

Town of Greenwood
Ordinance Review Committee Meeting Minutes
October 19, 2017

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

Those present:

Larry Merlino

Brad Payne, Secretary

Tyler Bennett

Jessie Frederickson

Jim St. Germain

Dennis Doyon

Becky Secrest

Kim Sparks, Recording Secretary

Absent:

Paul Marcolini

Rob Lally

John Maloney, AVCOG

Item 2: Citizen/Public comments – 10 Minutes

Dwight Mills, Greenwood resident - asked why we were not meeting over at the Legion Hall and thought the understanding was the Town could use the Legion Hall whenever it wasn't being used by the Legion. He stated he didn't understand it and that people have been sitting on the floor and this room is full again.

Ed Rosenberg, property owner on Twitchell Pond – asked to clarify how the Bethel Citizen had noted that most of the survey responses were from non-voters and that this is an accurate statement but is misleading because you have to account for how many Greenwood voters received the survey as well as how many non-voters received the survey. Mr. Rosenberg stated that 30% were returned from residents/voters and 26% from non-resident/non-voters. Mr. Rosenberg stated it is about the same percentage on the survey returns but the headline in the newspaper makes it seem like the non-residents had more interest than the residents which is not the case.

Kevin Casey, property owner in Greenwood and Woodstock – stated that he was going to build on his property on South Pond Shores but will not be building in Greenwood now and secondly felt that anyone who can see the Towers should have their property value reduced not just the property owners in Greenwood but anyone from surrounding Towns that can see the Towers. Mr. Casey stated that the property owners that allow these Towers to be built on their property should be paying more in property taxes and the Company who owns the Towers should be paying the Town for all of the lost property tax value due to the Towers. Mr. Casey stated that he reviewed the survey results and feels that the tower heights should not exceed 116 feet with a setback of at least 2.5 miles. Mr. Casey said if he lit a firecracker off at his house it will echo

through the valley and we will all hear the swoosh, swoosh, swoosh, of the tower blades echo through the valley.

Peter Cerulo, property owner on Steep Lane, – read from an Article in the New York Times, stating that the US boom in natural gas could have a ripple effect across the world.....nothing in this article that wind mills are our future.

Jill Powers, property owner on Greenwood Rd,- she stated that she was surprised that 76% of the property owners were non-residents and that these non-residents support the Town by paying taxes, paying for the schools and the county tax and they should be heard. She stated that this Committee has been charged with a huge responsibility. She stated that the survey results are clear that both non-residents and residents are against the turbines. She asked the Committee to develop an ordinance that is as strict as possible and will deter possible developers from looking at property here in Greenwood. She explained that she had read several ordinances from other Towns and felt that they didn't go far enough to protect but found one that mentioned that towers should not be visible or heard from any pond, lake, or stream so not to diminish the enjoyment to the property owner or visitors who come here. She stated that visitors bring revenue to our Town. She explained that she would reject any windmills coming to our Town and if she had to be specific she would say wind power for residential use only and if that can't be met would ask that the height be set at 100' with a setback of a mile for every 100' of tower and not sure if that is even enough. She explained that there are turbines near her property in Massachusetts and realtors have told her that the property values there have declined 30% due to wind turbines. She stated that we have heard that property taxes actually do not get reduced when turbines are built in Town, wind companies make millions while our property values decrease. She explained that we have ordinances in Town now that reject jet skis and large homes on the water and that these things protect our Town. She stated that she owned 90 acres in Greenwood for 20 years and this is her legacy to her children, her grandchildren and she will continue to fight to keep this land as pristine as it was in 1997 and needs this Committee to be her voice.

Scott Broughton, property owner on East Twitchell Pond – he explained that he built his house here 23 years ago – he lived and worked here for that time and presently he resides out of State. Scott thanked the Committee for working on this for the last six months. Scott stated that this \$5 billion company just changed hands and that this is a big company with tons of money. Scott explained that the Company will invest some in Greenwood but the energy is being shipped out of State. Scott explained that these wind mills will be in his living room and offered to have anyone come to his property and see what an impact these turbines would bring and he can't vote on this process. He suggested that we google, "What Norway Did" – it is a quick read (copy attached).

Item 3: Committee Member comments – 10 Minutes

Becky Secrest proposed a motion that we stop pussy footing around all of this and set a tower height limit right now of a maximum 250' (two hundred and fifty feet) and one mile per 100' (one hundred feet) of tower height for the setback. She stated the higher the towers go the higher the farther setback is. Jessie seconded the motion.

Chair Merlino asked if she would wait until they started the meeting. Becky stated that the agenda stated Committee Member Comments and this was her comment. Chair Merlino stated that after the minutes were discussed, he would entertain her motion under Item 8. of the agenda. Becky asked why and it is a motion that is on the table. Chair Merlino stated that they don't make motions during Committee Member Comments. Tyler stated that he hadn't seen any bylaws and asked if this was a rule and doesn't see any point to not discussing this now. Chair Merlino stated that when the agenda came out they had the opportunity to discuss changes with them. Becky stated that she had asked for items to be on previous agendas and it wasn't allowed as did Jessie. Chair Merlino stated that he wasn't aware of any of her requests. Kim explained that their requests were made previously when Larry was absent and we had an alternate chair that set the agenda. Chair Merlino asked everyone to notice Item 8 on the agenda and asked if the Committee would like to move it up on the agenda to Item 5 right after the minutes. Becky stated that would be fine to move Item 8 up in the agenda to Item 5 after the minutes were discussed.

Chair Merlino read from a letter from Friends of Maine's Mountains. Becky asked if we all got a copy of this. Chair Merlino said this was handed out several weeks ago and everyone got a copy. *Noise is a very important and technically complicated issue. Wind turbines generate noise both in the audible range and a low frequency range sub-audible range. Noise can come from the mechanical parts with wind passing over the rotors and a low frequency vibration noise created by the rotors passing in front of the monopole. The noise may vary based on wind speed and can come in repeating or tonal patterns that are particularly hard to acclimate too. The DEP approach to noise regulation is not wind specific and as a result does not take into account or even regulate the low frequency noise. Noise will vary considerably throughout the year and most municipal ordinances require a full year of pre-permit noise measurement. For discussion on noise issues Municipalities should consult the findings and rationale of the Montville, Maine Ordinance.*

Item 4: Review Minutes of October 5, 2017

Dennis motioned to accept the minutes as presented. Jessie seconded. Vote 6-0. All in favor. Minutes accepted.

Item 8: Continue discussion on height, setback, and sound levels

Becky stated her motion was still on the table. Dennis asked if she could repeat the motion.

Becky motioned that the maximum tower height be 250' and one mile setback for every hundred feet of tower height so 2.5 mile setback for a 250' high tower, if it's 400' it would be 4 miles, if it is 600' it would be 6 miles. Chairman Merlino stated that they were going to determine one height. Becky said yes, her motion is for a maximum height of 250'. Chair Merlino stated that the maximum height would be 250' with a 2.5' setback and asked if there was any level for sound in the motion. Becky stated that she was not prepared to address noise just tower height and setback and wants to make sure if the tower height is changed in the future that the setback would always be 1 mile per 100' of tower. Chair Merlino asked if they wanted to address noise. Becky stated that there is no noise level in her motion just tower height and setback. Chair

Merlino asked if there was a second to Becky's motion. Jessie seconded the motion. Chair Merlino asked if there was any discussion. Steven Cole stated he had a question about the motion and asked what they were setting back from. Becky stated that the setback is from the Tower to the property line. Steven Cole asked if it was from a dwelling. Becky stated that it was not from a dwelling it would be from the property line. Jessie stated it should be worded as a non-participatory property line. Becky stated yes – this would be someone who has not signed off or been paid off by the wind people. Steven Cole stated that after these towers go up there will be a lot of property that goes up to these borders and these test towers are close to some of these borders and their abutters land is now trash. Chair Merlino asked how the setback was going to be measured. Becky stated that it would be measured horizontally – line of site. Bob Elliot stated that it is normally stated as horizontally then it can be measured on a topographical map without worrying about the valleys and dips and that saying horizontally is sufficient. Jill Powers asked if she could request that the tower height be reduced to 100'. Chair Merlino stated that this is a motion made at the Committee level and can only be amended by the Committee. Tyler stated he would like that it be understood that if someone wanted to install a 100' tower that there would be a 1 mile setback that there can be towers less than 250'. Chair Merlino stated that these are commercial rules that the Committee is working on not residential rules. Becky said she wanted this to apply to both residential and commercial. Tyler stated he understood that the committee was working on the Site Plan Ordinance which was for Commercial regulations. Becky stated that she wants to make sure that just because we have set the height at 250' max measured from the tip of the blade, with 1 mile setback per hundred feet of tower height – so yes a 250' tower would be 2.5 mile setback to the closest non-participatory property line measured horizontally. Becky stated that the higher the tower the higher the setback so if it is 300' it is 3 miles. Dennis stated that the motion has a maximum of 250' tower height so how can it be 300'. Tyler stated that the motion is for 250' maximum tower height. Tyler stated if someone wanted to install a smaller tower at 200' then the setback would be 2 miles or if they wanted a tower 150' the setback would be 1.5 miles and so on. Chair Merlino stated that they wanted to put in this 100' metric instead of just saying maximum of 250'. Becky stated yes. Jim stated if they do that there is no limit. Bob Elliot stated that it matters what size turbine they put on the tower as to how loud they will be and needs to be tied to how much noise this turbine will be making. Becky stated that the Committee understands that. Dennis stated that there is a motion and second and we have had discussion and we haven't addressed decibel levels yet. Becky stated that she would like to move this whole issue as the Committee has researched and researched and discussed this over and over and it is time to start talking numbers as we know what most people don't want. Jessie stated that she doesn't think there is any support from the community for this project to go forward based on all of the letters and emails that we have received. Jessie stated that more people have spoken against it at our meetings and it is pretty solid they do not want this project to happen in Greenwood. Tyler stated that he thinks that whatever the Committee puts through for a motion tonight will need to be fine-tuned by John Maloney. Dennis stated if the measurement is from the tip of the blade it needs to be in the motion and he asked what the definition of tower is in our current ordinance now. Becky stated it is the tip of the blade not the top of the turbine. Becky stated that she wanted to amend the motion to say 250' maximum tower height measured from the tip of the blade and one mile setback per 100' of tower height. Dennis stated that it might be better stated as from the base of the tower to the tip of the blade

cannot exceed 250'. Becky stated she would accept that amendment from the base of the tower to the highest tip of the blade point being a maximum of 250' and setback 1 mile per 100' of tower measured horizontally to non-participatory property lines. Jessie seconded the amendments. Vote all in favor: 4. Vote opposed: 2. Chair Merlino abstained from voting. Motion carries 4-2.

Chair Merlino stated that Item 8 also has us continuing discussion on sound. Tyler suggested that we keep sound on the table and not vote on that until we have heard from the second acoustical engineer.

Dennis asked if our completed sections for complaints, decommissioning, and public roads if those sections could be sent to the Attorney for review.

Dennis motioned to send the completed sections to the Town Attorney for review. Jim St. Germain seconded. Vote 6-0. Motion passes and Kim will send three sections on to the Town Attorney for his review.

Item 5: Presentation by Bob Elliot – Mr. Elliot stated that he was the Chair of the Woodstock Ordinance Committee several years ago and recently has been helping the Town of Bethel with writing their ordinance. He explained that while helping Woodstock they set up a website and asked that the Committee review the website as they would find comments/concerns from Woodstock residents and property owners. He explained that his presentation is based on recommendations from the World Health Organization. (See copy of presentation – attached)

Item 6: Update on second opinion sound engineer who has been vetted – Kim explained that there will be a second sound engineer at our next meeting and would make arrangements to have the meeting at the Legion Hall. Chair Merlino asked that the Committee Member email any questions that they have for the speakers to Kim before the next meeting and also offered to have residents and non-residents email questions to Kim. Becky asked if Calpine was paying for this speaker. Chair Merlino answered yes.

Item 7: Discuss Montville, Maine Wind Ordinance – Chair Merlino asked everyone to review the Ordinance. Chair Merlino stated that Montville came up with a novel way to look at real estate evaluations and said that the permitting process is going to have a component that says you will have three appraisals of all of the property within a set distance of the windfarm. So say the windfarm is permitted and installed and someone within the set distance sells their property and the valuation dropped from the original three appraisals the wind company would have to pay the property owner the difference. Chair Merlino stated he isn't sure how this would work but at least it is a solution to a situation that many at our meetings have been concerned with. Chair Merlino asked the Committee to look into the other document from Montville that spells out how they arrived at their ordinance and thought it would be best if we could do something similar and document how we would defend our positions. Chair Merlino asked for comments on the real estate section. Dennis stated he isn't sure how they could do the real estate section as there would be three separate appraisals and it all depends on when a person comes along who feels there is value in the property. Chair Merlino stated he thinks Montville is comparing the market value before wind to the market value after wind and the difference is made up from the wind

company. Greenwood resident and Real Estate Agent, Kathy Ford Paquette stated that family sales aren't included on the CMA. (Comparative Market Analysis) and that market value is based on comparable sales in the area – (comps). Ms. Paquette stated that there are so many other conditions and situations that could have made the property values drop from when the three appraisals were completed and feels there are way too many things to consider. Jill Powers stated that they have a caveat at the end of this that if they can't attribute the loss in value due to the windmills then they can't use this. Dennis agreed that this would be too difficult to work with and questioned how we would defend it.

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

Mr. Zagata stated that he had handled many disputes and litigations and would encourage the Committee to remember that simple is good and make it defensible.

Stephen Cole said the guest speaker needs to come down to his house and asked if everyone one Twitchell Pond hears him in the morning pushing the start button on his Peterbilt as the decibels on that are at 80.

Jill Powers asked if we could make it so these towers are not visible from any lakes or ponds as it would impede the value of the property and the quiet, peaceful enjoyment of them. Chair Merlino stated that the voters will have to decide if they agree with what this Committee has come up with. Chair Merlino stated that he knows that there are folks in Town for the Towers and those who are against them and the ones in favor of them are because of the economic benefits to the Town. Ms. Powers stated that those people are the minority. Chair Merlino stated then you also have people who are part of the groups who have received money from the wind tower companies and have a vested interest in voting for it. Ms. Powers stated again that these people are in the minority. Chair Merlino stated that they don't know that and it will be up to the voters and how many attend the meeting. Chair Merlino stated that a lot of the things that have been stated here from the public would be better stated at the public hearing to convince the voters of your position. Ms. Powers thanked the Committee for all of their hard work.

Chair Merlino stated that the Codes Officer would be going up to the property to check on the reports that we are hearing about all of the roads that are being built up there. Chair Merlino asked if the company is building roads in preparation for wind towers and questioned if that was a violation to the moratorium. Becky and Jessie stated that there have both seen the roads that are presently being constructed on the property and would appreciate Joelle checking on this. Steven Cole stated that he recently spoke to Dave Fowler from Calpine and claimed that these were just logging roads and Steve asked what was happening over in the Irish Neighborhood area and Mr. Fowler said he had no idea. Jessie stated that she spoke to one of the truck drivers down the road who has been bringing in gravel and she was told it is a road for Calpine.

Sue Potter said this week that Somerset County Commissioners unanimously passed a resolution strongly opposing wind turbines in their entire county. Mrs. Potter stated that Piscataquis County also unanimously passed a resolution opposing any turbines in their county because they want to preserve their Moosehead Lake region and brand it as America's Crowned Jewel and turbines would ruin it. She stated that in Scituate, Mass that the wind turbines there are causing

health problems such as nausea, dizziness and ringing in the ears and anxiety and when the wind comes from the south west the wind turbines have to be shut down from 11pm to 6am in the morning and neighbors are fighting to get these towers shut down permanently. She stated that Falmouth, Mass owned their own turbines and the Town went against their City Council and the turbines were recently shut down by a Judge. She stated that she has a new slogan – that we all know about NIMBY (Not in my backyard) this should be changed to “Put it in Massachusetts’ back yard”.

Jill Powers asked the Committee to pay attention to the data presented this evening from the World Health Organization.

Dwight Mills stated that the federal government started this whole mess two years ago and as far as he knows there are no wind turbines in the National Forest and he finds it interesting that we are getting them shoved into our backyards and they don’t put them in the National Forest.

Item 10: Set date of next meeting –

Nov. 2nd. Guest Speaker, Michael Bahtiarian, Acoustic Engineer/Principal Consultant - Acentech

Nov. 16th – Tentative - Guest Speaker, Mark Bergeron, P.E., Director, Bureau of Land Resources, Maine Department of Environmental Protection

Item 11: Adjourn - having no further business the meeting was adjourned at 7:30pm. Vote 6-0. Meeting adjourned.