said the form would need to be written and input from the Selectmen as this would impact employee hours. Dennis suggested forming a small subcommittee comprised of a Planning Board member, a Selectman, an Ordinance Review Committee Member and the Town Manager. Paul stated that they would also need to work on complaint protocols and determine how long they must be kept and where they are stored.

Dennis motioned to approve the public inquiries and complaint standards with the amendments made as discussed. Tyler seconded motion. Vote 8-0. Motion passes.

Chair Merlino welcomed new member, Rob Lally to the Committee and explained that Rob is replacing the member who resigned. Rob apologized for being late to the meeting.

Item 7: Schedule site visits: Patriot Renewables is willing to give us a tour of their Spruce Mt. facility in Woodstock and Saddleback Ridge facility in Carthage. Their rep lives locally and can meet with us any day of the week or even early evening.

Chair Merlino stated that some on our Committee have already attended site visits but the Town is willing to schedule other visits. Chair Merlino suggested that taxpayers should also be invited to the site visits. Tyler asked if a new poll would be sent out. Kim stated that she would send out a new poll and then she will email out to everyone else is interested in attending. Becky suggested that anyone is interested in going to let Kim know. Dennis thought it would be best if everyone on the Committee try to meet as a group and visit the sites together. Kim explained that she would have to send out another poll as these would have to be advertised as a meeting in

the paper and we have passed those deadlines. Paul asked if they would be open for two dates. Kim stated that they were open to us having several dates. John asked if certain times of the day were important to observe the towers. Tyler said that there are times when the towers aren't moving. Paul stated that they could talk to the neighbors of these towers and determine if there are times that are the worst for them we might be able to reschedule another site visit.

Item 8: Citizen/Public comments – 10 Minutes

Chair Merlino asked how many folks wanted to speak and he would divide that by the 10 minutes. Chair Merlino said they would stick to the 10 minute rule.

Kathy Lane from Albany: Ms. Lane stated that she needed to reiterate the noise issues that she is concerned with. Cathy stated that she understands that the decibel levels hadn't been set yet but asked that the Committee remember that the ordinance is here for the Town and not necessarily for the business but for those who live in Greenwood.

Dan Greenfeld, East Twitchell Pond: Mr. Greenfeld stated that his wife Ann had been coming to this camp since she was 6 years old. Mr. Greenfeld stated that there seems to be very little question that they are talking about complaint forms and all of these issues and that no matter how one regulates there is going to be some negative impact on the quality of life of the people who live in Greenwood from the construction and operation no matter how many number of towers there will be. Mr. Greenfeld questioned why the Committee is playing their (Wind developers) game, why are you engaging with them and laying out a series of qualifications that they can negotiate with you on, a series of qualifications that they will compromise on you and what will happen is that towers will be built, there will be noise, there will be flicker, and it will negatively impact the quality of life on the ponds. Mr. Greenfeld asked why are we engaging with them instead of taking the position that we are not going to allow this to happen here, that you are not going to allow the construction of these wind turbines here, we are not going to allow the disturbance or destruction of the quality of life of the citizens of this Town instead of accepting which you (Committee) seem to be doing, the inevitability that this is going to happen and the destruction of the way of life of those who live here. Chair Merlino answered that the Committee is not doing that, that the State has done that. Chair Merlino stated that the State has embraced wind power as has the Federal Government embraced wind power with huge subsidies and this is what drives these companies to put up these wind farms. Paul stated another important point is that by State law we can't say no wind towers. Paul stated that the Committee is trying to work on this and since we can't say that how can we best develop a plan to protect the folks in our Community and that's what our point is and it is not as simple as saying we are engaging or entertaining the idea because by law we can't say no. Paul explained that puts the Town in a position if they can't say no what can we do in looking at all of the factual data, speaking to those who live near towers, visiting the towers and those kinds of things and draw that information together and work on a plan that tries to protect the Town. Mr. Greenfeld stated that there are different attitudes one can take when developing a plan and one can develop a plan from the perspective of accommodation where you are looking for a way to allow the towers to be built but to some degree minimize the impact and minimizing the impact of these towers will

still have a significant impact on the people who live here and the low frequency sound is going to be impossible to live with. Mr. Greenfeld stated that one can take that attitude that you are taking or one can take the attitude that you could develop a set of regulations that would make it almost impossible for the developer to satisfy and make it impossible for them to come here and build these things and you can make it very plain to them that you do not want them here and that you will do everything that you can to fight them and stop them. Tyler stated that he is somebody who has watched the other ordinance committees around us; this has to go to the Town voters and we understand the concerns from second home owners who do not have a vote in this. Tyler explained that the Committee isn't even close to discussing noise, setbacks, tower heights, any of those conditions and that they will be discussing those things and we will find out where everybody stands on those points. Tyler stated that the Committee is trying to cover every single one of the bases through this entire thing from decommissioning to tower heights and tower setbacks we want to make sure that we have all our bases covered. Tyler explained that the Town of Bethel is going back to review their ordinance because they rushed it and put something together and got a Town vote and now they have landowners and folks who want to review these things. Tyler stated that this Committee wants to make sure that they are accurate and make sure that this gets done right the first time and yes it is taking them a long time to get through it but again it is something that will go to a Town vote so maybe it seems our attitude is one way or the other this board is trying to remain unbiased and some of us may have our own opinions about these towers but again we are trying to focus on all of the facts and information, listening to the concerns of the citizens and we are all working through it. Tyler stated that Maine is a home rule State and we could make this so prohibitive that they couldn't put the towers up or we could go by the DEP's State standards and let them build whatever they want but again we are trying to find what is going to work for the entire Town and what is going to be accepted by the Town.

Pat Stewart, East Twitchell Pond: Ms. Stewart stated that the way the Committee is talking is that this will happen and that is scary. Ms. Stewart suggested as a former English teacher, it might be a good idea for them to use the conditional...using it might, .it would be less scary as it sounds sitting here that it is going to happen. Ms. Stewart stated that it feels like there is nothing they can do. Tyler stated that citizens need to get involved. Ms. Stewart stated that will happen and that she lives on the shore of Twitchell Pond and they are very concerned. Ms. Stewart asked them to consider the economic impact on the Town and that if these towers were to happen they would be out of here, we wouldn't be living here, we wouldn't be shopping here, we wouldn't be buying groceries here, and we wouldn't be paying taxes here. She stated that their property values will go down and the Town will get less taxes and that she knows the Committee already knows that but she needs to say it. Ms. Stewart stated that if she can't stand to have her next door neighbor playing his radio on his porch; she is not going to be able to stand this noise from the Towers. Ms. Stewart explained that she had her hearing tested and it that of a 7 year olds and she knows that she will hear these towers.

Committee member Brad Payne stated that two meetings ago we had the height and setbacks on the meeting agenda and we stopped a little bit early two weeks ago and he wonders why the

Committee can't begin to work on those things as these are major issues for a lot of these people who have been coming to these meetings. Paul stated that he felt that they still needed to dig deeper into the auditory stuff and the flicker and he thinks that we should have a plan in place as to how we attack those two things because we got to be able to pull the sound from the auditory sound and low frequency sound and pull flicker together before we can start saying this high or this far. Paul explained that those three items along with the economic impact will be the most impacting to our community so he feels it will be a bit early to discuss and that is why at our last meeting we decided to table that discussion. Paul explained that he had sent out an email to everyone that we need to do a better job of mapping where we are going and to develop a plan for whatever we choose to do next; auditory, flicker whatever it is and decide how we are going to draw that data together and present it to the committee so our neighbors can hear what our findings are as well. Brad stated that several times he has heard from folks that they don't live here year round but are taxpayers and he wants them to know that the Committee hears them and understands where they are coming from and it is not falling on deaf ears. Brad stated that they understand the investments that they have here and it is not falling by the wayside. Committee member Jim St. Germain stated that we all live here and to think that the Committee doesn't care is absolutely wrong. Jim stated that the Town is stuck with rules that the State gives them and if we just shut down everything that was toxic there wouldn't be a paper mill in operation and there are a lot of businesses that bring positive aspects to Town and maybe some negative but they generate money and it's what usually runs the show.

Dave Fowler, representative from Calpine: Dave questioned if the other site visits were public meetings and needs to be noticed properly and the public can attend. Chair Merlino stated yes, there will be notice and most certainly it is open to the public. John stated that under the freedom of access law there is no specific requirements for a public meeting but there are for a public hearing. John said that the Town might want to put notice in the paper of any meeting and Dave is correct that a public meeting is open to the public.

Ed Rosenberg, property owner on Twitchell Pond: Mr. Rosenberg stated that he felt a statement that Paul had said earlier is inaccurate that there is a State law that keeps Towns from banning wind power. Paul explained that it's not about wind power it that we can't curtail business by saying no and it falls under the State Statute about business. Mr. Rosenberg asked how are Towns having bans against wind then. Tyler explained that he had done a lot of research on this as well and what he found in that banning it saying no wind it does leave legal action but Maine being a home ruled State we could have an ordinance that restricted tower heights to five feet and that by the Town not banning them the legal actions are less. Chair Merlino stated that lawyers are expensive. Mr. Rosenberg stated that he hears a lot of fear on the Committee and reminded the Committee that he had mentioned at a previous Greenwood meeting that he had been at a DEP meeting that Calpine was at – he asked the DEP person who was in charge of the wind tower plans if any town has been sued because they banned wind towers and he said no and went on to say that Maine is a home rule State. Mr. Rosenberg stated he keeps hearing this fear of the Town being sued and I asked Calpine at a previous meeting that these 65 people here at this meeting are worried that you are going to sue them and asked again are you going to sue them if they ban wind power and their answer was no. Paul stated that there was a lawsuit recently against a small community in Connecticut that banned wind towers and the suit went to

the local court and that court upheld the decision and it was taken to the State Supreme Court and the State Court passed a bill in favor of the wind companies that was more intrusive than what the community wanted. Paul explained that the small community lost that case, so if you have a similar law in place that is what we have to deal with and protect our community and to look at what is going on across the country. Paul stated what we can't do is be stagnant and say they are not going to sue us because we don't know and we need to look at the data that is out there and see what has happened in other New England States and say how do we protect our Town from that and protect our neighbors in these communities from the potential harm from these wind towers and he doesn't think we are far enough into our research to start setting limits and reminded everyone that there are a lot of moving parts here and this Committee is working on doing what is the best for everyone. Tyler stated that during his research he had asked Kim to find out about the home rule issue from the Maine Municipal Legal Dept. was a different answer than he had from the Town of Bethel's attorney and that he has different answers around the board and no one can seem to draw a direct line in the sand.

Henry Stewart, East Twitchell Pond resident: Mr. Stewart stated that he was wondering if the Town has a legal written opinion and that the Town is receiving first class legal advice and he would love to see it as it should be in writing.

Mr. Greenfeld stated that it was really hard to listen to a bunch of non-lawyers giving legal opinions when there hasn't been a lawyer retained that can do an actually legal analysis of what the rights and obligations are for the Town of Greenwood under these circumstances and questioned how we could continue without getting something like that. Paul explained that the Town Attorney is involved in this process and whatever the Committee develops has to go by the Town Attorney as well as the Selectmen and then finally to the voters. Mr. Greenfeld stated that is after the fact and that the Attorney should be advising us now as to what our rights are and what are our liabilities so you can decide now what it is you want to accomplish instead of afterwards.

Dave Fowler representative to Calpine: Dave stated that he hoped the conclusion from the Committee are based on science and fairness and not based on passion and uncertainty.

Bob Marrano, South Pond resident: Mr. Marrano stated he took up Dennis's suggestion at the last meeting up to the Town of Roxbury to look at the towers there. Mr. Marrano explained that he had been up in that area in the past, but this time he went to Ellis Pond which he had never been to before. Mr. Marrano stated that he met a gentleman from Massachusetts who has a second home there and he went into his back yard and there were the towers and he took pictures. Mr. Marrano stated that he had the picture developed and had 600' towers super imposed on the picture to get a visual of what these would be like. Mr. Marrano stated that the visual impact of these towers in Roxbury was really important and was overwhelming and to consider a 600' tower he could not believe what the impact would be on us. Mr. Marrano said that over the years the towers have gone from 200', to 300', to 400' to a possible 600' plus yet the setbacks are staying at a mile and he doesn't understand that. Mr. Marrano stated that the visual impact is significantly greater and that alone should drive the setback and double the tower then you should double the setback. Mr. Marrano questioned what size towers would be in the future up to 1000' tall. He stated that he was glad he took the trip up to Roxbury and that it

definitely opened up his eyes. Chair Merlino stated that measuring low frequency noise is a huge issue and it does cause medical problems with some people and there are medical implications linked to the low frequency noise so setback as it relates to audible noise is one thing but another for low frequency noise. Tyler asked if the next meeting they could devote to discussing noise. Chair Merlino said they could all agree to that and make that an agenda item.

Item 9: Set next meeting date –

The Committee normally would have held their meeting on the third Thursday, August 17th but both Chair Merlino and Vice Chair Marcolini are not able to attend. Member Becky Secrest is also not available to attend on August 17th. The Committee asked to schedule the next meeting on August 24th John Maloney stated that the Committee wanted to talk about noise on the 24th and asked how they were going to talk about it. John suggested that the Town work on having an acoustical engineer attend the meeting and give a presentation. Dennis suggested that Kim arrange for an acoustical engineer and wait on setting a date for the meeting until we know what works for the engineer either the 24th or 31st for possible dates. Becky suggested that everyone look at other ordinances in preparation for the meeting to see what other Towns have set for their levels. Jim asked how does the Committee decide these things when there is no data out there for 600' towers. Chair Merlino said he got word from someone that there are 600' Towers in Denmark.

Paul stated that he sent the committee and email and that the felt they needed more direction and asked that we revisit in now or at the next meeting. Tyler suggested that everyone email their suggestions to Kim and she can work on pulling it together on the next meeting agenda. Paul stated that he would like us to formulate a better road map and look at what the issues that other Town's tackled on wind to know what we should be looking at too. Tyler asked if we wanted to talk about the roadmap before we tackle noise. Chair Merlino stated that would work.

Anna Leonard, East Twitchell Pond resident: Ms. Leonard read a section from Wind Turbine Noise Complaint Prediction article referring to wind turbines in Falmouth Massachusetts: *Large wind turbines produce loud noise levels that travel thousands of feet and do not comply with current existing town bylaws.* Chair Merlino stated that the acoustical engineer can help answer these questions for us.

Item 10: Adjourn –

Dennis Doyon motioned and Tyler Bennett seconded to adjourn the meeting at 7:08pm.

Vote 8-0. Motion passes. Meeting adjourned.

Submissions: Flicker map for 600' tower, from Skip Potter

8 Articles on Wind Tower issues, from Stan Leonard