

**Town of Greenwood  
Ordinance Review Committee Meeting Minutes  
April 5, 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  
Becky Secrest, Vice Chair  
Brad Payne, Secretary  
Tyler Bennett  
Dennis Doyon  
Jessie Frederickson  
Jim St. Germain  
Rob Lally

Kim Sparks, Recording Secretary  
John Maloney, AVCOG

**Item 2: Comments from the Citizens/Public**

Stephen Cole – Greenwood Road Resident: Stephen asked everyone to review the pictures that were posted up on the chalkboard. Stephen explained that there are several bald eagles in the area and he has a picture of a pair of them in his yard and that there had been some discrepancy that there were bald eagles in the area. He also explained that the other pictures depict what his view will be ruined to and that this is what his view will be out his kitchen window. Stephen stated that one of the pictures is the view he has when pulling up his driveway and he will have zero escape from these proposed towers and that is what he will be coming home to 24/7 and he doesn't like it. Stephen stated he didn't understand why we were having this problem and this is just going to depress this Town. Stephen stated his concern if the Towers go in then everyone is going to sell or rent and then what will become of our Community when we fill it with all of these different people. Stephen explained that he fears this area will start looking like Rumford or Berlin and that people aren't going to stay if this happens.

Bob Marrano – Summer resident: Mr. Marrano stated that he totally agreed with Mr. Cole's statement. Bob stated that he wanted to continue the discussion on having a PVG (property value guarantee) added to the ordinance. Bob stated that he had read the email from the Town's Counsel and he did not seem to be receptive in his statement. Bob stated that the statement says basically that if the will of the townspeople allow the development all must accept the impact on surrounding properties and that is how it is in most communities but the difference is that Greenwood is different than most communities. Bob explained that Greenwood is different in that 700 out of 900 homes are property owners that have not voting rights because they are non-residents and they are the ones who are going to be directly impacted by this project. Bob explained if those 700 non-residents could vote this would not be an issue as the 700 would vote the towers down. Bob

explained that they are subject to the will of the voting residents and makes this a totally different situation and feels that the Town Attorney didn't consider that when responding to the email. Bob explained without a PVG the residents only recourse would be to file suit against the developer of the wind farm which will be a long, expensive process and ultimately homeowners will just walk away as they won't have enough money to pursue it. Bob stated that the PVG creates a fair alternative option and only applies in fact the property values do decline and if they don't decline the clause is in there and would be a moot point. Bob stated it is definitely a difficult issue and he has thought about the pros and cons of this for over a year. Bob suggested if the Committee does decide to have a PVG in the Ordinance to consider the Town of Montville's Ordinance. Bob stated that he felt the Montville Ordinance is written much better than the previously proposed legislation that he submitted at the last meeting. Bob stated that if the Committee decides to move this forward he hopes they consider the Montville PVG and he hopes they do move forward to include a PVG. Bob thanked the Committee.

Jake Zagata – property owner: Jake stated there were several good points made, and the other thing to think about is what is meaningful to the Town. Jake explained that what is meaningful to the Town does really impact the Town such as financial gain is a big comment meaning there will be less taxes and the Town can do this and do that. Jake questioned if that was in fact a reality or not a reality. Jake stated that he thinks that the consensus would be when you really study it, it may not be a reality because of the diminishment in recreation, jobs for people, remodeling homes and all of those things that this area presently provides.

### **Item 3: Comments from Committee**

Becky stated that she understands that this is a very crucial thing to those in this community, however if we try to put wording in the ordinance they could create something that could be very muddy and people might not understand it and not vote for this. Becky stated to keep it simple she would like to propose that property values be part of the permitting process. Becky explained that if a developer for Commercial Wind was to submit an application to the Planning Board, the developer would be required to submit property value listing of abutters or property owners within a specified distance as part of their application.

Jessie stated so this would be like a real estate assessment before the project went in and they would supply a map showing all of the properties within a certain distance of the project, and part of the permitting process would contain the language that those affected properties and would have to agree to submitted a compensation plan as part of the permitting process. Jessie asked if they could do that. John Maloney stated that as he has said in the past they can do anything but he doesn't know enough about this and has read what the Town Attorney has given them. John explained that this is not like the scientific stuff and what the Attorney basically said is that you don't require this on other projects and there are so many variables that can impact property values like someone who has noisy motorcycles next door or if there are windmills next door. John stated that they would have to put a lot of thought into how you do that and what the results would be. Becky stated what they are talking about now has nothing to do with some ones peterbilt truck a motorcycle or anything else as they are talking about something very

specific to commercial wind farms then they have to look at the property values within a certain distance of the towers.

Jessie asked who would be in charge of the permitting standards. Chair Merlino answered that it is in their ordinance. Chair Merlino stated that they could ask for a baseline of what the property values are of properties within a certain distance of the Commercial Wind Facility and this could be between the land owners and the business owner. Chair Merlino explained that there are many things to consider when working on a PVG - determine current market conditions, consider improvements and market baselines, the sale of the property and all of these factors come into the equation and it all has to be agreed upon between the land owner and the Commercial Wind Facility. Chair Merlino stated that not only would it be confusing to the voters, but also the Planning Board, and the land owners. Chair Merlino stated they could push the decision off to the land owner and Commercial Wind and have it not be up to the Town.

**Item 4: Review Minutes of March 15, 2018 – Dennis motioned and Brad seconded to approve the minutes as presented. Vote 8-0. Motion passes and minutes approved as presented.**

**Item 5: Finalize work by John Maloney to date**

**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

***April 5, 2018 Draft***

Prepared By

Town of Greenwood, Maine Ordinance Committee

***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.

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

**Amend Section 1-401.3.D.1, Additional Information for Commercial Wind Energy Facilities, 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 CWF, or and historic sites within one (1) mile 1,000 feet of any disturbed area the proposed development facility site associated with the CWF.

**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 CWF 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, 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 CWF 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.**

**19. Legal description of proposed deed language for each participating landowner's parcel(s) that specifies which restrictions, setbacks, sound, and/or shadow flicker, are to be waived the landowner.**

**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 11:00 p.m. and 7:00 a.m.~~

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.**)
  - (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
1 hour or less	105 dBA

2. Submissions

a. Technical Information

- v. A description of ~~proposed major sound control measures and location of continuous noise monitoring systems that shall include the latest technology on sensors including their locations~~ and expected performance.
- vi. A comparison of the expected sound levels from the proposed facility with the sound level limits of this ~~regulation section.~~

#### 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 **or participating landowner**.

- (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.**

## **5. Infrasonnd**

### **a. Infrasonnd Level Limits**

**No wind turbine(s) shall produce an infrasonnd pressure level, which is 6 dB higher than the background infrasonnd pressure level at the primary blade pass frequency and blade-pass frequency harmonics. All measurements are taken on any protected adjacent residentially used property. 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.**



**c. 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.**

**d. 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.**
- 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 CWEF.~~

~~2. The Applicant or its designee shall provide the Code Enforcement Officer with a written notice that a complaint has been received within 10 days of its receipt.~~

~~3. Then within 20 days of the date that the applicant or its designee received the complaint the applicant or its designee shall provide the Code Enforcement Officer with written notice of how the complaint was responded to.~~

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](http://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 ~~4-5~~ 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**

**Radar-activated obstruction lighting systems shall be used on all towers and 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.~~**

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

**U. Prior to the granting of any final approval the applicant shall provide mitigation waivers that shall specify which provisions(s) of setback, sound, and/or shadow flicker are waived by participating property owners that shall provide a legal description of the property subject to the waiver(s) and shall be recorded in the Oxford County Registry of Deeds. Any subsequent deeds shall advise all later owners that the property is so burdened.**

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.**

**Mitigation Waiver: A legally enforceable, written agreement between the applicant and a participating landowner in the Town of Greenwood for which the landowner waives certain protections afforded by this Ordinance. Mitigation waivers may be granted only for setbacks, sound, and/or shadow flicker.**

**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).**

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

04.05.28-JAM

The Committee reviewed all of the areas highlighted in yellow that John Maloney had completed.

Becky motioned and Dennis seconded to approve all of the changes submitted in yellow. Vote 8-0. Motion passes and changes were accepted.

Becky asked if they could visit Item 7 on the agenda as it had to do with John's work.

Chair Merlino asked the Committee to work on Item 7. **Re-visit decommissioning – to be reviewed every two years.**

Becky explained that they had originally voted to have estimates for the decommissioning done every five years and should would like to change that back to every two years. Chair Merlino asked if she would like to make that a motion.

Becky motioned and Brad seconded to change the decommissioning estimates to be done every two years instead of every five year. Vote 9-0. Motion passes.

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

#### **Item 6: Discuss Property Value Guarantee and review response from Town Attorney**

Chair Merlino asked if everyone had reviewed the response from the Town Attorney. Becky stated that in reading what the Attorney said in that trying to put this into the ordinance might cause a sticky wicket and she would like to take the property value guarantee and somehow put it into the permitting process. Becky stated if someone comes in and wants to install a commercial wind facility they would have to submit a property value guarantee plan with their application to the Planning Board. Becky stated that the plan should include what all the current property values are within a certain distance of the wind facility and thinks it best that they don't put anything into the ordinance that will make it confusing and we could end up shooting ourselves in the foot. Tyler stated that if we are to consider a property value guarantee of any kind, we need to establish a perimeter affected area, market value vs. property tax value, and if there is an agreement between the company and the landowner – like is there an option for a buyout. Tyler stated that he felt that having this in the ordinance could take care of one issue but could potentially open up a dozen other issues legally and he doesn't know where all of that would fall. Chair Merlino stated that is why he was looking at it from a different perspective and to leave it between the company and the landowner and let that play out. Chair Merlino stated that it is a property specific situation that should be handled in that manner and the Ordinance shouldn't be involved with it. Chair Merlino stated that the Ordinance can say what the property value is for now and could require it as it is part of the permit application just like the sound is part of the permit application. Chair Merlino explained a scenario of the property owner wanting to sell and then there is a dispute – this would be an individual pitted against the company but the Town would not be involved with it. Jim asked if that would put the single landowner at a distinct disadvantage. Chair Merlino stated that they could write into it that any legal fees would be borne by the Wind Company and these are the kinds of things we need to discuss. Jim stated it seems like we are just shedding our responsibility to set up a bunch of rules that everyone has to go by that everyone will be bound by instead of saying you are on your own and good luck. Chair Merlino stated that they could word it so that legal fees would be covered by the company and some of the property owners might not be able to afford an attorney and there could be an escrow account set up for legal issue. Chair Merlino stated that we have heard from some in the industry that there are no property value problems and if there aren't



any problems there shouldn't be an issue. Chair Merlino stated that this is a protection for the property owner – perceived or otherwise and it takes the Town out of having to deal with the legal stuff. Jessie asked if there is a way to take Becky's suggestion and fold it into the permitting process and having the Planning Board be responsible for asking for it rather than writing it into the ordinance and is that possible. Becky asked why Dennis was shaking his head. Dennis explained that they would have to apply it to everything and doesn't believe that he can apply just that standard to wind and if you put it in the Site Plan Ordinance than any application in the Site Plan would be required to do that. Chair Merlino stated that they could make it only a requirement for commercial wind towers. Tyler explained that if they decide to add any wording on PVG that it would need to be in the Commercial Wind section of the Site Plan Review Ordinance. John Maloney explained that you can get pulled into court on anything that is in your ordinance and you really need to listen to your Attorney listening to what he says about discrimination if you are singling out a certain type of business, he thinks it will be difficult for everyone to agree on it, and then think about someone who's property is already under assessed and then the Town will need to do a re-assessment to get an updated value and the property owner doesn't want it re-assessed as their property taxes will then increase – so someone's property is assessed at \$ 100,000 and the re-assessment comes in at \$ 350,000 does the Town update his assessment which in turn increases his taxes. John also asked if this PVG plan was such a great idea, why haven't other communities that have wind facilities - why are they not taking the wind companies to court due to the loss of property value. John explained there are a lot of issues to consider and how long would it take to assess all of these properties in the defined areas. Rob stated that he has to echo those sentiments and first of all you need to read what the lawyer said and that he does a lot of real estate development and to single out a certain use makes no sense and if we were to go out and capture these assessments in this example it is to the property owners advantage to have their property be assessed really high so they get a break on having this type of agreement and will people not mind paying higher taxes with having a higher assessment. Becky stated that she wondered if you take the Town assessment on the properties within a certain distance of the wind farm and that there is a place that we really have to look at this and if a company comes here to start up a business in our community and if property values go down what are you the company going to do about that. Rob stated that this is not simple and it is very difficult. Rob stated if nothing happens we will have to assess everyone's property every year as there are annual swings of the market. Rob asked if the property could only be sold after there was an assessment. Rob stated that he doesn't think this is a place for this in the ordinance as he agrees with the Attorney and with most of what is being said here. Rob stated that when he looks at what Steve in looking at out his kitchen window, Steve (Cole) will have a greater impact than most and that is why the Town needs to work out with the company a Community Benefit Agreement and those benefits need to directly correlate to those with the largest impact. Jessie stated that we will have people who can't sell their properties due to their proximity or view of the wind mills it is going to ruin people's lives, ruin their investments, ruining their retirement. Jessie stated that we are setting up a situation that you have a corporate company that then we are going to trust them that they are going to relate to these landowners and pay them fairly. Jessie stated that there could be desperate landowners who just can't stand to be near the towers and take whatever they can get for their property as they just need to move away from them or you have people who have to cancel their homes and have nothing to live off of for the last 20 years of their life. Jessie asked why this couldn't be part of the permitting process.

Chair Merlino suggested that they limit it to anyone who wants to participate – so if you live within a set distance of the wind facility you have an option to buy into the plan and say you want to participate and have your property appraised and some people expect to not have any problems as they don't plan on moving in the future. Chair Merlino stated with that idea all we need to do is recommend that we put in a requirement that that happens and the commercial wind facility operator who is applying says we are developing a plan with the Town and this is the PVG plan and that is where we stop, the plan takes over and does its thing and any legal issues are between the property owner and the company and have funding set up to handle the legal aspects of it. Chair Merlino stated that the Planning Board ultimately gets involved but it is part of the permitting process and this would be part of their checklist – is there a plan on PVG included in the application. Dennis stated if they don't have any parameters, there is nothing that the Planning Board can go by and is too broad. Chair Merlino stated it is meant to be broad as it has to be agreed on by the company and the property owner. Rob asked what happens if they don't agree on it. Chair Merlino stated that happens now when there is a sale. Rob asked isn't that what we are talking about. Chair Merlino answered they are just trying to get them to agree on a baseline for value. Rob stated that lets say Larry wants to sell his property and that this installation of wind towers in your neighborhood has devalued your property but when you think it is worth more and the wind company thinks it is worth less – how do they figure that out. Chair Merlino stated that there are so many variables around this and that they can't write the future. Chair Merlino stated that all the Committee is trying to do is put in some type of protection for landowners for where it might be necessary. John stated he had a couple of questions for the Committee to think about – is that request from the property owner a onetime thing – during the application process, or during certain phases of the project. John stated that he would not accept the offer to write this as he thinks this is something that legal counsel does for us as he sees it as a real mess and if there is anything in that says it is required by the Town – even if it is just for the application process, the Town will be pulled into court. John stated he would check to see if there is any successful case law in the State of Maine with property owners challenging the devaluation of their property. Chair Merlino stated that they have to give this to the Selectmen who in turn then give it to the Attorney who can review these issues we are having. John stated that is why it would be good to resolve this issue now. Becky agreed and stated her concerns that an ordinance would even pass if these complicated issues were included in the ordinance. John stated that they have asked if they adopt this ordinance is it acceptable that you have a 25 dba sound level limit for non-participatory property boundaries, they have this certain amount of infrasound that they have to meet at this boundary, and I won't have this impact at the property boundary and the applicant will go out and pay participating landowners and we do not have the technical information to determine a property value or a health issue for these areas as we can't put our hands around it. John suggested that they focus on the properties where you can't go out with an instrument to document an issue but you know there is an impact to the property. Becky stated that she thinks they have taken a step in that direction already by setting the height limit and setbacks – that these will protect many properties from being impacted. Becky stated the reason why the Committee chose those limits and setbacks was to reduce impacts to our residents and she doesn't feel that a PVG or something set up for health issues is required to be in the ordinance. Jessie explained that the Committee looked at the health impacts, consulted with engineers who gave them parameters that they thought would be healthy and the Committee honored that and if that is what the Ordinance has then hopefully these other

things will not be on the table. John stated that in today's world if someone wanted to do a commercial wind facility in Greenwood and you have adopted these new regulations into our current ordinance - the first thing they are going to do is take you to court on a tower height limit of 250 feet and the Court will have to determine if that will stand up or not. John explained that is why you need to have good justification but this could be found to be discrimination against good interstate commerce provision which is protected by the US Constitution. Becky stated that is really too bad as we do not want them here and we are making our ordinance the way that it is. John stated he was just giving an example and he thinks a court challenge would be about tower height before a court challenge on property value. Chair Merlino asked if the consensus of the Committee is to not write anything into the ordinance in regards to property value. Resident, Jill Powers stated that she objected to them voting on this without hearing from the public. Chair Merlino answered that there is a public comment section at the end of the meeting. John stated that they could say that as part of the submission requirements, the applicant needs to supply a list of all property owners within a said distance and note what their current assessment is so then you have that information but he isn't sure what you will do with it after. Jessie asked if anyone knew if Montville had a proposal from a wind company when their ordinance was written or have they had any lawsuits from anyone. John stated his understanding is that Montville was the most stringent ordinance in the State. Dennis asked if there was even a spot to put wind towers in Montville and they won't ever be challenged if there is no location for towers. Becky stated that if they set the height at 250' and then there would be no spot for wind towers in Greenwood. Becky suggested that it not be a requirement under the ordinance but is part of the submission check list. John stated that under submission requirements you could add what the property value is for properties within a set distance of the tower project. Rob asked what does that get us as we already have that now in our Town records. Becky stated that means they have to jump through one more hoop. Rob stated that it isn't a big hoop and it doesn't really do anything for us unless you are going to do something with it. Becky stated to her it would mean that company has to acknowledge the value of people's property before they go in and then know the value after they are in. Brad stated he had a question for John about his 250' comment and that our Town has a right to say if they do or don't want the wind industry in our Town. John answered that it has been his understanding and our Town Attorney indicated that Towns do not have the authority to outright ban wind power and that is why we are doing this. Becky stated that is not what the DEP said and we could ban it out right if we wanted to. John said yes, you can ban anything but whether or not it will stand up in court is another thing. Brad stated what they are doing when they say a height of 250' and a setback of 1 mile per every one hundred feet of tower height and the way that he looks at this is they are giving the townspeople an option because it is saying to them if they don't want the wind industry in Town then they vote for these amendments and if you want them here defeat the ordinance. Brad stated that he feels that is only fair that they give them an ordinance that has a 600' limit on the height of the turbine and it has a one mile setback and if they don't like that and they defeat that it goes back to the old ordinance and they have lost their choice anyway. Brad explained that he doesn't feel they have any choice if they want to give the townspeople a say that we have to be restrictive. Brad stated that he had a few questions about what was said previously about assessment values and if you had a property owner who felt their property was valued at more it will be out of their hands as it will need to be reviewed by three assessors and that both the property owner and the developer have to agree with what the assessment said so that

should remove the item that folks will say their property is worth more. Brad stated that he read the Montville ordinance several times and it looks as if they had a lot of legal advice or expertise to write their ordinance. Brad stated that if we tell the property owner to go work out a deal with the developer, the property owner is going to lose and if we are going to do this and we are sincere about protecting the property owners then we can't give it back to the property and say go fight for yourself. Brad stated that he had read what the Town Attorney had to say, basically that we don't put this type of restriction as far as property values on any other business and I would say to him, "You show us another type of business that has challenged our Community the way these turbines are." Brad stated that he thinks the PVG is wishful thinking because once again that element comes in that we are complicating this to the point that folks are going to say they don't want any part of that. Brad stated a second way to view that is if I am a property owner and I know that I can't lose any value from my property maybe I am going to support it and defeat the ordinance as they don't care if the turbines come in as they can't lose. Brad stated his concerns that these additions make the ordinance very complicated and he doesn't think they need to do that or should do that.

Jessie stated that she doesn't think anyone is going to be making serious improvements to their property if the turbines were installed right next to their house. Jessie stated that there has been a property for sale on the top of Spruce Mountain in Woodstock and it is owner financed. Jessie stated that she contacted the sellers a few years ago to see about purchasing the property and they wouldn't sell it to her and it confused her as to why they wouldn't sell it to her. Jessie explained that in time she found out that there were going to be turbines installed right next to that property and then she said she understood why they couldn't sell it to her in good faith. Jessie stated that the property has been for sale for 10 years and it still hasn't sold.

John stated that he goes to sell his property and the value has gone down due to the wind towers so can I submit a public complaint thru your complaint system. Chair Merlino answered yes, anyone can use the complaint system at any time. John stated so there is a system that the property owner can meet with the developer to work on this complaint. Chair Merlino stated that they also always have the court system available. Becky stated that you need to have someone quantify what the value was when you wanted to sell it. John stated he thinks that is what eminent domain came about. Chair Merlino asked John if his suggestion was that they not get involved with this. Rob stated that he agrees with what the Attorney said and with the comments that Brad made. Rob suggested that maybe they let the Selectmen work on this and they can tie it to the Host Agreement somehow. Rob explained that the Host Agreement could be used to dedicate improvements to the areas that are impacted the most by the turbines and maybe there is something for the lakes or the view shed areas. Becky asked even if they are going to lose value where they live. Rob stated it goes to the question what is valuable. Rob stated wouldn't you want more resources put back into these areas to help improve the values. Becky answered quality of life, health....all those things. Tyler stated that Steve Cole couldn't do anything to improve his situation. Rob said it isn't easy or have a formula for it but there will be some areas more impacted than others. Chair Merlino stated that they have had an experience previously with the Land Use Ordinance – and voters defeated it saying it was just too complicated. Becky stated that it is the job of the Committee to educate the public as there will be a public hearing, letters to the editor and make it clear to

everyone what we are trying to do to protect you, your property values and your health and welfare. Becky stated that is their job and this is why we were selected to this committee and if we don't do that then we haven't done our job.

Jessie asked how many people attended the meeting when they decided to form an ordinance. Kim said there were close to 180 at that hearing and 60 plus for the moratorium. Rob asked if anyone had any language that they think should go into the ordinance. Chair Merlino stated that he doubts anyone could write something as it should be written by an Attorney and asked the Committee if anyone had anything written. Becky stated that she thinks they need to put something in there that explains that they understand that this is complicated and should be part of the permitting process and to make sure there is an established value of those properties that might be impacted by wind. Brad stated that he had heard a lot tonight and asked if he could think it over for a couple of weeks.

Tyler motioned and Becky seconded to table the PVG discussion until the next meeting. Vote 8-0. Motion passes. Item will be added to the next meeting agenda.

**Item 7: Re-visit decommissioning – to be reviewed every two years – completed (see page 16)**

**Item 8: Review Subcommittee report**

Tyler gave everyone a copy of the report. He explained that they had tried to keep it simple and right to the point. Tyler explained that there is a small introduction, a section on decommissioning, complaint procedures, and control of noise, setback standards, and turbine height. Tyler asked if everyone could read these over and email him any changes or updates they would like to see. Tyler asked Chair Merlino if this could be added to their next meeting agenda. Chair Merlino agreed it would give everyone time to review what was submitted.

Becky motioned and Brad seconded to table discussion on the Subcommittee report until the next meeting. Vote 8-0. Motion passes.

**Item 9: Comments from the Citizens/Public**

Jill Powers, resident – Jill explained that she was in relocation for over 10 – 15 years and explained that they had companies in Chicago that had to sell a property in Tennessee and they had no idea what the property was worth so they would get three appraisals and settle on the middle price and that was the end of the story. Jill explained that an appraisal would be done before the turbines are installed and then another appraisal when they want to sell the property. Jill questioned why we haven't had a real estate expert come talk with the Committee and talk to us about assessed values and international values. Jill stated that Larry's idea to set up an escrow account for legal fees for those who can't afford them is a brilliant idea. Jill stated this is a huge company and you have to have a fund available to those who need it. Jill stated that adding this to the permitting process is too late and you have to do it as it is part of your job. Jill said she agreed the law is complicated and they don't want to muddy this up but this is the job of the Committee. Jill stated that she had a question on page 2 of what John submitted. Jill asked if her neighbor agrees to waive the setback-how would it affect her. John explained that when someone does a waiver they then become a

participating landowner and would have to accept the impact of anything that they may waive. Jill asked if she lives next to you and you waive shadow flicker it would just be her bad? John explained that the standards would still have to be maintained on your property if you didn't sign a waiver. Jill said they are a wind ordinance committee and it is their obligation to get this done. Brad stated that he would like to respond to something Jill had said earlier. Brad stated that she had said it was their job...and he kindly asked her to remember that they are not lawyers and that it also not their job to do something that could jeopardize this whole thing by getting sued and going to court and lose it and so far everything they have done they have had professional advice on. Jill asked so where is the real estate professionals. Brad stated that a real estate professional is something completely different than them writing something that a lawyer should be doing. Brad stated that he didn't want to be part of it as he isn't qualified.

Arnie Jordan, Selectmen for the Town of Greenwood – Arnie stated that at one of the meetings with Calpine, Alec Jarvis stated that Maine is a home rule State and if we didn't want them here they would go away. Arnie stated that he knows it is not as simple as that and on the Ridgeline Development that was voted down – it was voted down because it was so strict and so complicated that people didn't want any part of it. Arnie stated that in regards to the Property Tax issue to not make it so complicated that it muddies the water or they will defeat it all. Chair Merlino stated if the company is affected by one thing they will go the courts and will tank the ordinance. Arnie stated that you have set these limits to protect our residents so let us approve this ordinance and protect our Town.

Betsey Foster, resident – Betsey stated that this was a wonderful discussion and Brad said a few things that changed her mind on a few things. Betsey thought it was excellent that they continue this discussion. Betsey asked if someone could find out what happened with Montville. Betsey explained that Attorney Katsiaficas doesn't know about Greenwood and that 72% of our taxes come from non-residents. Betsey stated that Becky, Jessie and Jim St. Germain have been saying is they want to protect our residents and don't want to see any financial burdens placed on our residents who find themselves having to fight a large corporation.

Ken Cole, resident – Ken explained that he previously worked at the Roxbury wind farm and witnessed all of the destruction with them blasting craters into the earth that were then filled with concrete and rebar and then to see all of the shale, the pollution, the run off and then watching the concrete trucks dump all over the place with no attention to the brooks and stream protections. Ken stated that he can say he has seen the devastation firsthand what happens at these wind farms. Ken stated that there are a lot of local concerns with fire issues. Ken stated that Calpine came and met with the Greenwood Fire Department and specifically said that the Department is to “Stand Down” and to stay out of perimeter and let the Wind Company personnel handle it. Ken stated the wind tower that just burnt up in Aroostook County was in an open field and not on a mountain top surrounded by woods. Ken explained with all of the recent timber harvesting on this property, that there is a lot of slash left in the woods and this would just be adding fuel to any fire. Ken stated this was a serious concern to him. Ken explained that he is also concerned with fuel leakage and it will all run down the Mountain into the streams and then into our Pond. Ken said there are so many in Greenwood that this is so important to and how do us get someone on the Richardson Hollow interested and to care about this and vote on this. Ken explained that one of his neighbors, Kenny Roberts recently had a health issue and was told that these wind towers could impact his health. Ken stated that he also has a health issue that could be impacted by the towers and then how is he going to pay for his bills and to keep working ..then how is he going to be able to pay for an Attorney.

Rosemary McLean – resident asked how many in the room were able to vote. 21 people raised their hands.

Jill Powers – resident stated that she didn't want to take offense with anyone and she thinks everyone is doing a great job and she only wants the best for everyone.

April Frost – resident asked if anyone had research if the Town could just ban these as the DEP had said. Jessie stated that the advice was that we would have less standing in court if we did that when challenged and it would be better to write an ordinance that has a reason behind the requirements and stipulations. Becky stated that the Committee had done research on these things and we can justify why we chose these regulations to be included in the amendments.

John Maloney stated that when the ordinance was written in was written with residents and non-residents in mind as it reads: *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.*

**Item 10: Set next meeting date – April 19, 2018, 5:30pm at the Greenwood Town Office**

**Item 11: Adjourn** – Brad motioned and Tyler seconded to adjourn the meeting at 7:20pm.  
Vote: 8-0. Meeting adjourned.