

Town of Greenwood
Ordinance Review Committee Meeting Minutes
September 7, 2017

Meeting held at the Legion Hall
(A digital recording exists for this meeting)

Item 1: Call the Meeting to Order/Determine quorum

Brad Payne, Secretary
Tyler Bennett
Jim St. Germain
Dennis Doyon
Becky Secrest
Jessie Fredrickson,
Rob Lally

Kim Sparks, recording secretary

Absent
Larry Merlino, Chairman
Paul Marcolini, Vice Chair

The Committee agreed to have Dennis Doyon chair the meeting.
Chair Doyon called the meeting to order at 5:30pm.

Attendance: 34

Item 2: Citizen/Public comments – 10 Minutes

Mr. Greenfeld questioned why the Committee hadn't delved into the importance of how these towers would negatively impact property values in Greenwood. He explained that he had done extensive research on the issue and wondered how Greenwood was going to counter the loss of all of that property tax value. He also asked if the Town would do as the Town of Denmark and ban these giant turbines. He stated that his research shows that the market is flooded with properties that are near these towers and people are dumping their investment to get away from these towers.

Item 3: Committee Member comments – 10 Minutes

Tyler Bennett stated that he had a sample of the Good Neighbor agreement between Patriot Renewables and a Woodstock property owner for all of the Committee members. Kim said she made copies for the audience as well.

Brad Payne stated that he would like make a motion to add Citizen/Public Comments back on the end of the agenda. He stated that it was important to hear what everyone had to say about these

issues. Brad Payne motioned to add Citizen/Public Comments back on the end of the meeting agenda. Jessie Fredrickson seconded. Vote 6-1. Motion passes.

Item 4: Review Minutes of August 31, 2017

Chair Doyon asked if everyone had a chance to read the minutes as they were quite detailed and would proposed that they table it until the September 21st meeting. Chair Doyon motioned that on September 21st the Committee will review the minutes of August 31st. Tyler Bennett seconded the motion. Vote 7-0. Minutes tabled.

Item 5: Review updates on Public Inquiries and Complaints from John Maloney

**Town of Greenwood, Maine
Site Plan Review Ordinance
Commercial Wind Energy Facilities
Revised Standards**

July 6, 2017

August 3, 2017

August 31, 2017

September 7, 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 ~~certified US Mail return receipt requested~~ or other acceptable means 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, within fourteen (14) days, of 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. **The Town may convene a meeting with the Town, the owner/operator, and person filing the inquiry and/or complaint to attempt to reach a resolution if such actions as identified in 3.a and 4.a-c above have not resolved the complaint. If such a meeting is convened it shall be held within forty-five (45) days of the receipt of the original public inquiry or complaint by the Town.**

The Committee reviewed the three pages of updates from John Maloney- (see above) The Committee agreed with all of the updates and asked that John add the word “**be**” to 4.e.- in the fourth sentence between the words shall and held to read*it shall be held*

Tyler Bennett motioned to approve the updates with the correction in 4.e. Becky Secret seconded. Vote 7-0. Motion passes. Public Inquiries and Complaints section completed.

Item 6: Discuss Moratorium extension – letter needed from Committee to Board of Selectmen

Chair Doyon explained that the current moratorium expires on October 16th and didn't think the Committee would be complete with their work by this date. Jessie Fredrickson asked if the Town would have to vote again. Chair Doyon explained that the Board of Selectmen has the authority to renew the moratorium for six months. Kim Sparks updated the Board and explained that the Committee would need to draft a letter to the Board of Selectmen to explain the Committee's need for an extension to the Moratorium. Kim explained that this would go before the Selectmen on September 19th and then the Selectmen would schedule a public hearing and after the Public Hearing decide if they would renew the Moratorium. Chair Doyon stated that there is still quite a bit of work that remains to be done by the Committee. Kim stated that she would work with Larry Merlino and draft letters to the Board of Selectmen.

Item 7: Discuss next steps for Committee – Complete road map

Tyler Bennett stated that he thought they are at the point that they have gone thru the easy items. Tyler stated that we are at the point that we need to discuss the decibels, the setbacks, the tower heights and maybe market value that was proposed tonight. Tyler stated that he felt they needed to start working on the first three. Tyler said they received information on the decibels and feels

the Committee should focus on that next and get that completed. Becky Secrest stated that she would agree with that. Chair Doyon stated that he didn't feel that he had enough information and that he had a lot of questions for Mr. Ambrose but when he asked the question about where he stated that the dBA level in a rural setting at night was 25 to 27 and I asked what the effects of wind speed would be on those decibel levels if wind was 5 mph, 10mph, 15mph, and he did not have that data. Jessie stated that Mr. Ambrose stated that you could not consider wind an external sound factor and to say that the sound of the wind will cover up the wind mills is not accurate. Chair Doyon stated that he didn't disagree with him and in order to set decibel levels you need to know what those decibel levels are and wind makes noise and it depends on the seasons. Chair Doyon stated that if you are here in the summertime the sound from the wind across the pond is X but in the wintertime the sound is a whole lot more and that he is not using it as a masking thing as there is definitely sound. Chair Doyon stated that he felt a sound engineer should have been able to provide that information so that the Committee could make a really good, informed decision. Becky Secrest stated that she felt Mr. Ambrose provided very accurate information on this and she remembers him saying that the speed of the ambient wind is a moot point when you are talking about low dBA levels because these are moving at a completely different soundwave and that wind does not affect them. Becky stated that the dBA is regardless of what the wind is and yes wind makes noise but wind is not constant like the wind mills are going to be. Becky stated that she feels they have enough information to come up with a recommendation of what we want to set for a dB level. Chair Doyon stated that he thinks they have been told that low frequency noise is not measurable and asked how you set a dBA level. Becky Secrest stated that is not what he (Mr. Ambrose) said. Chair Doyon stated that he thought he got that from the presentation from Paul Marcolini that there is no way to measure it. Jessie stated that there is no way to measure the effects of it because the effects are based on the state that the human beings are living in are already in. Jessie explained that the actual low frequency that is emitted by the turbines is discernable and measurable and that the taller turbines emit low frequency that is how we know and that there are measurements taken from bigger towers so we know this. Chair Doyon stated that at dBA level and a Hz level are two completely different things so if you are going to establish a dBA level you have to establish it based on data that's not tied to low frequency noise as it's a completely different measurement. Becky stated that might be true but you have to set limits. Becky stated that Kim has sent the Committee sample noise ordinances and they were very specific. Chair Doyon stated that dBA levels and low frequency noise levels are two completely different measurements. Jessie stated that the dBA levels also impact the quality of life. Chair Doyon stated he is not disputing that but what you can hear and what you can't hear are two different things. Becky stated that what you can hear and what you can't hear are different things but they are both measurable. Chair Doyon stated he was confused by Mr. Ambrose's presentation as he was swapping back and forth from infrasound to dBA and it was confusing. Crawford Best, from the audience offered to clarify. Chair Doyon asked if he could clarify at the end of the agenda under public comments. Chair Doyon stated they could banter about this all night so we will focus on setbacks, dBA and tower height. Jessie stated that Mr. Ambrose referencing wind masking in his packet and they could research it

further. Chair Doyon stated he is not disputing that but there should be a factor for wind sound that can be put into the equation and there should be a factor you can add onto with different wind speeds.

Item 8: 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. The Committee set September 23rd as the date to tour Spruce Mt. facility in Woodstock at 9am and September 30th as the date to tour Saddleback Ridge facility in Carthage at 9am. It was agreed to meet at the Town Office and carpool from there. Kim said she would get notice out to everyone after she firmed those dates up. Chair Doyon stated that once they complete the site visits of the wind farms they should then attack those three items. Tyler asked if anyone else on the Committee had anything else they wanted to add to the road map. Jessie asked when the next meeting was. Chair Doyon stated the next meeting was on September 21st. Chair Doyon explained that there has been a suggestion that we have another sound engineer come in and that sound engineer was picked by Calpine but was also recommended by our Town Attorney prior to knowing that Calpine had hired him. Chair Doyon stated that the Town Attorney thought this engineer had the qualifying credentials to come in and speak to the Committee. Becky asked if he was paid by Calpine. Chair Doyon said that he was paid by Calpine or could be paid under the Reimbursement agreement between the Town and Calpine. Jessie stated that it nullifies their credibility. Becky stated that she doesn't have any interest in hearing from someone who is pro wind and probably paid by Calpine at some point. Becky asked if Calpine was giving us a list of engineers why did they not list Mr. Ambrose who she thought did an excellent job and was quite knowledgeable. Jim St. Germain stated to leave out part of the equation because you don't want to hear what might come out of that equation doesn't give us a good result in the end and that any equation of any sort if you don't include all of the variables you don't end up with a complete answer. Jessie stated that isn't really what the issue is, that the issue is that this ordinance is not for Calpine that this is an ordinance for the community of Greenwood. Jessie stated that Calpine could sway the data represented by someone that Calpine hired is completely unreasonable in every way. Jim stated that this man was recommended by the Town Attorney and recommended by Betsey Foster. Brad Payne asked Ambrose was on the list recommended by Calpine. Kim stated that Ambrose was not on Calpine's recommendation list. Rob Lally asked what was the downside of hearing the other opinion and he feels that the dBA is the hardest part and he would like to hear from who the Town Attorney recommended and compare his numbers to Mr. Ambrose's numbers and if they match we are good if they are different which he thinks they might be as Calpine didn't want Mr. Ambrose. Rob stated that he thinks it is worth listening to what Mr. Davidson has to say. Brad Payne stated that Mr. Ambrose doesn't have any horse in the race and came in and gave an honest presentation and he felt that Mr. Ambrose wasn't pro one side or the other and that he is satisfied that they had a speaker and doesn't need another. Jim stated that he didn't feel that Mr. Ambrose was pro wind but to listen to only one side is unfair. Jessie stated that Mr. Ambrose is pro protecting people from the downsides of having commercial wind facilities in residential neighborhoods. Jessie stated that there shouldn't be a debate in our Community or

with our Committee about pro vs. anti and it should be about how do we come up with the information that we need to protect people, keep all of the residents safe, and make everyone happy in this situation. Tyler stated that one of his problems with this is that he would be all for hearing another opinion and that he researched Calpine's sound person and found that he has worked for Stantec and has been paid by that company and by Calpine. Tyler asked if there was anyone else on the list that had not worked for Stantec or Calpine. Kim said she didn't know but would find out and that the ones from the New England/Maine area all have worked with or for Stantec at some point and they all know each other. Tyler said he would be in favor of someone talking to the Committee if they hadn't worked for Stantec or Calpine previously. Jessie stated that she thought that was a good compromise. Chair Doyon stated that he felt whether someone worked for them or not that they will not be giving out false information as they have a reputation to uphold. Chair Doyon stated that everyone on the Committee has the right to think how they want but thought it would be beneficial to have another speaker to compare and learn more. Chair Doyon stated that we are having a meeting on the 21st so why not invite in a different speaker and he's sure that the audience would like to hear from another speaker and he is sure that this has turned into a social event. Jessie asked to find a third party acoustical engineer that's clearly not in the pocket of Calpine. Chair Doyon stated that there aren't too many as Mr. Ambrose stated he is one of three. Becky stated that Mr. Ambrose said that he knew a lot of acoustical engineers and a lot of them were on board with doing the Good Neighbor agreement and acknowledging that it does impact people and then he said there were several that just dropped out of that and were not saying that anymore and she feels they were being paid to say something different as they were being paid by a wind company. Becky stated she would be all for a third party person not someone that Calpine is paying or has paid. Chair Doyon asked if Kim could call the Town Attorney to see who else he would recommend that has not worked for Calpine as this ordinance is for the Town and this would work well for our September 21st meeting.

Item 9: Comments from the Public

Crawford Best, Irish Neighborhood Rd discussed low frequency noise and infrasound. Mr. Best stated that he is a professional musician and has been working on acoustics for years. Mr. Best stated that everything that Stephen Ambrose said was old hat to him and furthermore all that data is what everyone works with and there is no ground breaking stuff here and that it might feel like rocket science but it really isn't. Mr. Best stated that Mr. Ambrose stated that wind contaminates the data and he feels there are pretty obvious reasons for that. Mr. Best stated that the audible frequencies vs. the infrasonic and ultrasonic – and he was impressed with the infrasonic presentation put on by Mr. Ambrose. Mr. Best explained that the dBA is a specific spec and he can't tell us that it is weighted by frequency or the ears response to frequency. He explained that 25 dBA – the A means absolute an absolute level and if they said 25 dBA they all agreed on what it means. He stated that the wind is not a good comparison as he is sure there is not infrasonic sound in wind or it would have to be a hurricane or tornado to get infrasonic. He stated that the infrasonic is very important. He stated that the data and the science has been known for a long

time and anything Mr. Ambrose spoke about is not rocket science, it is not his science it is just science.

Ken Cole, Greenwood Rd., asked if the Committee has done any research on how these towers will impact our wildlife and our pets. Ken stated his concerns that our animals hear better than humans and questioned that the infrasound from these turbines will cause them harm. He asked how this will impact the eagles, the loons, and all of the wildlife.

Committee member, Brad Payne stated that he had a question. Brad stated that we received correspondence from Committee Member, Paul Marcolini that he didn't want to have another sound expert to come in and do we have a majority in the Committee that wants another person to come in to speak and we should do this by a majority vote. Chair Doyon asked the Committee to vote on if Kim can find a sound engineer that has not worked for Calpine presently or in the past and can come in and give us information. Vote 3-4. Vote is defeated. Chair Doyon told Kim to not search for a speaker for Sept. 21st.

Item 10: Set next meeting date: - September 21, 2017 - 5:30pm at the Greenwood Town Office

Item 11: Adjourn – Tyler Bennett motioned and Becky Secrest seconded to adjourn the meeting at 6:40pm. Vote 7-0. Motion passes.