

**Town of Greenwood
Ordinance Review Committee Meeting Minutes
March 15, 2018**

(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 and stated that there was a quorum.

Larry Merlino, Chairman
Brad Payne, Secretary
Tyler Bennett
Dennis Doyon
Rob Lally
Kim Sparks, Recording Secretary
John Maloney, AVCOG

Absent:
Becky Secrest, Vice Chair
Jessie Frederickson
Jim St. Germain

Item 2: Comments from the Citizens/Public

Robert Marrano, property owner – Mr. Marrano stated that he had a statement to read that is relative to the topic on property value. Bob thanked the Committee for adding this to the agenda and he knows this has been discussed in the past. Bob explained that he had stated his concerns about property values several times here and at the Selectmen’s Meeting. Bob stated that a lot of things have changed since October that he is concerned about. Bob said his biggest concern was the response that came from Calpine at the Selectmen’s Meeting and Calpine outright said that property devaluation is not an issue with wind farms. Bob stated that Calpine stated that they would supply evidence to support that. Bob said his biggest concern is that he doesn’t believe that and there will be property devaluation to our property and that is why he feels there should be a property value clause in the wind ordinance. Bob stated that we have two parties that disagree and one party has serious deep pockets and the other party do not. Bob stated that the only way we are going to be protected is to put something in the ordinance to protect us. Bob explained that he had done a lot of research on this topic over the last six months and feels that the property value guarantee is what they need and the only way to do that is to have one of these clauses in the ordinance. Bob stated that the risk and the cost should be borne by the one wind farm developer. Bob explained if the developer can prove there is no damage then the clause is a moot point but if there is damage we needed to be protected in a way that is not going to cause litigation against the wind farm operator and if it is written clearly in the ordinance then everybody will know about it up front. Bob said he also included a copy of the proposed law that he has mentioned several times. Bob explained that this law was proposed and went through the Maine Legislature and went through the House and died in the Senate. Bob stated that he feels this is a little more extensive than what they need but it is simple and fair. Bob stated that it would only take a few amendments to add this to the ordinance and would help with Greenwood’s concerns. Bob stated that the way

it works is the wind farm operator must pay the difference in property value if sold for less than the asking price and that asking price is agreed to between the owner and the wind farm operator and if they can't agree then three appraisers are hired, one by the property owner, one by the wind farm operator and one by both parties. Bob explained that the two highest values become the asking price and the difference between the asking price and the selling price is what gets compensated and thinks this is pretty clear and simple and if both parties are involved with it there should not be an issue with it. Bob asked the Committee to seriously consider it and whatever it takes to get this into the Ordinance that he would be willing to work with John on it or whatever the Committee determines is the best way to do it.

Item 3: Comments from Committee

Chair Merlino stated that he had something to read to the Committee. Chair Merlino stated that he had a document from an appraisal person – McCann Appraisal- from the Midwest who has done extensive research on this subject. Chair Merlino read aloud from the report:

Residential property values are adversely and measurably impacted by close proximity of industrial-scale wind energy turbine projects to the residential properties, with value losses measured up to 2-miles from the nearest turbine(s), in some instances.

Chair Merlino stated that Mr. Marrano's document uses a measurement of three miles.

Impacts are most pronounced within "footprint" of such projects, and many ground-zero homes have been completely unmarketable, thus depriving many homeowners of reasonable market-based liquidity or pre-existing home equity. Noise and sleep disturbance issues are mostly affecting people within 2-miles of the nearest turbines and 1-mile distances are commonplace, with many variables and fluctuating range of results occurring on a household by household basis. Real estate sale data typically reveals a range of 25% to approximately 40% of value loss, with some instances of total loss as measured by abandonment and demolition of homes, some bought out by wind energy developers and others exhibiting nearly complete loss of marketability. Serious impact to the "use & enjoyment" of many homes is an on-going occurrence, and many people are on record as confirming they have rented other dwellings, either individual families or as a homeowner group-funded mitigation response for use on nights when noise levels are increased well above ambient background noise and render their existing homes untenable. Reports often cited by industry in support of claims that there is no property value, noise or health impacts are often mischaracterized, misquoted and/or are unreliable. The two most recent reports touted by wind developers and completed in December 2009 contain executive summaries that are so thoroughly cross-contingent that they are better described as "disclaimers" of the studies rather than solid, scientifically supported conclusions. Both reports ignore or fail to study very relevant and observable issues and trends.

Chair Merlino stated that this person is from Adams County, in the Midwest.

If Adams County approves a setback of 1,000 feet, 1,500 feet, or any distance less than 2-miles, these types of property use and property value impacts are likely to occur to the detriment of Adams County residences and citizens for which the nearest turbines are proposed to be located. The approval of wind energy projects within close proximity to occupied homes is tantamount to an inverse condemnation, or regulatory taking of private property rights, as the noise and impacts are in some respects a physical

invasion, an easement in gross over neighboring properties, and the direct impacts reduce property values and the rights of nearby neighbors.

Chair Merlino stated that these are the appraiser's opinions.

A market value reduction of \$6.5 million is projected for the residential property located in the footprint and within 2-miles of the pending project located Adams County.

Chair Merlino stated that then the report goes to recommendations and talks about a lot of what Mr. Marrano has said.

A Property Value Guarantee (PVG) should be required of the developer(s), significantly similar to the PVG attached hereto as Appendix A. A County controlled fund or developer bond should be required to guarantee no undue delay in PVG payment(s) to legitimately affected homeowners, and/or to buy out homeowners located within 2-miles of any turbines if they elect to relocate away from the turbine project(s) and cannot sell for the pre-project market value of their properties. Such a guarantee is nominal in cost, relative to total project costs, and are used to condition high impact land use approvals such as landfills and even limestone quarries, as well as other wind energy developments. An alternative to the bonding element of Recommendation # 1 would be to require that the developer(s) obtain a specialized insurance policy from a highrisk insurance carrier or legitimate insurer, such as Lloyds of London, if they will even insure against such impacts. If Lloyds was unwilling to provide such insurance, however, that should be compelling to the County (to the Town) that professional risk-management actuaries find such projects too risky for even them to insure. Under those possible circumstances the burden of risk is fairly placed with the developer, rather than the residential occupants who are being surrounded or otherwise directly impacted by close proximity of the projects.

Appropriate devices should be installed at the developers expense at all occupied dwellings and property lines within a 2-mile distance of any turbines, and the County should retain the ability to immediately enforce the shut-down of any turbines exceeding a level of 10 decibels or more above ambient background noise levels from any property/home experiencing that exceeded noise level. The proximity of constant or frequent noise sources is an adverse impact to the use and enjoyment of a residential property, and indicates a basis for loss of property value. An alternative to recommendation would be to place a limit on hours of operation, requiring turbines within 2 miles of any occupied (non-participating) dwelling. If the County finds that the wind energy projects are desirable from an economic development goal or perspective, or for the "public good", I recommend that "footprint" and 2-mile distant neighboring homeowners (measured to lot line from the furthest span of turbine blades) be afforded the opportunity to sell to either the developer or the Count (or Town), with possible use of eminent domain powers employed by the Count (or Town), on behalf of and at the expense of the developers.

Chair Merlino stated that what this says is we have a lot to talk about. Jake Zagata asked Chair Merlino if he could set up a camera to record for public access. Chair Merlino stated that would be ok. Chair Merlino told Jake to go ahead and set up but they would continue on with the meeting. Dennis Doyon asked if he could respond to Larry's comments. Dennis explained that the same information – the McCann appraisal documents were supplied to him from a property owner. Dennis stated that he read through that entire document – some 80 pages and he did some research on that particular person who wrote the document and this same testimony has been submitted from Massachusetts to California. Dennis stated that he then looked up Adams County Illinois

wind regulations and their wind regulations after that was submitted and their setbacks were 1320 feet to a dwelling and 1500 feet to a school or hospital. Dennis stated that he then looked up the Assessor's Office as he wanted to confirm that in fact there was a property value loss of 20-40% or whatever the loss was in Adams County, Illinois. Dennis explained that when he called the Assessor's Office for that information they said they can't provide that information and he asked why not as it should be public record and the Assessor's Office explained that they do not have a commercial wind facility in Adams County, Illinois. Dennis explained that he had done his homework on this and would have more comments on Property Value when we got to that agenda item.

Item 4: Review Minutes of March 1, 2018 – Dennis Doyon motioned and Tyler Bennett seconded to accept the minutes as presented. Vote 5-0. Motion passes and minutes are approved.

Item 5: Finalize work by John Maloney to date

John Maloney stated that after the meeting on March 1st – he made some changes that were discussed – copies of changes made at the last meeting are highlighted. (comments made in this meeting will be in blue - see below)

**Town of Greenwood, Maine
Site Plan Review Ordinance
Proposed Amendments
Commercial Wind Energy Facilities**

February 15, 2018 Draft

March 1, 2018 Draft

March 15, 2018 Draft

Prepared By

Town of Greenwood, Maine Ordinance Committee

An Ordinance Amending

the Town of Greenwood, Maine Site Plan Review Ordinance

John stated that the first thing is when you go to Town Meeting that the Warrant Article action on this would read, “[An Ordinance Amending the Town of Greenwood, Maine Site Plan Review Ordinance](#)”.

Amend Section 1-101.1, Purpose, as follows:

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents and tax payers of the Town of Greenwood, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

John explained that they would submit the work from the subcommittee here as there should be a statement under the purpose section as to how they arrived at these regulations.

[Insert the subcommittee's reasons and justifications for CWEF standards.]

Amend Section 1-401.3.D.1, Additional Information for Commercial Wind Energy Facilities/Decommissioning plan, as follows:

1. Location map, **including lot and map numbers**, showing the boundaries and owners names of the proposed facility site, **and** all contiguous property under total or partial control of the applicant or participating landowner(s), **and** any scenic resource **to be impacted by CWEF, or and** historic sites within **one (1) mile-1,000 feet of any disturbed area** ~~the proposed development facility site associated with the~~ **CWEF.**

Amend Section 1-401.3.D.9, Additional Information for Commercial Wind Energy Facilities/Decommissioning plan, as follows:

- 1-401.3.D.9 **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.**

Amend Section 1-401.3.D.12, Additional Information for Commercial Wind Energy Facilities/Decommissioning plan, as follows:

- 1-401.3.D.12. **Audible** sound **and** **Infrasound** level analysis, prepared by a qualified engineer(s).

Amend Section 1-401.3.D, Additional Information for Commercial Wind Energy Facilities, by adding the following:

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.**

Amend Section 1-601.2. (Review Standards) R (Noise), as follows:

3. The following uses and activities shall be exempt from the sound pressure level regulations.
 - a. Noise created by construction and temporary maintenance activities between ~~6:30~~ **7:00**-a.m. and ~~8:00~~ **7:00** p.m.

Amend Section 1-701.3.K, Control of Noise, as follows:

K. Control of Noise

1. Audible Sound Level Limits

a. Sound from Routine Operation of Facility.

Notwithstanding Section 1-601.2.R the hourly sound levels resulting from routine operation of the CWEF and measured in accordance with the measurement procedures described in subsection 4 (Measurement Procedures) shall not exceed the following limits:

- i When a proposed facility is to be located in an area where the daytime pre-development ambient hourly sound level at a protected location is equal to or less than ~~45~~35 dBA and/or the nighttime pre-development ambient hourly sound level at a protected location, is equal to or less than ~~35~~25 dBA, The hourly sound levels resulting from routine operation of the facility and measured in accordance with the measurement procedures described in section 4 shall not exceed the following limits at ~~that protected location~~ non-participating landowner's property lines:

~~55-35~~ dBA between 7:00 a.m. and ~~7:00~~ 10:00 p.m.
(the "daytime hourly limit"), and
~~42~~ 25 dBA between ~~7:00~~ 10:00 p.m. and 7:00 a.m.
(the "nighttime hourly limit").

For the purpose of determining whether a protected location has a daytime or nighttime pre-development ambient hourly sound level equal to or less than ~~45~~ 35 dBA or ~~35~~ 25 dBA, respectively, the Applicant shall make sound level measurements in accordance with the procedures in section 4.

(b)(ii)

For short duration repetitive sounds which the Planning Board finds that due to their character and/or duration, are particularly annoying or pose a threat to the health and welfare of nearby neighbors, 5 dBA shall be added to the observed levels of the short duration repetitive sounds that result from routine operation of the facility for the purposes of determining compliance with the above sound level limits, and the maximum sound level of the short duration repetitive sounds shall not exceed the following limits:

~~At any protected location in an area for which land use is not predominantly commercial, transportation, or industrial: ???????~~

~~65 dBA between 7:00 a.m. and 7:00 11:00 p.m., and 55 dBA between 7:00 11:00p.m. and 7:00 a.m.????~~

John stated that some of the order of numbering might appear strange as he has only included the sections that we have had made changes to.

b. Sound from Construction of a Facility

i. The sound from construction activities between **7:00 p.m. and 7:00 a.m.** is subject to the following limits:

(a) Sound from nighttime construction activities **(7:00 p.m. to 7:00 a.m.)** shall be subject to the nighttime routine operation sound level limits contained in subsections 1.a. **(25 dBA.)**

(b) If construction activities are conducted concurrently with routine operation of the facility, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections 1.a.

(c) ~~Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by the Code Enforcement Officer. ?????~~

ii. Notwithstanding Section 1-601.2.R Sound from construction activities between **7:00 a.m. and 7:00 p.m.** shall not exceed the following limits at any protected location:

Duration of Activity Hourly Sound Level Limit

12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA

4. Measurement Procedures

b. Measurement Criteria

ii Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983 **and as revised.**

(b) An integrating sound level meter (or measurement system) shall also meet the Type 1 or 2 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985) **and as revised.**

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSIS 1.11-1986 for Order 3, Type 3-D performance **and as revised.**

(d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984 **and as revised.**

iv Measurement Location, Configuration and Environment

(b) For determining compliance with the ~~75 dBA~~ property line hourly sound level limits described in subsection 1.a.i, measurement locations shall be selected at the property lines of the proposed facility or contiguous property owned by the Applicant, as appropriate.

(c) The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and

oriented in accordance with the manufacturer's recommendations.

- (f) Measurement periods shall be avoided when the local wind speed exceeds 12 mph and/or precipitation would affect the measurement results. **Wind speeds are the ones at which the wind turbine is shown to produce the highest sound level based on vendor testing.**

John explained that this was the recommendation from the Sound Engineer, Michael Bahtarian.

c. Measurement of Ambient Sound

i. Pre-development Ambient Sound

- (a) Measurements shall be made at representative Protected Locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the facility will operate. If the proposed facility will operate on Saturdays and/or Sundays, measurements shall also be made during all hours that the facility will operate.

5. Infrasonic

a. Infrasonic Level Limits

No wind turbine(s) shall produce an infrasonic pressure level, which is 6 dB higher than the background infrasonic pressure level at the primary blade pass frequency and blade-pass frequency harmonics. All measurements are taken on any protected adjacent residentially used property. ~~or on adjacent protected land where residential use is feasible based on suitability.~~ Measurements inside a building or residence may be performed assuming the building owner allows access.

b. Measurement Personal Qualifications

i All persons conducting sound pressure measurements to assess compliance with this standard shall be trained in the current techniques and principles of sound measurement equipment and instrumentation, and shall take such measurements under the supervision of a qualified acoustical engineer as described herein.

- ii A qualified acoustical engineer shall be either a degreed engineer practicing acoustical engineering for 10 years or more as long as the engineer works for a firm that is a member of the National Council of Acoustical Consultants (NCAC), a board-certified member of the Institute of Noise Control Engineering (INCE Bd. Cert.) or a licensed professional engineer (PE) with an acoustical focus.

Instrumentation

- i Infrasound pressure level measurements shall be performed with appropriate equipment that is properly calibrated to industry standards, as described below. The microphone shall have a frequency response that is less than or equal to 0.5 hertz (i.e. an infrasonic microphone). The measurement system shall be able to collect electrical signals from the microphone and perform a Fast Fourier Transform (FFT) of the signal with a frequency range of 0 to 20 hertz with a resolution of 0.1 hertz or less (≥ 200 lines).
- ii The instrumentation shall also be compatible to a Type 1 sound level meter. All test instrumentation shall be field calibrated with acoustic calibrator or pistonphone in the audible frequency range (typically 1,000 hertz). All instrumentation and the acoustic calibrator shall be laboratory calibrated to NIST traceable standards within the previous 12 months. All such instruments shall conform, as a minimum, to the specifications of American National Standard ANSI S1.4—1983 (R2006 and as revised) for Type 1 precision sound-level meters.

c. Measurement Procedure

- i The instrument manufacturer's specific instructions for the configuration and use shall be followed. The microphone or sound-level meter shall be calibrated before and after each survey period.
- ii With the wind turbines operating and producing at least 85% of full power, a series of three sequential measurements shall be taken at each location. Each measurement shall be for a period no less than three-minutes consisting of no less than ten "FFT" averages. If there are multiple locations to survey, each locations shall be measured three times. If there is only one location, it shall be measured nine times by series of three measurements with ten-minute break between each series of three measurements for a total of nine measurements.
- iii Background infrasound pressure levels shall be measured with the wind turbine shut down at all locations for at least one series of three measurements. *If the wind turbine cannot be shut down, a reference location shall be measured for at least one series of three measurements.*
- iv The actual measurement location(s), date and time of survey(s) and specific wind/weather conditions shall be defined by the Town of Greenwood.

Amend Section 1-701.3.M, Safety Setbacks, as follows:

M. **Safety Height and Setbacks**

~~Wind turbines shall be set back, at a minimum, a horizontal distance equivalent to 150% of the turbine height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed generating facility, regardless of the municipality in which located, except that the Planning Board may allow a reduced setback if the Applicant submits, in writing a legally binding waiver of the property boundary setback signed by the pertinent abutting landowner.~~

1. Height

The maximum turbine height shall not exceed 250 feet as measured from the surface (top) of the tower base to the highest point of any turbine rotor blade measured at the highest arc of the blade.

2. Setbacks

The minimum setback from any tower to a non-participating landowner's property line shall be a minimum of one (1) mile, measured horizontally per 100 feet of tower height, or portion thereof.

Amend Section 7-701.3.R, Public Inquiries and Complaints, as follows:

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 CWF.~~

~~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.~~

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 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.

Amend Section 1-701.3.S, Decommissioning, as follows:

S. Decommissioning and Abandonment

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

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.

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 CWF (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 CWF 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 CWF 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 CWF 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 CWF 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.**

Amend Section 1-701.3, Commercial Wind Energy Facilities, by adding the following:

T. Tower Lighting

All lighting of towers shall conform to the Federal Aviation Administration standards. If approved by the Federal Aviation Administration an Audio Visual Warning System shall be used to activate tower lighting.

John stated that he had included this as Dennis had suggested. Dennis asked where it says all lighting of towers shall conform to the Federal Aviation Administration standards if approved by Federal Aviation standards - it has already been approved. Dennis explained that that particular lighting system already has the FAA approval. John explained that has he read through the FAA standards it was site by site system and what it meant was that if the FAA said it would work on that site you would have to use it. Dennis said that if we wanted to give it more teeth we might consider taking out the second sentence and the key really is instead of having a blinking red light on the tower all night – the key is to have the radar activated warning system that will activate the lighting system only when needed. Dennis stated that he thought they would make that the first sentence and from a Planning Board position that should be the lead. John stated it should start out as “An Audio Visual Warning System shall be used to activate tower lighting.” Dennis suggested that they also use the word radar in this. John stated he could fix the terminology to read the way they want. Dennis stated that he felt it would have more teeth if those sentences were flipped around. Chair Merlino asked if any other Committee members had any comments about that.

Amend Section 1-112, Definitions, as follows:

1-112 DEFINITIONS

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

Background Infrasound Pressure Level: The infrasound pressure level with the subject wind turbine(s) not operating.

Blade-Pass Frequency: operational speed of the wind turbine in revolutions per minute (rpm) divided by sixty, times the number of blades. For example, a wind turbine that operates at 14 rpm with three blades will have a blade pass frequency of 0.7 hertz.

Harmonics: Integer multiples of a primary frequency. For example, the primary blade pass frequency of 0.7 hertz would have harmonics at 1.4, 2.1, 2.8 and $N \times 0.7$ hertz where N is 2 through infinity. The practical limit of harmonics can be $N = 10$.

Infrasound: Sound in the portion of the frequency spectrum less than 20 hertz.

Infrasound Pressure Level: Sound pressure level in the portion of the frequency spectrum less than 20 hertz.

Reference Location: A location that is similar in acoustical environment with respect to other sources of noise such as highway or other transit, industry environmental sounds, but is not influenced by sound from the subject wind turbine(s).

~~Sound Pressure Level: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.~~

Sound Pressure Level: 20 times the logarithm (to the base 10) of the given root mean square (rms) sound pressure divided by the reference sound pressure of 20 micropascals (μPa). Reported in units of decibels (dB). [from Michael Bahtiarian]

Turbine Height: The distance measured from the surface (**top**) of the tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

03.01.18-JAM

03.15.18-JAM

Chair Merlino asked John if they were all current with all of the amendments up to this point. John stated that they were.

Item 6: Discuss property value – John Maloney stated that he has worked several times with the legislature and he didn't necessarily get a good feeling from the title. John suggested that we go back online to see if there was any public comment on this and also talk with Maine Municipal to see what the background is on this and why it was voted ought not to pass. John stated that he knew one of the sponsors to the bill and would reach out to him to see if he could add any information. John stated that those that sponsored this bill are known to be the most conservative in relation to land use regulations and wants to make sure that as they work through this that the Attorney also works through it. John stated that they would like to know what the impact of the bill was – was it going to protect the property owners or the wind developers and if we could review what there was for testimony should shed some light on the topic for us to determine what the real reasons were for such legislation. Tyler stated that he agreed with John and that he would like to include a property value guarantee in the ordinance but needed more information on what happened to this bill. Tyler stated that he had some concerns with what is discussed in the bill for the distances and some concerns with the section at the end on buyouts and if it is not sold in six months the wind developer would have to purchase it. Tyler stated he thought this was a good

basis to start with as there is a lot of if they can use within the ordinance but he thinks we need to check into this further. Dennis stated that he has spoken to several realtors and what you are going to find is that a lot of these bills that come to the legislature don't come together. Dennis explained that the realtor after reviewing comparable properties would then work with the property owner together to decide on what an asking price is going to be and this bill is calling for three appraisers to come up with a price and what they come up with isn't asking price and it is a convoluted kind of a process. Dennis explained that there is an assessed price that the Town uses for the values and then you would have market value from the appraisers and then you have real estate agents that work with comparable properties to arrive at an asking price so you have three different entities trying to come up with a number that will comply with a law and he doesn't see how they can do it. Rob Lally asked if they would use the assessed value. Dennis explains that within this law there would be three appraisers that come up with a price and it will be different than the asking price arrived at between the home owner and the real estate agent and then there is a different price so you have three different balls in the air. Tyler stated that they would come into an agreement according to the bill that the agreement would be made even before the commercial wind project starts. Tyler said even if there are three different prices, there has to be an agreement on a price between the two parties and there might be a way with updated wording to put this in our ordinance. Tyler stated that he would question how far from the Commercial facility would a property need to be to be eligible for such a program and what is the timeframe we consider for the buyout. Chair Merlino stated that the bill talks about 10 years. John explained that this went to Judiciary review and it would be interesting to see what that had to say. John stated that he feels that this is a valid concern about property value but wonders is the bill failed because Judiciary got an opinion from the AG's office. Rob Lally asked if there were other PVG's they could look at and felt this was a great idea and it needs to be done objectively and constructively. Chair Merlino stated that he agreed and that it would be a process and how do we easily write this to enforce it. Tyler asked if Kim could get the testimony that occurred. Kim stated she would start doing some research. Chair Merlino stated that they should review it further. John asked if it would be best if they got feedback from legal counsel first and some initial feedback from counsel might be helpful. Chair Merlino said he considered that part of the permit application process that the wind tower company have to develop a PVG as part of their application process and then the Planning Board would have to determine if the plan was adequate. Rob stated he thought this was a great idea but doesn't know how they would administer it. Rob questioned how it would be enforced and how one would consider if the house next door was not kept up and that all of the devaluation might not be just from the Wind Farm. Chair Merlino agreed that there were many variables and the agreement would have to be worked out between the property owner and the developer. Chair Merlino stated that the McCann appraisal document also mentioned how Wind Companies also would do landscaping on properties to deal with the impact of the view. John stated that the ordinance already says there is to be attempts to mitigate impacts on scenic views and that could be part of the approval process. Chair Merlino asked if Kim would contact the Attorney and send then the information we have here and see what direction they have for us. Chair Merlino asked that everyone stay on this and are all on the same page with a PVG – which should be a huge consideration for the Town.

Dennis stated that he had an email on Sept. 27, 2017 from Mike Rogers, who is the supervisor of Municipal Services, Property Tax Division, State of Maine and he went on to say that he has not seen any negative impact of any property values in the State of Maine due to Commercial Wind development and he can be contacted anytime to discuss the pros and cons. Dennis stated that he also went and reviewed the properties sold in Woodstock since the turbines were installed and there is only one piece of property on Shagg Pond that was sold since May of 2015 and again the assessed value and sales prices do not necessarily go hand in hand but this had an assessed value of roughly \$ 121,000.00 and it sold for \$ 214,000.00 so just looking in the general area at how property values are impacted he thinks this is pretty minimal. Dennis stated that he had spoken to area real estate agent in the Roxbury Pond area and the agent says that property values have gone up because of the infrastructure improvements the Town has completed since the towers were installed. Dennis stated that was the research he had done. Jill Powers stated that she objected and wants that on record.

Item 7: Discuss Special Town Meeting - Chair Merlino stated that they had come to the conclusion as a committee that rather than attempt to have this ordinance review presented at the Annual Town Meeting, that it would be better to have it at a Special Town Meeting because of the high importance of these changes and the impact on the Town for the future. Chair Merlino stated that this Ordinance Amendment warranted its own meeting and at the Annual Town Meeting there are many other things going on and we don't know what they might be and it create an atmosphere that could be the perfect storm and the Ordinance doesn't get the attention it deserves.

Brad motioned and Tyler seconded to suggest to the Board of Selectmen that this proposed amendments to the Site Plan Review Ordinance go to the Greenwood voters at a Special Town Meeting and not the Annual Town Meeting.

Rob asked when the Annual Town Meeting was. Chair Merlino stated that the Annual Town Meeting is May 19th. Rob stated that he didn't think they would be ready for May 19th. Chair Merlino stated that with respect to the PVG he doesn't think we would make the May 19th date as there are several other steps to be completed after the Committee is done with their work. Rob asked if you would get more attendance at the Annual Town Meeting than you would a Special Town Meeting. Chair Merlino answered that it all depends on how passionate the issue is and he reminds everyone that the Land Use issue brought out the biggest turn out ever and will probably result in the same. Brad stated that he knows they have to have a public hearing but he can see another hearing being held at the actual Town Meeting.

Chair Merlino called for the vote on the motion to suggest to the Board of Selectmen that this go to a Special Town Meeting instead of trying to get this to the Annual Town Meeting. Vote: 4-1. Dennis said that was fine and asked when they were going to try to wrap this up. Chair Merlino asked how much longer for the Committee's end of it as they can discuss this further down on the agenda. Chair Merlino told Selectman Jordan that they would be requesting that. Selectman Jordan stated that was fine and he didn't think that would be a problem at all.

Item 8: Review questions from Jill Powers

The Board reviewed the list of questions from Jill Powers.

Page 3

“short duration sounds”

Is there a definition? If so, for example, if short duration is an hour is there a limit to how many hours a day or night these sounds are acceptable? Can they be allowed, then shut off for 10 minutes and then start another “Short duration”.

Dennis stated that there is a definition in the Site Plan Review Ordinance for “short duration” on Page 44:

Short Duration Repetitive Sounds: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the facility and are foreseeable.

Page 6

Section 3

“sound levels from the facility will not unreasonably disturb wildlife or adversely affect wildlife populations”

How is this determined? What is a reasonable disturbance of wildlife?

Dennis stated that the Planning Board doesn't have the authority or expertise to determine this so they would refer to the State experts from DEP and IF & W. Dennis explained that the applicant would need to submit the wildlife information as part of their overall plan but this would be derived from direction from IF & W, DEP, or a third party specialist review that information. Chair Merlino stated that he thinks there are several State agencies involved in that subject. Jill Powers asked when does that happen. Chair Merlino stated that would happen during the application process and then during the DEP review and part of the Town's application process requires that the applicant submits a copy of the DEP approval.

Page 13

Vii

Sound measurement data report

“A sketch of the site, Not necessarily to scale...”

Isn't it easier to see the affected area if it is to scale?

Suggest omitting “not necessarily to scale”

Chair Merlino explained that not everything submitted to the Planning Board is to scale but with respect of the subject of it being to scale and would expect any Commercial Application it would need to be to scale. Chair Merlino stated it is a moot point. Dennis stated that the current Site Plan Ordinance states the following:

A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for the project, and showing the following:

Dennis stated that the current ordinance is adequate. Jill asked why they can't just remove that section then. Tyler said this is in the wind regulations in the current ordinance – page 33

e. Reporting Sound Measurement Data. The sound measurement data report should include the following:

vii: A sketch of the site, not necessarily to scale, orienting the facility, the measurement locations, topographic features and relevant distances, and containing sufficient information for another investigator to repeat the measurements under similar conditions.

Tyler stated that he thinks that the wording is fine the way that it is as it does ask for measurements even though it is not to scale it has all of the major requirements. Dennis explained that the with the Site Plan Review process if there is any section that is more stringent that section would supersede any other section. Dennis explained that a Commercial Wind Project would have to come in with a full survey with the tower locations sited, home locations sited so all of those distances would be noted and be part of the application if there ever is an application. John explained if he is reviewing an application for a Town you would need to have it to scale. Dennis stated that he could not find it in the latest revisions. Tyler explained that it isn't in any revision as they hadn't previously discussed it as an issue. Chair Merlino stated that they would work to make sure that it isn't in there.

Page 16

3 A

72 hours to respond is 3 days.

Please add “ days not to exclude weekend, holidays “ Assuming it is clear is not acceptable, this should be added to all timeframes in regard to response. 3 days I feel is also excessive. I am requesting a motion to change to 24-48 hour turnaround. To listen to unacceptable noise levels for 3 days would put the town in a vulnerable position for health lawsuits.

Chair Merlino stated that they had discussed this and 3 days meant 3 days. Dennis agreed and stated that it has to be acknowledged within 72 hours and it was the cleanest and easiest way to do that. Jill explained that people interpret this differently. Dennis stated that he believe the Committee all agreed that 72 hours was 72 hours. Chair Merlino stated that they are going to require that sensors be installed if there is an issue with an abutting property owner so there will be automatic control over noise. Jill stated that this was after the fact. Chair Merlino stated if you are an abutting home owner you can just ask for it. Pat Dalzell asked if the ordinance could just make that automatic. Chair Merlino stated that it will be in the ordinance. Pat Dalzell stated that it shouldn't be that they have to ask for a sensor – that the sensor's should be automatically installed at all abutting properties and the Commercial Wind companies have the money and can afford these. Pat Dalzell explained that way if someone has an issue with the noise the sensor would pick that up immediately and the property owner wouldn't have to wait for the company to come and install sensors after the fact. John stated that he knows at the last meeting there was a discussion on the permanent sensor meters but he doesn't know much about them. John said they could add that but he doesn't know how reliable are they? Or if it picks up a chirp of a bird and where should they be placed and do you also place the on non-participating properties or only ones in certain distances and these are all things that would need to be identified in order to write this up. John explained that these are all great ideas but you need to think about how you are going to write it. Chair Merlino stated that he has had previous discussions with Wind Committees with concerns with abutting Towns having sensors. John explained the envision back then was to have all the surrounding Towns have the same Commercial Wind Ordinance but that never worked out. Chair Merlino asked if our ordinance could have a statement that if an abutter has an issue they can request from the developer to have a sensor installed at the developers cost.

Item 9: Are we finished? – Chair Merlino asked if they were finished. Jill stated no. Tyler stated that they need to work on PVG and will wait for a ruling from the Attorney on PVG. Chair Merlino asked if anyone had any information of PVG – please bring it to the next meeting.

John stated that they had Ed's question he needed to answer. John stated at the last meeting it was mentioned to use the Sumner Ordinance for a mitigation waiver system when an easement is filed. Dennis stated that he thought they could only require this from participating land owners not non-participating land owners. Chair Merlino asked if Kim could ask the Attorney about that. Kim said she would. John stated if an easement or waiver is done with a participating property owner then it would need to be recorded at the Registry of Deeds on the property owner's deed within 30 days. Ed explained this would then give the Town an idea of what is happening and any future land owners.

Jill asked about scenic views. Chair Merlino said that the Ordinance will be written and the Comprehensive Plan will be updated to include scenic views so this will all happen. Dennis stated that it isn't going to be an easy process – that it is going to be more than just adding a few scenic views to the Plan and that the State would have a large list of items for a Committee to work on. Jill said that is what needs to happen.

Betsey Foster stated that there is a bill in the legislature that will increase the measurement to be from 8 miles from the Commercial Wind Development. Ed Rosenberg stated those would be things that have State and Federal significance. Betsey agreed but felt it was important for us all to be aware of this possible change.

John stated that he heard another comment at their last meeting that related to scenic view assessments and perhaps the Town should hire someone to do the initial assessment. John explained that the applicant does that as part of their application and if the Town decides they need a peer review you would hire the review to be paid for by the developer. Chair Merlino stated that they had discussed this several times as this can be very subjective.

Item 9a: Comments from the Citizens/Public

Pat Dalzell has a question from Dennis regarding the property sale on Shagg Pond. Pat explained that she got information from a real estate agent, the Town assessor, and from O'Donnell's and what Dennis is saying is not what they are saying. Pat stated that she saw that there were two properties that were sold since the turbines were installed and sold for 40 to 50 % less than their property value. Dennis asked if they were on Shagg Pond. Pat answered yes. Dennis explained that he is going by a printout that he got from Vern, the Woodstock Town Manager. Pat stated that she had the same printout. Dennis stated that the maps around Shagg and Concord Pond are very convoluted and he was going by Map U19. Pat agreed she had looked at all of the maps. Dennis stated that was the only property he could find that was waterfront that showed what the Town assessment was and what the eventual sales price was. Pat asked if he knew what date that was done. Dennis answered May of 2015 was when this sale was executed and this listing was up to date as of three weeks ago. Pat stated her list was up to date also and there were definitely two properties and actually we both discussed this at your impromptu meeting and you said it sold for less because of milfoil. Dennis stated that what he said was that in Shagg Pond there is a significant amount of milfoil and been there for years. Dennis explained there were more sales on Concord Pond. Pat stated that she noticed that 10 out of 12 sold for less. Dennis stated that Concord Pond is a lot different than Shagg Pond. Dennis stated that he has spoken to several local real estate agents and the majority of Concord Pond is off of the grid - so there is no power, no sewer, most have outhouses. Pat agreed and said they are assessed appropriately. Dennis stated that he didn't see any that were sold for less than 50%. Pat said that is correct that they weren't at 50% but still sold for less than the assessed value. Dennis explained that he was just trying to go by what might be a comparable property and that is the only piece of property he could find since 2015. Mr. Dalzell also stated that the other thing to consider is all of the property that has been on the market and has not been sold due to the wind towers.

Ruth Bastien explained that she spoke to a real estate agent who has been trying to sell a property on Canton Mountain and has lost four sales due to the new turbines. Ruth stated that she was going over to Canton to do some more investigating.

Jill Powers explained that she has a real estate background and understands that the property value is based on both the appraisal properties and the assessed value. Jill stated that if the Towers come in she wants out of owning her 90 acres and she has lost all of the value and what happens when she can't sell her property – then the Town of Greenwood isn't going to get their tax money. Jill stated we are signing ourselves up for big falls as it is all in the numbers and we are selling ourselves out. Chair Merlino stated that maybe the PVG would help settle this out. Jill stated that you would have to say something like in 2017 the property was worth this and after turbines being installed it is worth this. Jill stated that the Committee has completed a lot of work but there are still so many loose ends that the Committee is not done. Jill explained that she wants to be done and the Committee has worked really hard but are not done. Jill stated that the Committee has done their research and has had great resources coming to the meetings to speak but their work is not done and they just need to finish and pay attention to the details. Jill said that the Committee has

come this far that they just can't rush the work as there is a lot of really important stuff that is going on here with people's property values, eagles, bats and don't sell yourself short. Chair Merlino explained that there are a lot of moving parts to this thing. Jill stated that she understands that and when you ask the question are we done I answer you are totally not done. Jill stated that when the document comes back from the lawyer, the Committee will need to review it again to make sure they got it right. Jill stated that she appreciated their efforts and know that they have worked hard and she wants this right so she will be able to support the Committee and their work.

Mr. Gill Bastien explained that last month they spoke to a gentleman who was a former Selectmen and is a real estate agent in another Town and he said emphatically that property values do go down when they are around turbines.

Jake Zagata – to John and the Committee it is great that you are researching the value question. Jake explained that you would have the assessment value and then the appraised value to work with. Jake explained that this could be very simple. Jake stated that we are the experiment and if you go to Albany or Bethel and you look up and see Mt. Abrams you will be able to see the wind turbines. Jake stated so whether it is a resident who is permanent, a visitor, a person who has a summer property, whatever the bottom line is that this gets voted in and that is the way this is going to be. Jake stated what is that value and the bottom line to him it should be the market value at the end as the assessed value might have been done before any improvements had been made and maybe that is why the value doubled in price on Dennis's list – we don't know what other variable were at play as it is not an accurate picture. Jake stated if someone has a property no matter who they are – they want to get their best market value – whether it is Calpine or the next corporation and what will be honored. Jake stated the bottom line is when it comes to value are the residents going to stand up to Calpine with their deep pockets – no we are the experiment.

Item 10: Set next meeting date – April 5, 2018, 5:30pm at the Greenwood Town Office

Mr. Dalzell asked why they skipped to three weeks and not in two weeks. Chair Merlino explained that it is the first and third Thursday of each month. Brad stated that the Selectmen will be voting to extend the moratorium on March 20th.

Item 11: Adjourn – Brad motioned and Tyler seconded to adjourn the meeting at 7:00pm.

Vote: 5-0. Meeting adjourned.