

Town of Greenwood  
Ordinance Review Committee Meeting Minutes  
October 5, 2017

( A digital recording exists of this meeting)

**Item 1: Call the Meeting to Order/Determine quorum – Chair Merlino called the meeting to order at 5:30pm.**

Those present:

Larry Merlino, Chair  
Paul Marcolini, Vice Chair  
Brad Payne, Secretary  
Tyler Bennett  
Jessie Frederickson  
Jim St. Germain  
Dennis Doyon  
Becky Secrest  
Rob Lally

Kim Sparks, Recording secretary

Absent:

John Maloney, AVCOG

Audience: 36

**Item 2: Citizen/Public comments – 10 Minutes**

Ruth Bastien, E. Twitchell Pond property owner, stated that several of them went up to visit the wind turbines in Carthage. Ruth stated that they spoke to several of the neighbors who are a mile from the turbines and she was saddened to hear how upset they were over the noise of the turbines and how the views were changed forever. She stated that the neighbors stated that they had received \$ 400 and a turkey from the wind company and had not signed a good neighbor agreement. Ruth stated that they went to the Towers and met with Rebecca Howard from Patriot Renewables.

Sue Potter, E. Twitchell Pond property owner, stated that the Committee has worked diligently these past 6 months on this ordinance and now the time has come to make some serious decisions. Sue stated that the Committee will need to decide if they think that the wind turbines are good for the residents, taxpayers, and neighbors and do they have a place in our Community. Sue stated that information shows that turbines can be detrimental to your health, our pets and to wildlife and that science has proved this. Sue stated the Committee could read testimony about the wind turbine syndrome. Sue asked the Committee to talk with those who live near the

Woodstock turbines, and that Woodstock property taxes have not gone down since the installation of the towers and in fact their property taxes have gone up. Sue stated that the turbines are not good neighbors, they bring noise, health issues, departure of wildlife, and the desecration of the scenic vistas. She stated that they are not good neighbors and pose potential hazards, flying projectiles (ice from the propellers), oil spills from the crank shafts, pollution of the nearby lakes and streams, and the potential for wild fires. Sue asked the Committee to set the strictest parameters that they can to protect Greenwood.

Jill Powers, E. Twitchell Pond property owner and land owner of property on Elwell Mountain. Jill stated that her property on Elwell Mt. borders the property where the towers are proposed. Jill stated that she was glad to see that the Committee had been educating themselves on all of the issues relating to this. Jill said that the impact to wildlife would be her number one concern along with the views. She explained that she was there today and saw the sunset and it will never be the same and that there will be nothing good coming out of this. Jill stated that she thought you could only build a house three stories high in Greenwood and asked how we could talk out of both sides of our mouth and allow turbines be 600'. Jill stated that Greenwood has been known to be protective – jet skis aren't allowed on our ponds. Jill stated her concerns with property values dropping, that she has towers in her back yard in Massachusetts and values there have dropped 30% and asked if Greenwood would reduce her taxes by 30%.

Kathleen Donovan, E. Twitchell Pond property owner - stated that one of the unfortunate results of big wind coming into Western Maine is that it has created conflict with families, friends, and neighbors. Kathleen stated that she appreciates the rights of property owners to do what they want with their own property but not when it has adverse consequences on others. Kathleen explained that the value of her camp will be stolen from her by others who want to exercise their property owner rights and do what they want to do with their property. Kathleen explained that her camps value is derived from the scenic views, fresh air, starry skies, clean water, and hearing calls from loons – all of this will be replaced with monstrous wind towers, turbine noise, shadows and light flicker, compromising her family and her pet's health, and property value is gone. Kathleen stated that any real estate professional will tell you that mountain and lakeside views sell. Kathleen stated that the wind industry will blast mountain tops and build super highways to put in turbines and this will diminish the property values in all of Greenwood if they are allowed to build. Kathleen suggested to the Board that the height of the wind turbine should be limited to no more than 150' with a two mile setback and should not be seen during any season from any of the ten Greenwood ponds. Kathleen asked the Committee to protect Maine's most beautiful place from big winds negative impact.

### **Item 3: Committee Member comments – 10 Minutes**

Paul Marcolini stated that he would like to discuss the survey and would be making a motion later in the meeting to have the committee review the survey. Paul stated that they want to also hear from non-voting members and the survey allowed the Town to do that. Paul stated that they had done some research on what it would take to change the ruling that prevents nonresidents from voting at Town Meeting and in order for that to happen it would take a legislative move for the law to change and Friday was the last day to put forth a bill for the emergency session. Paul

explained that due to the fact that the options are limited he would like to propose that we take a look at the survey at our next meeting.

Jessie Fredrickson stated that she going to say essentially the same thing and asked if the Committee would be willing to take a vote now, review quickly what the survey says, and have this on the table tonight for when we start talking about tower heights.

Becky Secrest stated that she would like to request that in addition to reviewing the height of towers, that in conjunction with that, we also have to view distance as well at the same time as she thinks the two are relative because the taller the tower the further the distance should be.

Chair Merlino asked if they should take a vote and decide whether or not we should table the height and setback discussion pending the arrival of the acoustical engineer and he does believe that this Committee in all fairness needs to listen to a presentation from Calpine. Tyler stated that the Committee already voted not to have Calpine do a presentation. Chair Merlino stated that they voted whether or not to have an acoustical engineer from Calpine talk to them and there was no vote on having Calpine doing a presentation. Jessie stated that the Committee's work at writing an ordinance for the Town has nothing to do with Calpine. Chair Merlino stated that at the first meeting they stated that they would be fair and open. Paul stated that the Committee already voted on this. Jessie stated that she doesn't think there is any reason to table the discussion on height. Becky stated that she is not in favor of tabling the discussion on height and distance at this meeting and that the Committee has been putting this off, pushing it out, not talking about it and we need to start talking about it and get to some decisions. Paul stated that maybe there is a compromise that we don't table it, that we open up the discussion, and push for a vote at some other point. Paul stated that he sent out a lot of information for everyone to review, he knows that Jessie sent out information and didn't see any other information from anyone else and would like to give the opportunity for everyone on the Committee time to submit articles to everyone to take a look at what this project is knowing that this in going to impact everybody and they shouldn't have a knee jerk reaction but should keep the discussions going. Paul suggested that perhaps they could discuss what information has been found to date and move this to a vote at a future date.

#### **Item 4: Review Minutes of September 21, 2017**

Becky motioned to accept the minutes stating that the typos did not change the intent of the minutes. Rob Lally seconded. Vote 7-0. Minutes accepted – Kim will correct typos for the record.

#### **Item 5: A full discussion regarding height of Towers with the object being to decide what the Tower height limit will be.**

Jessie stated that she would like to discuss the survey as she feels it is super important of what the Community wants. Jessie asked if anyone wants to discuss why they do or don't want to include the survey.

Jessie motioned to whether or not to include the survey information that the Town put out in the meeting. Tyler seconded motion. Vote 9-0.

Chair Merlino asked if everyone could get a copy of the survey results. Everyone reviewed the results. Jessie asked how many residents replied and how many nonresidents replied. Kim stated that 81 voters replied and 184 non-voters replied. Jessie asked what percent of property taxes is non-voters. Kim explained that 76% of the property in Greenwood is owned by non-residents. Jessie stated that reflects just how important this area is to tourism. Dennis stated that it looks like a 30% return for non-residents and about 27% for residents. Kim explained that the Selectmen understood that non-residents could not vote at Town meeting and felt that a survey would be a good way to reach all of our property owners and give them the opportunity to have a voice in this process. Kim explained that Tyler Bennett and Ed Rosenberg both brought in this survey that the Town of Denmark had completed and the Selectmen reviewed it and agreed to send it to the Greenwood property owners. The Committee continued to review the responses of the survey. (Copy of survey results attached.) Becky asked that the survey information be incorporated as part of the decision making data for the Committee. Chair Merlino said the survey is part of the record and will be included.

Rob asked if the Town had a philosophy on how the Committee is going to control this. Rob stated that every Town has its own philosophy on what regulations to use for regulating wind power such as setting the tower height, acoustics, or setbacks. Rob stated that tackling each of these individually was very difficult and they go hand and hand. Jim stated that the height is the beginning of everything because the higher the tower more air is pushing. Jim explained that there is an impact zone around every source of energy and we have to figure out is how far back these need to be before the sound impacts the neighbors. Jim stated whether 600' or 300' each source has an impact zone and the nice thing about wind is after that impact zone there is no impact. Jim stated that the height is the single most important aspect of this whole thing and we can't determine setback until we know how high these towers can be and calculate how far that impact will spread. Paul stated that one way to look at this is to bring in another sound person to determine what is heard at what height and that will drive the height question. Jim stated that he feels they can find a size and a setback that will allow them to operate and be good neighbors. Jim asked if the Committee was willing to hear from the other side. Kim explained that she was working on hiring an acoustical engineer that did not have any connections to Calpine or to Stantec. Kim explained that she was working on completing conflict checks on two different engineers and would hope to have a name for the Committee at their next meeting.

The Committee tabled deciding the tower height until after the Committee has completed a site visit to the Saddleback Ridge Wind Facility in Carthage Maine and has had a presentation by another acoustical engineer.

**Item 6: Update on the progress on hiring another acoustical engineer for a presentation.**

Kim is in the process of hiring an acoustical engineer.

**Item 7: Public hearing on Moratorium extension, Tuesday, October 3<sup>rd</sup> at 5:30pm**

Kim explained that the Board of Selectmen renewed the Moratorium extension to April 16, 2018.

**Item 8: Set next meeting date: - October 19, 2017 - 5:30pm at the Greenwood Town Office**

Dennis asked if the Committee would consider hearing from Les Otten. Dennis explained that Les is a Greenwood resident who owns the Balsams resort in Dixville Notch, New Hampshire and the resort has wind turbines near there. Dennis stated that Les doesn't own the towers and thought it might be helpful to the Committee to hear how the resort has been impacted or not impacted. Dennis stated that we have heard from people that turbines will impact property values, recreation and wildlife and thought Les would have personal insight into all of those.

Dennis motioned to have Les Otten come discuss his experience with operating a business near wind turbines with the Committee. Rob seconded the motion. Vote 4-5. Motion fails.

**Item 9: Citizen/Public comments – 10 Minutes (time permitting)**

Jake Zagata, resident on Cole Rd. – Mr. Zagata stated that he was at ground zero on Twitchell Pond and Cole Rd and he calls this his Maine home. Mr. Zagata stated that he didn't think the Committee could deny the wind company but he's not in favor of being bought by the wind company and questioned what it meant to be given \$ 400 and a turkey or to give the snowmobile clubs money and feels that is short sighted. Mr. Zagata asked that voters think about what this will mean for our future, how this will impact our mountains, and we are selling out. Mr. Zagata stated that the Board has a daunting task of developing an ordinance that is defensible.

Dwight Mills, Greenwood resident on Gore Rd-. Mr. Mills stated that he had two pages of items that needed to be repaired in his house when the appraiser came. Mr. Mills stated that the appraiser wasn't interested in what was on the list and only wanted to talk about the 75' of shoreland he had and his Mt. views. Mr. Mills stated he is absolutely certain if those wind towers go up there his house value will plummet and he will go to Town for a tax abatement. Mr. Mills stated that he understood there were many nonresident property owners in the audience and would suggest to them that they change their legal residency for a few days.

Betsey Foster, Greenwood resident on Knoll Rd. – Ms. Foster stated that the Committee should review the handouts as there is one from Mr. Bodwell, Calpine's engineer and it is an excellent critique of Mr. Ambrose's presentation.

Bob Elliott, Bethel resident and former resident of Woodstock – Mr. Elliott explained that he was on the Woodstock Wind Committee and wanted to make everyone aware that the Roxbury wind farm is different than all of the others in the area in that from day one they have paid for everyone's (voters and non-voters) electric bills and he thinks that is an important piece for the Committee to keep in mind as the Roxbury residents might not be as objective as they might be. Mr. Elliott stated that site visits are going to be different every time you go and you might not hear anything when you go there and recommended that they go to several site visits at different times.

Bob Marrano, resident on South Pond – Mr. Marrano stated that on question 3 of the survey that 74% wanted tower heights to be 0'-200'. Mr. Marrano stated that at the previous meeting he asked about a bill before the legislature several years ago and he did more research and found the bill was dead upon arrival before getting to the senate. Mr. Marrano asked the Committee to review the Town of Montville Maine wind ordinance as there is a section on real estate tax value

assurance plan written in 2009 and think this might alleviate some of the property value concerns. (See attached copy of this section of Montville's ordinance)

Skip Potter, E. Twitchell Pond resident – Mr. Potter stated that he has attended all of the meetings and the consensus is that folks do not want wind turbines in Greenwood and he asked the Committee to set the tower height at 150', close down the committee and go home. Mr. Potter said the Committee is studying this to death and they have been coming to these meetings all summer and now the fall and the Committee seems to be in denial that the people don't want wind towers – so how do you do that – you pick 150' tower height with a two mile setback (someone from audience yells a four mile setback and a Committee member responds a three mile setback). Mr. Potter stated he doesn't know what it takes to get the message across to the Committee. Mr. Zagata asked what was defensible. Dennis stated that the Committee is giving this the due process. Mr. Potter asked that the Committee listen to the taxpayers who the Committee is working for. Mr. Potter stated he submitted documents to show what the views from Twitchell Pond would look like with 13 wind turbines on the Mt.'s and was told that Calpine doesn't have an application before the Town yet he wondered why Calpine as allowed to attend these meetings. The Committee explained that these are public meetings. Mr. Potter stated that wind towers are generally 20- 30 % efficient and they are not green energy and the only green there is going to be is the green cash that is going into Calpine's pockets.

Ruth Bastien, E. Twitchell Pond resident – Ms. Bastien stated that Mr. Zagata says defensible and asked if health and wellbeing is a defense. Mr. Zagata says he thinks about the Town being taken to court and there is the wind industry with all of their attorneys and here is our little Town – we must make sure it is defensible. Ms. Bastien stated that she spoke to her granddaughter's doctor who gave her information on adverse health effects of industrial wind turbines. Ms. Bastien stated she would get copies to the Committee for their review.

Dwayne Bennett, Bethel Ordinance Review Panel, Mr. Bennett stated that about 6 months ago he attended a conference with the Maine DEP and the question was asked if any town in Maine had been sued for not allowing wind in their towns and the DEP answered no. Mr. Bennett stated that he also had some of the World Health recommended setbacks and decibel levels and would be willing to share this with any Committee member. Mr. Bennett stated that he is working to help Bethel, Greenwood, and Milton and is hearing that the Milton towers are in the expedited process and were initially told they were going to be 300' and have heard they are going to be 600'. Mr. Bennett stated that Greenwood will be impacted by these huge towers in Milton and we will see them from South Pond. Mr. Bennett asked everyone to help them stop these wind towers from being placed all over Western Maine. Chair Merlino asked what Bethel had done with their regulations. Mr. Bennett stated that they had a tower height of 250' and that is proposed at 450' and a setback of 2 miles is proposed at 4000 feet. Bob Elliott stated he would be able to give a presentation to the Board on how the World Health recommendations would work for Greenwood. Chair Merlino asked if Mr. Elliott could do a presentation at their next meeting. Mr. Elliott said he would be at their next meeting.

**Item 10: Discuss next step be it setback or continue on height discussion**

Kim will arrange for an acoustical engineer, site visit on Saturday, Oct. 14<sup>th</sup> and Bob Elliot will do a presentation on the World Health charts. Paul stated that he would continue with his research on heights as will Jessie. Kim asked that submissions be sent to her a week before the next meeting to allow her time to get them out and give time for the Committee to read them before the meeting.

Chair Merlino stated that the Committee doesn't have to prove beyond a reasonable doubt and we only need to be able to say can it happen – if we think it could happen – we need to ensure that if it can happen it doesn't happen. Chair Merlino stated that all of the data that we have gathered is all very helpful, it provides a defense, and we do need some of that to be safe. Chair Merlino stated it is possible that not the wind company, but the people who are benefitting from the wind company handing out all kinds of money – it is in the law by the way- your State did that for you, they placed this law and they are legally able to do what they are doing and the snowmobile club getting \$ 10,000 – so we are facing those kinds of things and he feels we are pretty close to completing this job based on all the things we have been presented, and all of the things we have read, this Committee has worked hard and he has no doubt that the output will be positive results.

### **Item 11: Adjourn**

Dennis motioned and Jim seconded to adjourn the meeting at 7:05pm. Vote 9-0. Motion passes. Meeting adjourned.