

From: Mishaan, Jessica
Sent: Thursday, October 01, 2015 8:15 AM
To: brianedubie@gmail.com
Subject: response to public records request

Mr. Dubie,

Please find the email below from Sarah London, Counsel to Governor Peter Shumlin.

Thank you,

Jessica Mishaan | Paralegal
Office of the Governor
109 State Street
Montpelier, VT 05609-0101
802.828.3333

October 1, 2015

Brian Dubie
P.O. Box 1075
St. Albans, VT 05478
Via email to: brianedubie@gmail.com

Re: Your public records act request

Dear Mr. Dubie,

Please find documents attached in response to your public records act request dated September 16, 2015. Please note that non-public contact information has been redacted pursuant to 1 V.S.A. § 317(c)(7) and certain executive privileged communications have been withheld pursuant to 1 V.S.A. § 317(c)(1) and (c)(4). In addition, one record of correspondence by the Department of Public Service to a constituent has been withheld under 1 V.S.A. § 317(c)(27).

If you feel any information has been wrongfully withheld, you may appeal to Darren Springer.

We hope this information is helpful to you.

Sincerely,

Sarah London
Counsel to the Governor

Kunin, Lisa

From: luann therrien <[REDACTED]>
Sent: Tuesday, August 18, 2015 10:45 AM
To: Kunin, Lisa
Subject: Re: Re. Invitation - August 22, 2015

Darn.

Thanks anyway,

Best

Luann

On Tue, Aug 18, 2015 at 10:39 AM, Kunin, Lisa <Lisa.Kunin@vermont.gov> wrote:

Hello Luann,

Sue Allen shared your invitation to the Governor for the Swanton Wind Fair on August 22nd. Unfortunately, the Governor is not available to attend. Thanks for reaching out, and we hope you have a great event.

Regards,

Lisa

Lisa Kunin

Executive Assistant to the Governor

Lisa.Kunin@vermont.gov

[802-828-3333](tel:802-828-3333)

Visit Governor Shumlin's Online Resources:

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: "The Official Website of the Governor of Vermont" <vt-cms-support@egov.com>

Date: 7/22/2015 3:09:40 PM

To: "governorvt@state.vt.us" <governorvt@state.vt.us>

Cc:

Subject: Form submission from: Send a Message to Governor Peter Shumlin

Dear Governor Shumlin,

I would like to call your attention to a horrific wind project that is being proposed just 2,300' from my house and around the same distance to many other homes. The towers proposed for this project are up to 499' tall – the tallest in New England. These towers would be the largest and yet also the closest to homes in Vermont.

Many people in other towns with these wind projects are having many health issues. With these towers closer to people and taller, I can only imagine the health issues that will come from this project.

You may not have heard about this project before now. It is being proposed by Swanton Wind, LLC. How could that be when the developer is getting ready to file his 45 day notice for his CPG for the project? Well, that is because he put up his wind monitoring tower without filing for a CPG for that. He was working with a group who has done this type of work before and obviously knew that they should have applied for a permit. The only reasoning for not applying would be that they didn't want anyone to know what they were doing. Therefore the town and all of the adjoining land owners lost years of notification about this project. A monetary penalty is not enough for this developer. He should be heavily fined, the Met tower should be removed immediately and then he should start with filing for an application to put a Met tower up. Then, the town would be notified along with the adjoining land owners. Also, ANR could be involved in where is the best placement for the Met tower on the ridge. As it is, it is located just in front of a large beaver pond at the top of the ridge.

This ridge is a high habitat area and filled with wetlands and vernal pools. The ridge is not very wide and yet he wants to cram seven industrial wind turbines onto it. He is going to give that wildlife no way to move around. On the other side of this ridge is a beautiful pond (Fairfield Pond) which has many camps and year round homes. What will happen to the run-off if this ridge is destroyed of its natural vegetation?

There is also only one way in and one way out of this project and that is through the private road for our small development. That would be a safety issue both during construction and after.

With all of the issues with wind projects in Vermont being built too close to homes and causing health issues, noise pollution and diminution of property values, I think it is time to take a step back and make sure that any wind

projects are built in appropriate locations. Not in high habitat areas, not in wetlands and most certainly not so close to homes. Wind projects are being given the green light to go in anywhere within Vermont that someone wants to file an application. The towns and the people most affected by these projects are not being given any say and that is simply not right. Just because the wind blows on a ridgeline does not mean that it is the right place to put up industrial wind turbines.

The lights are not going to go out in Vermont if this project does not go up. Therefore there is no need to rush this until proper siting guidelines can be set for the State of Vermont.

I would like to know that the State of Vermont cares about its citizens (all of them and not just the ones with money) and I want to remain living in the Green Mountain State. I have lived in Vermont all of my life and I expected to remain here until the end of my life, but if I find that my state cares so little about the health and well-being of its citizens, I may have to change my plans.

Sincerely,
Christine Lang

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Christine,

Thank you for contacting me regarding a proposed wind project in Swanton.

As you know I believe we can deploy clean renewable energy for communities while also being mindful of thoughtful community input. My understanding is that this proposed project is in its early stages, and that it would still need to move through the Public Service Board process prior to receiving approval for construction. I appreciate the concerns you have raised, and I encourage you to be in touch directly with the Public Service Department, which will be involved in any Board process on this project. I am forwarding your letter to Commissioner Chris Recchia, and will ask him to follow-up with you.

Again, thank you for your email. Please know I will keep your thoughts in mind, and don't hesitate to reach out if I can be of assistance in the future.

Sincerely,

Peter Shumlin
Governor

109 State Street, Pavilion
Montpelier, Vermont 05609
802-828-3333

From: "The Official Website of the Governor of Vermont" <vt-cms-support@egov.com>
Date: 7/30/2015 8:44:25 PM
To: "governorvt@state.vt.us" <governorvt@state.vt.us>
Cc:
Subject: Form submission from: Send a Message to Governor Peter Shumlin

Dear Governor Shumlin:

I am an extremely concerned citizen regarding the wind energy project being proposed in Swanton (Rocky Ridge). I am not saying I'm against wind or solar energy, but my concern lies in that this is being proposed in a recently developed residential area. Wouldn't a project like this be better placed in an area where there are no houses close by and not in a place easily viewed by tourist and our citizens? Wouldn't it be better to have this location be a solar farm? They have to cut the trees down in order to make room for this project so why not a solar farm?

I have done research and see how wind turbines impacts the landowners close to the site. Who is going to compensate the landowners within the close vicinity whose land value will now decrease significantly? There's too much literature out there to suggest that these do not impact neighboring land value. Is someone going to guarantee regular resale value on these houses and if they are unable to obtain this value, are they going to be compensated by this landowner putting up the windmills? Especially since they were not aware of a "large" wind project prior to buying?

Everything I read states these should be placed in a rural area and not around houses. Fairfield Pond is a haven for many and to have this structural view appear at this site just breaks my heart. Why is this being approved in this beautiful location? Let's not irresponsibly place these wind turbines but instead place them at a site location that is a win for the state and its citizens. When I traveled through Kansas in 2013, there were wind turbines upon wind turbines upon wind turbines on wind farms. They were not placed near residential areas.

You are our governor. Please help us and these neighbors that are impacted.

It's just way too close to homeowners. I am so sad and feel for these individuals. It's not right that these young families have to struggle through this just because green power is being prioritized and with no thought to the impact on these residents through irresponsible placement. This view in a residential well traveled area will taint Vermont where it will no longer be considered the beautiful Green Mountain State.

It is imperative that you assist the residential citizens of Vermont and request movement of this project to a non-residential area.

With sincere respect for your assistance,

Jennie Boudreau

Dear Jennie,

Thank you for contacting me regarding a proposed wind project in Swanton.

As you know I believe we can deploy clean renewable energy for communities while also being mindful of thoughtful community input. My understanding is that this proposed project is in its early stages, and that it would still need to move through the Public Service Board process prior to receiving approval for construction. I appreciate the concerns you have raised, and I encourage you to be in touch directly with the Public Service Department, which will be involved in any Board process on this project. I am forwarding your letter to Commissioner Chris Recchia, and will ask him to follow-up with you.

Again, thank you for your email. Please know I will keep your thoughts in mind as we move forward, and don't hesitate to reach out if our office can be of assistance in the future.

Sincerely,

Peter Shumlin
Governor

From: "The Official Website of the Governor of Vermont" <vt-cms-support@egov.com>
Date: 8/7/2015 11:36:38 AM
To: "governorvt@state.vt.us" <governorvt@state.vt.us>
Cc:
Subject: Form submission from: Send a Message to Governor Peter Shumlin

Hello Governor Shumlin.

There is going to be a "Swanton Wind Fair" on Rocky Ridge Road in Swanton off

of Rt 105 on August 22, 2015. This event is going to be 1pm to 4pm with proposed wind energy, wildlife, water, and human health experts on site in regards to consideration for "appropriate" sites for industrial wind turbines. Additionally this is an opportunity for folks in the area to learn what all vermonters, especially in the Town of Swanton should know. For more information, please email our group at swantonridge@gmail.com, phone: 802-528-5242, or visit the www.swantonwindvt.org web site. I'm attempting to include a flyer for this event in hopes that you might be interested in this event or even provide us your thoughts on this very important concern for many in the area. Thank you for your time. Have a wonderful weekend.

Sincerely,
Kevin Nichols

From: "The Official Website of the Governor of Vermont" <vt-cms-support@egov.com>
Date: 8/19/2015 12:27:43 AM
To: "governorvt@state.vt.us" <governorvt@state.vt.us>
Cc:
Subject: Form submission from: Send a Message to Governor Peter Shumlin

Hi Peter,

I really need to speak with you.....I live within a half mile of the Swanton Wind Project. Every one is laying this in your lap. All of our discussions and research with other Wind Project adjacent neighbors in VT, tell us not to let this happen.

I have sent multiple emails to you via Shana Trombley, with no response.

Thank you in advance for getting back to me.....

Patricia Rainville

From: "marybushey [REDACTED]" <marybushey [REDACTED]>
Date: 9/16/2015 1:14:01 PM
To: "Office of the Governor" <governorvt@state.vt.us>
Cc:
Subject: Re: 16,231 Jobs

Funny -- I receive my electricity from Swanton Village, a hydro plant -- clean energy and I've not seen a decrease in my bill.

However, "clean energy" Swanton Wind project planned for a ridgeline nearby threatens to destroy the peace, beautiful surroundings and property value of my cottage at Fairfield Pond. AND, the power will

not be helping out here in Franklin County as the developer has already contacted VEPI, in Manchester, VT, to purchase any power generated by these 500 ft industrial wind turbines (7 of them!). How would you like to view these dirty contributions to "clean energy" from your front window!

My husband and I are both in our seventies and have no interest in living with the "disco" lights -- some red, some white -- which will be sending out beacons from these 500 ft industrial wind turbines, and reflecting across the water because we are the unlucky people whose cottages are on the eastern side of Fairfield Pond.

So we are going to be hit twice: Once from our Swanton home on Route 207 in view of the western slope of Rocky Ridge and ALSO from our cottage on the Eastern side of Fairfield Pond. We can look forward to disturbed sleep from the lights, reflections off the water and sound waves affecting our health because we will be down wind of these disgraceful "clean energy" machines. And the State of Vermont could not care less because there is a clean energy goal for 2050.

Sincerely,
Mary H. Bushey
a sad senior citizen

From: Springer, Darren
Sent: Monday, September 14, 2015 12:48 PM
To: Duggan, Tim
Cc: Recchia, Chris
Subject: Re: Docket No. 8571 - Swanton Wind

Thanks Tim

Sent from my iPhone

On Sep 14, 2015, at 11:47 AM, Duggan, Tim <Tim.Duggan@vermont.gov> wrote:

Please see the attached links for the orders indicated.

Sept 4 Scheduling Order in Docket No. 8561:

<http://psb.vermont.gov/sites/psb/files/orders/2015/2015-09/8561%20PHCmemo%26SchedORD.pdf>

August 7 Order Opening Investigation in Docket No. 8561:

<http://psb.vermont.gov/sites/psb/files/orders/2015/2015-08/8561%20Order%20Opening%20InvestigationAndPHC.pdf>

From: Recchia, Chris
Sent: Monday, September 14, 2015 11:39 AM
To: Duggan, Tim
Cc: Springer, Darren
Subject: Re: Docket No. 8571 - Swanton Wind

Thanks Tim - could you also forward Darren the PSB scheduling order for Swanton met tower issue. Thanks again,

CR

Sent from my iPhone

On Sep 14, 2015, at 10:29 AM, Duggan, Tim <Tim.Duggan@vermont.gov> wrote:

Darren,

Attached is our response to Swanton Wind's proposed Rule 4.100. As an aside, we filed similar motions in response to two other Rule 4.100 contracts on the same day we filed this. Those two contracts pertained to existing hydro facilities owned by North Hartland and Great Bay. The filings are similar, though not identical because of the different issues presented by a proposed facility (Swanton Wind) v existing facilities (the hydros). We have not heard back from the Board or other parties on any of these. Let me know if you need anything further. Thanks,
Tim

<8571 - 2015.09.04 PSD Motion to Dismiss.pdf>

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:43 PM
To: Mishaan, Jessica
Subject: Fwd: Rocky Ridge Wind Project - Swanton/St Albans
Attachments: Letter to Gerald, Travis, and Ashley Belisle.pdf; ATT00001.htm; Swanton Select Board letter to Gov Shumlin re Rocky Ridge Proj 001.jpg; ATT00002.htm

Begin forwarded message:

From: "Trombley, Shana" <Shana.Trombley@vermont.gov>
Date: August 5, 2015 at 8:14:36 AM EDT
To: "Springer, Darren" <Darren.Springer@vermont.gov>
Subject: **Fwd: Rocky Ridge Wind Project - Swanton/St Albans**

FYI - see letter below. Do you want me to forward this to Chris too?

Sent from my iPad

Begin forwarded message:

From: "Patricia P. Rainville" <[REDACTED]>
To: "Trombley, Shana" <Shana.Trombley@vermont.gov>, "Markowitz, Deb" <Deb.Markowitz@vermont.gov>, "AGR - Helpdesk" <AGR.Helpdesk@vermont.gov>
Subject: **Rocky Ridge Wind Project - Swanton/St Albans**

Good morning, Peter, Deb and Chuck,

Please see attached letters.....regarding the Rocky Ridge Wind Project.

One of the most comforting aspects of this process, is the selfless involvement of the folks on Georgia Mountain. Despite the hopeless prospects they face, the connection to others in their State community, is front and center. We are beyond fortunate to live in this state, where we genuinely live, with care for each other.

"Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to *the bigger picture* of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences."

With that in mind, we have 4 major rivers in Vermont. Fully understanding that no solution is perfect, the prospect of hydro power seems the least negative choice, while giving the highest rate of return vs. cost. Also in Georgia, lovely waterfront properties surround Arrow Head Lake.

Each of you, work and live the same selfless involvement. Thank you, in advance for passing this email along to your peers, and, anyone else you see appropriate.

Years ago, someone in my circle, who moved here from a large metropolitan area out of state, said it best...."I love the way we can have personal, genuine contact, with those who are in a position to make significant decisions about our lives."

I fully appreciate your contributions!

xoxoxo patty

July 31, 2015

Dear Gerald, Travis, and Ashley Belisle,

We received your letter dated June 13, 2015 inviting us to tour your proposed industrial wind site on Rocky Ridge. We regrettably were not able to attend your meeting. We acknowledge and support your interest in providing clean and sustainable energy.

In your letter, you asked for our thoughts and inputs. Because we are your neighbors and live very close to the proposed site, we have closely followed your industrial wind project. We attended the Fairfield Select Board meeting on July 27 where the project was presented to the Fairfield Select Board and to the approximately thirty citizens who were also in attendance.

A map was shown to the Select Board and the public. To underscore our interest in your proposed project, as the Select Board was reviewing the map, a Select Board member remarked, "Wow, that is really close to Dubie's land."

The map of your proposed turbine project in the public record is:

<https://swantonwind.files.wordpress.com/2015/07/swanton-wind-stantec-final-work-plan-041415.pdf>, page 4.

As part of our education process of your project, we also have listened to the testimony of Matt Parisi to the Public Service Board (PSB) about the impact of the Georgia Mountain Wind Project.

<https://www.youtube.com/watch?v=5DTslhh62BM&feature=youtu.be>

Matt Parisi lives 4,000 feet downwind from the Georgia Mountain project. We grew up with Matt, and we have a lot of respect for him. After watching his testimony, we gave Matt a call. Matt told us that the turbine noise has forced his son to move out of his house to another town. Matt specifically noted that the noise is the most significant downwind of the turbines. According to the Stantec map, we live approximately 4,000 feet downwind of your proposed industrial turbines. Matt Parisi testified to the PSB that the turbine type, size, and location will determine the noise impact of a wind project. We have been informed that you are proposing the largest industrial turbines ever proposed for any wind project in the State of Vermont. We are very concerned about the selection of the turbine size, type, and location of your proposed industrial wind project.

On any given night on Fairfield Pond, you can hear casual conversations from people on the other side of the pond which can be almost a mile away. People who live near bodies of water understand the strange ability of sound to travel on water. We are very concerned about the acoustics effects of your proposed industrial turbines. All the citizen attendees of the Fairfield Select Board meeting were opposed to your project because of the environmental, noise, and health impacts of your proposed industrial turbines.

Matt Parisi also told me that the Town of Georgia lowered the assessed value of land owners who were near the Georgia wind turbines, which has established the fact that wind turbines lower property values. The fact that wind turbines lower property values is now a legal precedent as established by the Town of Georgia.

As a fellow Vermonter, we respect your freedom to manage your land. However, we are very concerned about the noise pollution from your proposed industrial turbines. We are also concerned by the fact that Town of Georgia has determined that proximity to wind turbines diminishes property values. From reading the information on your website, we understand that you hope to make a profit for the next 25 years on this project. From your neighbors' perspective, your gain will mean our loss. We lose peace and quiet in our homes. We lose property values of our homes and land. We lose by the light pollution from flashing beacons reflecting on Fairfield Pond and the surrounding region every night.

In your letter, you asked for our thoughts and inputs. Thank you for inviting us to share our thoughts. We look forward to working with you to address our concerns.

We also have some questions for you.

- Can you confirm the type of industrial turbines that you are considering?
- Are they larger and noisier than those currently operating in Georgia?
- What are the locations and how many industrial turbines are you considering?
- How do you propose to respond to the fact that your neighbors' property values will be negatively impacted as has been established by the Town of Georgia for a similar project?

We look forward to hearing your answers to our questions.

Sincerely,

Brian and Penny Dubie
Mark and Marianne Dubie
Mike and Amy Dubie
Jerry and Anne Dubie
Clark and Carolyn Palmer
Elaine Bolio

Terms of Reference

1. The purpose of the study is to

2. The study will be conducted in

3. The study will be completed by

4. The study will be conducted by

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Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:44 PM
To: Mishaan, Jessica
Subject: Fwd: Call from John Zimmerman

Begin forwarded message:

From: "Dudley, Jahala" <Jahala.Dudley@vermont.gov>
Date: September 10, 2015 at 1:03:58 PM EDT
To: "Springer, Darren" <Darren.Springer@vermont.gov>
Subject: Call from John Zimmerman

Hi Darren – just received call from John Zimmerman from Verra. He wanted to chat with you re a concern one of his clients has about VT renewable energy goals. [REDACTED]

Jahala Dudley
Office of the Governor
Jahala.Dudley@vermont.gov

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:41 PM
To: Mishaan, Jessica
Subject: Fwd: Meeting with Governor Shumlin on September 10th

Begin forwarded message:

From: Christine lang <[REDACTED]>
Date: September 10, 2015 at 3:50:20 PM EDT
To: <darren.springer@state.vt.us>
Subject: Meeting with Governor Shumlin on September 10th

Hi Darren,

Thank you (and the Governor) for taking the time to meet with those of us concerned about the Swanton Wind project today.

I was trying to take everything in at the meeting today, so I didn't take many notes.

We talked about the Open Docket 8167 on the Sound Investigation and you mentioned a reason why that docket didn't have any recent activity - something about the type of docket. Can you refresh my memory on that?

If you have any other notes/comments on what we talked about, I would appreciate you passing them along.

Regards,

Christine Lang
[REDACTED]

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:45 PM
To: Mishaan, Jessica
Subject: Fwd: Meeting with Travis Belisle re: Vt's RPS policy
Attachments: image001.jpg

Begin forwarded message:

From: "Springer, Darren" <Darren.Springer@vermont.gov>
Date: September 11, 2015 at 11:14:27 AM EDT
To: "Mishaan, Jessica" <Jessica.Mishaan@vermont.gov>
Subject: Fwd: Meeting with Travis Belisle re: Vt's RPS policy

Sent from my iPhone

Begin forwarded message:

From: John Zimmerman <[REDACTED]>
Date: September 11, 2015 at 10:15:33 AM EDT
To: Darren Springer Esq. <darren.springer@vermont.gov>
Subject: Meeting with Travis Belisle re: Vt's RPS policy
Reply-To: <[REDACTED]>

Darren,

Thanks for the brief discussion this morning.

It would be good and appreciated if you could meet with Travis Belisle next week, and my office at 30 Foundry Street in Waterbury Vermont. Travis and I are generally open next week, so suggest a time that would work best for you.

Respectfully,

John Zimmerman



Vermont Environmental Research Associates, Inc.

e:

o:

w: www.verarenewables.com

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:41 PM
To: Mishaan, Jessica
Subject: Fwd: Swanton Wind Project - forward

Begin forwarded message:

From: "Patricia P. Rainville" <[REDACTED]>
Date: September 11, 2015 at 12:38:41 PM EDT
To: Trey Martin <trey.martin@vermont.gov>, <Darren.springer@state.vt.us>, <pat.moulton@state.vt.us>, <swanza@swantonvermont.org>
Subject: Swanton Wind Project - forward
Reply-To: "Patricia P. Rainville" <[REDACTED]>

Thank you for listening.....

Patty

-----Forwarded Message-----

From: Sally Collopy
Sent: Sep 11, 2015 11:56 AM
To: Catherine Dimitruk , Taylor Newton , Swanton Town Administrator , Amanda Forbes , Chris Leach , Bethany Remmers , perkins.stephen@EPA.gov, deb.markowitz@vermont.gov
Subject: Fwd:

We're so proud and grateful of the NVDA for taking this stance! We respectfully request that you forward this report to other board members of the NRPC. We also respectfully request that NRPC do the same based on your "Plan for the Northwest - to serve its member communities and to advocate for responsible sustainable development within the region." A link to the full study can be seen at the bottom of this page.

As a result of this effort, the NVDA has developed the following position on industrial wind energy:

"The NVDA sees one clear benefit to industrial wind energy, one clear problem, and a host of troubling questions. The clear benefit is the tax relief that industrial-scale wind turbines bring to their host towns. The clear problem is the bitter divisions that wind brings to our communities. The troubling questions involve the unreliability of wind energy, the amount of energy produced versus the social and environmental disruption, the costliness of the electricity, and the dubiousness of the claims of environmental benefit. We are even more troubled by the potential impacts on human health, essential wildlife habitat, water quality, aesthetics, property values, and our tourism industry. We are also troubled by the state's energy policies, the state's permitting process, and the ease with which the public good as expressed in our municipal and regional plans can be overridden by people who may never have even visited our region."

It is the position of the NVDA that no further development of industrial-scale wind turbines should take place in the Northeast Kingdom.

The NVDA Wind Study

The NVDA Wind Study Committee was formed in response to the NVDA Board of Directors July 2012 adoption of a resolution recommending a suspension of industrial-scale (height of 200 ft. or greater) wind turbines for a 3-year period for further study. At the March 26, 2015 meeting of the full Board of Directors, members unanimously approved the committee's recommendation that "no further development of industrial-scale wind turbines should take place in the Northeast Kingdom. This position will become an element in the NVDA regional energy plan. The position may be revised for future plans if our understanding of turbine impacts changes significantly." (The final Wind Study Report is available below)

Committee members include: Jim Greenwood (Chair), Mark Whitworth, Farley Brown, Robert Croteau, and David Snedeker (NVDA staff). The Committee meets at the Barton Town Office approximately every three weeks. Please contact NVDA to check on upcoming meetings. Meeting minutes will be posted soon.

Meeting schedule:

2/20/13, 6:00pm Barton Town Office **Minutes**

3/13/13, 6:00pm Barton Town Office **Minutes**

4/03/13, 6:30pm Barton Town Office (guest: Dave Hallquist, VEC) **Minutes**

4/24/13, 6:30pm Barton Town Office (guest: Billy Coster, ANR) **Minutes**

5/08/13, 6:30pm Barton Town Office (guest: Anne Margolis, PSD) **Minutes**

5/29/13, 6:30pm Barton Village Community Center (guest: John Soininen, Eolian) **Minutes**

Eolian Presentation

8/14/13 at 7:00pm at the Barton Town Office (guest: Kerrick Johnson, VELCO) **VELCO - Interconnecting Wind NVT, VELCO - System Reliability Renewable Generation Minutes**

9/4/13 at 6:30 at the Barton Town Office. (guest Kevin Jones, VT Law School and Steve Therrien) **Minutes**

9/26/13, 6:30pm at the Barton Town Office. (Guests: Robt. Dostis, GMP; Jason Shafer, LSC) **Health Effects - Peer Review**

Lit_KCW, KWC Fact Sheet, JShafer WindResource Presentation, Minutes

11/06/13, 6:30pm at the Barton Town Office. (Guest: Dr. David Grass, VT Dept. of Health) Minutes, Health Reviewed Lit., Infrasound report, Fall Testing Rpt., Winter Testing Rpt. 1/6/14 (Guest: Gloria Bruce, NEKTTA) 9am at NVDA Office in St. Johnsbury Minutes

1/29/14, 6:30pm, at the Barton Town Office. (Guest: Ben Luce) Minutes

Antrim Wind Avoided Emissions Report, Renewable Energy Options

Wind Study - Draft Report - Attachment A, Attachment B, Attachment C, Attachment D, Attachment E, Attachment F

Wind Study - Draft Report August 21, 2014 (amended January 22, 2015)

Wind Study - Final Report March 27, 2015

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:40 PM
To: Mishaan, Jessica
Subject: Fwd: Docket No. 8571 - Swanton Wind
Attachments: 8571 - 2015.09.04 PSD Motion to Dismiss.pdf; ATT00001.htm

Begin forwarded message:

From: "Duggan, Tim" <Tim.Duggan@vermont.gov>
To: "Springer, Darren" <Darren.Springer@vermont.gov>
Cc: "Recchia, Chris" <Chris.Recchia@vermont.gov>
Subject: **Docket No. 8571 - Swanton Wind**

Darren,

Attached is our response to Swanton Wind's proposed Rule 4.100. As an aside, we filed similar motions in response to two other Rule 4.100 contracts on the same day we filed this. Those two contracts pertained to existing hydro facilities owned by North Hartland and Great Bay. The filings are similar, though not identical because of the different issues presented by a proposed facility (Swanton Wind) v existing facilities (the hydros). We have not heard back from the Board or other parties on any of these. Let me know if you need anything further. Thanks,
Tim



State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://publicservice.vermont.gov>

[phone] 802-828-2811
[fax] 802-828-2342
[tdd] 800-734-8390

September 4, 2015

Mrs. Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street - Drawer 20
Montpelier, VT 05620-2701

Re: Docket No. 8571 – Swanton Wind, LLC

Dear Mrs. Hudson:

Enclosed for filing with the Public Service Board is the *Department of Public Service Motion to Dismiss Pursuant to Rules 2.208 & 4.104(H), or, in the Alternative, Request for Hearing* in the above-referenced docket.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim M. Duggan", written in a cursive style.

Timothy M. Duggan
Special Counsel

Enclosure

cc: Docket No. 8571 Service List



**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Swanton Wind, LLC for approval of
Rule 4.100 power purchase agreement

Docket No. 8571

**DEPARTMENT OF PUBLIC SERVICE MOTION TO DISMISS
THE PROCEEDING PURSUANT TO RULES 2.208 & 4.104(H),
OR, IN THE ALTERNATIVE, REQUEST FOR HEARING**

On August 10, 2015, Swanton Wind, LLC (Swanton Wind), filed a request for a power purchase agreement with VEPPI. Swanton Wind requests a firm contract for a wind project with an unspecified (though less than 20MW) nameplate capacity for an unspecified (though not less than 10 years) term at levelized rates approved by the Board in Docket No. 8010.

On August 21, 2015, the Vermont Public Service Board (Board) issued notice of the above-described proposed contract pursuant to Rule 4.104(A). The Board stated that persons wishing to request a hearing in this matter must file the request with the Board on or before September 4, 2015. The Department respectfully submits the following comments, moves to dismiss the petition pursuant to Board Rule 2.208 and 4.104(H), or, in the alternative, requests a hearing.

DISCUSSION

The Board should dismiss the above-referenced petition because it is substantially incomplete and does not provide the basic information necessary to evaluate the request. The dismissal should be made pursuant to Board Rules 2.208 and 4.104(H), and should be without prejudice to the petitioner filing a complete petition. Notwithstanding, the Department would not oppose a stay of the proceeding to allow petitioner an opportunity to cure the deficiency and provide all material information required under Board Rule 4.100.

Rule 2.208 allows the Board to reject substantially defective or insufficient filings. "A filing is substantially insufficient if, inter alia, it fails to include all material information required

by statute or rule.” Board Rule 2.208. The Board has previously exercised its discretion to dismiss a Cooperative’s proposed rate increase (which went into effect immediately upon filing) and order refunds where the petitioning utility failed to provide the justification necessitated by Board Rule 2.402. *Investigation of Vermont Electric Cooperative, Inc.*, Docket Nos. 5530 & 5531, Order of 11/12/91, at 3. The Board should similarly exercise its discretion to dismiss the instant petition.

Here, the petition seeks approval of a Rule 4.100 contract containing a levelized rate for a term of anywhere from 10 to 30 years. Rule 4.104(E) characterizes contracts with terms of 5 years and above as “long-term sales.” Board Rule 4.104(E)(2), (3). (This is in contrast to “short-term sales,” which are defined as pertaining to terms of 1 year. Board Rule 4.104(E)(1).) As a proposal for a levelized, long-term sales contract under Rule 4.100, the petition triggers Rule 4.104(H), which requires that “[n]otwithstanding any other provision herein, long-term rates and levelized rates shall be available only to qualifying facilities which have been found by the Board, after due hearing, to satisfy the substantive criteria of 30 V.S.A. §248(b).”

This requirement to satisfy the substantive criteria of section 248(b) is in addition to, and different from, the requirement for a generator to seek a certificate of public good pursuant to section 248 (or in the case of a hydro facility, a FERC license). *Petition of Winooski One Partnership*, Docket No. 5167, Order of 12/22/88 at 25-26, 56-57 (*Winooski One*); *see also* *Petition of Bio-Energy of Claremont, NH*, Docket No. 5189, Order of 7/29/88 at 15-17 (*Bio-Energy*). Indeed, section 248 and Rule 4.104(H) each create an independent obligation for the Board to apply the approval standards in section 248(b). *Petition of East Georgia Cogeneration*, Docket No. 5179, Order of 6/25/91 at 69-70. The Board’s rationale for the Rule 4.104(H) requirement is as simple as it is critical for the protection of ratepayers:

PURPA requires jurisdictional utilities to purchase power from QFs at the utility’s short-term avoided costs, but neither federal nor state law requires utilities to offer long-term, levelized rates to QFs. Such rates involve substantial advances of funds from ratepayers to producers and a shifting of risks from producers to ratepayers. For these reasons, they are preferential rates, offered on a discretionary basis to certain producers under Board Rule 4.100

(Rule) in order to encourage development by facilities that meet rigorous environmental, economic, and reliability criteria. *Bio-Energy* at 15.

Swanton Wind's petition provides none of the affirmative testimony and exhibits that would be necessary to evaluate the contracts against the substantive criteria of section 248(b), as required by Rule 4.104(H). In this way, the petition fails to include the material information required by Board rule and is therefore substantially insufficient. To proceed in the absence of significant material information would be unfair to the parties and to ratepayers in particular, who will be asked to foot the preferential rates requested. The Board should therefore dismiss the petition pursuant to Rule 2.208, without prejudice to the petitioner being allowed to file a complete application.

Moreover, the Board's precedent clearly establishes that "Rule 4.100 provides that [long-term levelized] rates shall be granted only if they are needed in order to make the project viable, and only if the project will be financially feasible if those rates are granted." *Winooski One* at 57-58 (emphasis in original). When and if the petitioner chooses to file a complete petition setting forth a case for meeting the substantive criteria of section 248, it would be appropriate to address this threshold issue as well.

While the Department moves to dismiss the instant filing, the Department would not object to the Board staying the proceeding for a reasonable time period to allow Swanton Wind an opportunity to complete its petition. Rule 2.208 allows the Board to provide the party sponsoring a substantially insufficient filing an opportunity to cure the defect upon findings that doing so will not cause an unreasonable delay to the proceeding nor will it unreasonably adversely affect the rights of any party. In the above-cited Docket No. 5530 case, the petitioner was afforded an opportunity to cure the deficient filing prior to dismissal. The Department would not oppose affording the petitioner a similar opportunity to cure here.

The Department further notes that in addition to providing affirmative testimony/evidence pertaining to the substantive 248(b) criteria, any completed filing should also

include other key pieces of information missing from the current filing. From the information provided, the facility at issue (and therefore the potential output) is of an undetermined size and described simply as “up to 20 MW.” Pre-filed Testimony of John Zimmerman at 1; Proposed Contract, Attachment A. So too is the proposed contract of an undetermined length, ranging from 10 to 30 years in length. *Id.* at 4; Proposed Contract, Attachment E. It is impossible to meaningfully review a proposed contract where its key terms are not yet known. It is also impossible to evaluate whether the proposed contract will meet the substantive criteria of section 248(b) in its current state of ambiguity.

Swanton Wind attempts to address these deficiencies by arguing that there is no prejudice to parties for the Board to defer its review of the section 248(b) criteria and approve the contract in its current state. Not so. Board approval of the proposed contract would presumably have the effect of committing preferential though as yet undetermined long-term, levelized rates (funded by Vermont ratepayers) to Swanton Wind, with the developer committing to little, if anything, in return. Moreover, it appears contrary to Board precedent to approve a Rule 4.100 contract containing long-term and/or levelized rates prior to making the necessary findings to be able to make such an approval. In *Bio-Energy*, the petitioner sought approval of a partially levelized long-term contract. The Board stated that “Rule 4.104(H) requires, as one *prerequisite to approval* of a long-term power sales contract, that the project satisfy the substantive criteria of 30 V.S.A. § 248(b).” *Bio-Energy* at 15 (emphasis added). Thus, the rule requires that a petitioner satisfy section 248(b) prior to contract approval, not after as Swanton Wind seeks to do here.

Swanton Wind seeks to avail itself of the option of these preferential rates, and in doing so commit significant amounts of ratepayer money, without making any of the required showings up front. It is unfair to commit ratepayers to the possibility of significant long term preferential payments to such an uncertain future to be used or abandoned at the sole discretion of a project developer. What makes more sense is to dismiss the petition, without prejudice to Swanton Wind filing a proposal that includes a contract (of a specified length for a specified facility size) and a request for section 248 approval (or, at minimum, comparable information sufficient to make the necessary section 248(b) findings per Rule 4.104(H)). In this way, the Board and the

parties can properly evaluate the proposal, in a manner similar to how such proposals have been reviewed in the past. *East Georgia Cogeneration*, Docket No. 5179, at 2. Notwithstanding, the Department again notes that it would not oppose a stay of the proceeding for some reasonable period of time to allow Swanton Wind an opportunity to complete its petition. To that end, the Department notes that it is in receipt of a 45-day notice from Swanton Wind, indicating that its certificate petition is expected to be filed by October 8, 2015.

In the alternative, should the Board not dismiss or stay the above-referenced petitions pursuant to Rule 2.208 for being substantially insufficient, the Department respectfully requests a hearing on the proposal and incorporates the comments set forth above as a preliminary justification for the Board to hold such a hearing.

As a final note, the Department emphasizes that its opposition to proceeding with the petition at this time should in no way be taken as a position on the merits of a completed Rule 4.100 contract petition or on the project itself. There is simply insufficient information at this time to draw any conclusions about the proposed contract and project. The Department believes it is critical to evaluate the project and the contract as a whole, so that ratepayers, utilities, and Swanton Wind have the benefit of a comprehensive review of the project, its impacts and its benefits.

Please let me know if I can be of any further assistance.

Dated at Montpelier, Vermont, this 4th day of September, 2015.

VERMONT PUBLIC SERVICE DEPARTMENT
Geoffrey Commons, Director for Public Advocacy

By: 
Timothy M. Duggan
Special Counsel

cc: Docket No. 8571 Service List

PSB Docket No. 8571 - SERVICE LIST

Timothy M. Duggan, Special Counsel
Vermont Department of Public Service
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Vermont Retail Electric Companies

Sanford Miller, Manager
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Pamela Moore, Clerk/Treasurer
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Duncan Hastings
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Johnson VT 05656

James V. Pallotta, Controller
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Ludlow VT 05149

Kenneth C. Mason, Manager
Lyndonville Electric Department
20 Park Avenue - PO Box 167
Lyndonville VT 05851

Craig Myotte, Manager
Morrisville Water & Light Department
857 Elmore Street
Morrisville VT 05661-8408

Jeffrey Schulz, Town Manager
Northfield Electric Department
51 South Main Street
Northfield VT 05663-1699

John Morley, Manager
Orleans Electric Department
Municipal Bldg - One Memorial Square
Orleans VT 05860

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30 Main Street - PO Box 66
Burlington, VT 05402

Mishaan, Jessica

From: Springer, Darren
Sent: Thursday, September 17, 2015 12:40 PM
To: Mishaan, Jessica
Subject: Fwd: Vermont Energy Options film clip

Begin forwarded message:

From: "Patricia P. Rainville" <[REDACTED]>
Date: September 17, 2015 at 1:06:43 AM EDT
To: darren springer <darren.springer@state.vt.us>
Subject: Fw: Vermont Energy Options film clip
Reply-To: "Patricia P. Rainville" <[REDACTED]>

Whoops.....first attempt had typo in your address...!

Patty

-----Forwarded Message-----

From: "Patricia P. Rainville"
Sent: Sep 17, 2015 1:02 AM
To: darren springer , Trey Martin , deb markowitz , patricia moulton
Subject: Vermont Energy Options film clip

<http://vermontenergyoptions.org/>

Good early Thurs morning,

The lateness of this email is indicative of the urgency of our mission! The Swanton Wind Project, despite it's lack of adherence to the minimal requirement of a certificate of public good, is moving steadily toward installing, to start, 7 turbines, larger than any yet, in Vermont. There are over 140 homes within 1 mile of this project.

It is obvious, Travis, Ashley and Jerry Belisle are focused on their own financial gain. When I had an authentic, 10 minute discussion with Travis at his event in Swanton, last week.....I asked him, "What if you're wrong?" Without hesitating he answered, "I'm not". I, also, had the same conversation, same event, same answer with Mr Blittersdorf.

Please watch this approximately 20 minute film clip.

We, the neighbors and communities, Swanton, Fairfield, St Albans Town, of the Swanton Wind Project are looking to make long term, educated decisions about energy. One of Swanton's local officials, Chris Leach, has shared significant alternative choices. Specifically, the simple **economics** of Canadian Hydro Power vs. the destruction of our unique Green Mountain State, under the guise of minimizing our carbon footprint.

This hydro power is renewable, inexpensive by far, in comparison with the government payments to the builders of Wind Power. Not to mention Canadian Hydro has more electricity than they need....why wouldn't this be a smarter option?

Swanton already gets its electricity from the Highgate Dam.....and , it is cheap, I've lived in Swanton. In addition, Swanton has a dam, in place, that hasn't been allowed to be used. Think about the economic side, alone, of having a second, hydro power source within a few miles of Highgate.

The film clip in this email, in addition to some sickening realities of Wind, also, refers to the benefits of solar. In a careful way, it could be a selective choice.

I will only mention, at this time, the total lack of typical Vermont neighbor watching out for neighbor, by the PSB, regarding those who have gone before us, Lowell, Sheffield and Georgia. It goes without saying, the regulations in place, leave minimal input by the local community officials.

At the very least, shouldn't we be learning from projects in place.....not destroying any more of our state...until we are absolutely sure it is the best answer?

Thank you for your time and attention. Each of you have the option of being a hero.

I welcome your thoughts.

Patty

10:00 – 10:20am

Meeting with Rep. Gamache & Constituents

5th Floor Conference Room

Staff: Darren Springer, [REDACTED]

Gov to meet with Swanton area community members to discuss the proposed Swanton Wind project.

Participants include:

Rep. Gamache

Rep. Savage

Penny Dubie

Christine Lang

Patricia Rainville

Maryann Duell

Contact: Rep. Gamache, [REDACTED]

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:19 AM
To: London, Sarah; Mishaan, Jessica
Subject: FW: Rocky Ridge Wind Project - Swanton/St Albans
Attachments: Rocky Ridge Letter to the Editor.docx; SwantonWindFair4-2.pdf

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Tuesday, August 04, 2015 11:42 AM
To: Trombley, Shana
Cc: corey parent; kathy keenan; dustin degree; marianna gamache
Subject: Rocky Ridge Wind Project - Swanton/St Albans

Good morning, Peter, Corey, Kathy, Dustin and, Marianna!

I would like to, personally, invite you to the Swanton Wind Fair August 22, 1p-4p.

You may have seen my letter to the Editor-St Albans Messenger.....

"Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to the bigger picture of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences."

Please see attachments for details.

I encourage you to bring your friends, family....anyone with interest!

Thank you for all that you do!

xoxo p

TN [REDACTED]

July 24, 2015

The Reality of Wind Turbines.

Even when we contribute, and, pay attention to what is happening in our communities, we really don't see the details as clearly as, when they are close by.

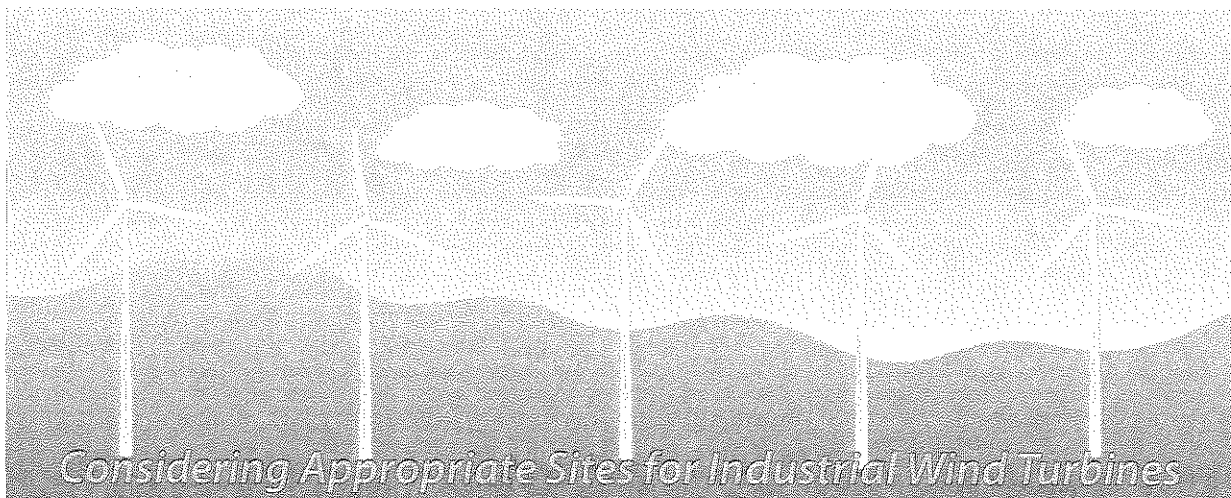
Our neighbors, Travis and Ashley Belisle, and, his father, Jerry Belisle are in the process of preparing to install Wind Turbines along the ridge line that parallels Route 105, near the St Albans/Swanton line. Travis says, "We want to do this to make a contribution to our community's clean energy future and help achieve the state's renewable energy goals. Nothing gets better if we don't do our part."

Have they asked themselves, "Will the presence of this project make life better for the folks we sold homes to, in the Rocky Ridge Development? Since research has proven undeniable health issues, loss of property values, for individuals and the town tax base? What will be the overall wellbeing of our lives in Franklin County? Are we considering the proven ineffectiveness of wind power? Power companies require electricity on demand. It can't be stored, no wind, no electricity, no contract. How can these actual results prove this "solution" to be worth the impact?"

Another Travis, Ashley and Jerry question, "How much of this project is guided by how much money we can make, despite its cost to our neighbors and community?"

Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to the bigger picture of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences.

Patricia P. Rainville (who grew up riding horses on this ridge line)



Swanton Wind Fair

August 22, 2015

1pm-4pm

Follow signs on Rocky Ridge Rd. (off from Rte. 105)

Enjoy Afternoon Refreshments Under The Fair Tent

***Get Information from Experts on
Wind Energy, Wildlife, Water,
and Human Health***

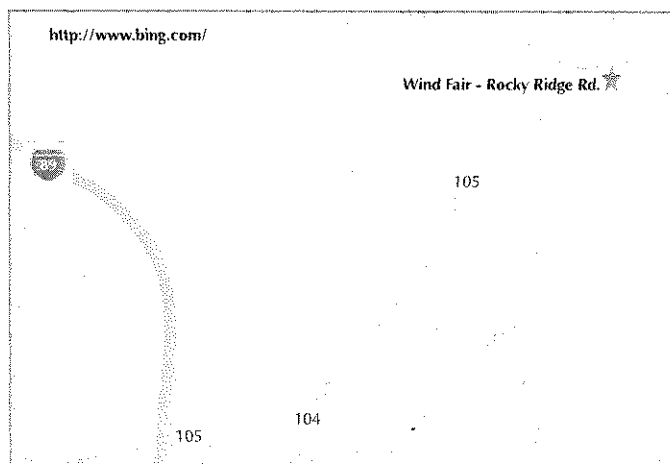
Meet

- Neighbors of Operating Industrial Wind Turbines*
- Citizens Who Have Participated in Regulatory Processes*

Learn What Swanton Residents and All Vermonters Need to Know

*For more information:
swantonridge@gmail.com
phone: 802-528-5242*

*A Free Event -
Everyone Welcome!*



Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:18 AM
To: Mishaan, Jessica; London, Sarah
Subject: FW: Rocky Ridge Wind Project - Swanton/St Albans
Attachments: Letter to Gerald, Travis, and Ashley Belisle.pdf; Swanton Select Board letter to Gov Shumlin re Rocky Ridge Proj 001.jpg

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Wednesday, August 05, 2015 12:57 AM
To: Trombley, Shana; Markowitz, Deb; AGR - Helpdesk
Subject: Rocky Ridge Wind Project - Swanton/St Albans

Good morning, Peter, Deb and Chuck,

Please see attached letters.....regarding the Rocky Ridge Wind Project.

One of the most comforting aspects of this process, is the selfless involvement of the folks on Georgia Mountain. Despite the hopeless prospects they face, the connection to others in their State community, is front and center. We are beyond fortunate to live in this state, where we genuinely live, with care for each other.

"Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to *the bigger picture* of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences."

With that in mind, we have 4 major rivers in Vermont. Fully understanding that no solution is perfect, the prospect of hydro power seems the least negative choice, while giving the highest rate of return vs. cost. Also in Georgia, lovely waterfront properties surround Arrow Head Lake.

Each of you, work and live the same selfless involvement. Thank you, in advance for passing this email along to your peers, and, anyone else you see appropriate.

Years ago, someone in my circle, who moved here from a large metropolitan area out of state, said it best...."I love the way we can have personal, genuine contact, with those who are in a position to make significant decisions about our lives."

I fully appreciate your contributions!

xoxoxo patty

July 31, 2015

Dear Gerald, Travis, and Ashley Belisle,

We received your letter dated June 13, 2015 inviting us to tour your proposed industrial wind site on Rocky Ridge. We regrettably were not able to attend your meeting. We acknowledge and support your interest in providing clean and sustainable energy.

In your letter, you asked for our thoughts and inputs. Because we are your neighbors and live very close to the proposed site, we have closely followed your industrial wind project. We attended the Fairfield Select Board meeting on July 27 where the project was presented to the Fairfield Select Board and to the approximately thirty citizens who were also in attendance.

A map was shown to the Select Board and the public. To underscore our interest in your proposed project, as the Select Board was reviewing the map, a Select Board member remarked, "Wow, that is really close to Dubie's land."

The map of your proposed turbine project in the public record is:

<https://swantonwind.files.wordpress.com/2015/07/swanton-wind-stantec-final-work-plan-041415.pdf>, page 4.

As part of our education process of your project, we also have listened to the testimony of Matt Parisi to the Public Service Board (PSB) about the impact of the Georgia Mountain Wind Project.

<https://www.youtube.com/watch?v=5DTslhh62BM&feature=youtu.be>

Matt Parisi lives 4,000 feet downwind from the Georgia Mountain project. We grew up with Matt, and we have a lot of respect for him. After watching his testimony, we gave Matt a call. Matt told us that the turbine noise has forced his son to move out of his house to another town. Matt specifically noted that the noise is the most significant downwind of the turbines. According to the Stantec map, we live approximately 4,000 feet downwind of your proposed industrial turbines. Matt Parisi testified to the PSB that the turbine type, size, and location will determine the noise impact of a wind project. We have been informed that you are proposing the largest industrial turbines ever proposed for any wind project in the State of Vermont. We are very concerned about the selection of the turbine size, type, and location of your proposed industrial wind project.

On any given night on Fairfield Pond, you can hear casual conversations from people on the other side of the pond which can be almost a mile away. People who live near bodies of water understand the strange ability of sound to travel on water. We are very concerned about the acoustics effects of your proposed industrial turbines. All the citizen attendees of the Fairfield Select Board meeting were opposed to your project because of the environmental, noise, and health impacts of your proposed industrial turbines.

Matt Parisi also told me that the Town of Georgia lowered the assessed value of land owners who were near the Georgia wind turbines, which has established the fact that wind turbines lower property values. The fact that wind turbines lower property values is now a legal precedent as established by the Town of Georgia.

As a fellow Vermonter, we respect your freedom to manage your land. However, we are very concerned about the noise pollution from your proposed industrial turbines. We are also concerned by the fact that Town of Georgia has determined that proximity to wind turbines diminishes property values. From reading the information on your website, we understand that you hope to make a profit for the next 25 years on this project. From your neighbors' perspective, your gain will mean our loss. We lose peace and quiet in our homes. We lose property values of our homes and land. We lose by the light pollution from flashing beacons reflecting on Fairfield Pond and the surrounding region every night.

In your letter, you asked for our thoughts and inputs. Thank you for inviting us to share our thoughts. We look forward to working with you to address our concerns.

We also have some questions for you.

- Can you confirm the type of industrial turbines that you are considering?
- Are they larger and noisier than those currently operating in Georgia?
- What are the locations and how many industrial turbines are you considering?
- How do you propose to respond to the fact that your neighbors' property values will be negatively impacted as has been established by the Town of Georgia for a similar project?

We look forward to hearing your answers to our questions.

Sincerely,

Brian and Penny Dubie
Mark and Marianne Dubie
Mike and Amy Dubie
Jerry and Anne Dubie
Clark and Carolyn Palmer
Elaine Bolio

Town of Swanton
OFFICE of the SELECTBOARD
P.O. Box 711, 1 Academy Street
Swanton, VT 05488

August 4, 2015

The Honorable Peter Shumlin, Governor
State of Vermont
109 State Street, Pavilion
Montpelier, VT 05609

Dear Governor Shumlin:

Recent events regarding the proposed construction of an industrial wind farm project in the Town of Swanton has brought to our attention the procedures followed by the Vermont Public Service Board when reviewing and permitting such "green energy" projects.

We understand that Act 248 grants exclusive review and permitting power to the Public Service Board and that no local regulation or permitting of wind turbines and solar panels is allowed. Although the public hearing that is held by the Public Service Board for a particular wind or solar project application allows a municipality to offer testimony, municipalities have no authority to affect the final decision on a wind or solar project application. The same is true for those citizens whose properties are most adversely affected by these projects.

As a Selectboard that places a high value on local control and public participation, we find it unacceptable that local legislative bodies have no statutory authority to enact regulations to control industrial wind turbine and solar panel projects and that local land use boards have no statutory authority to review them. The current review process limits municipal and public participation and grants exclusive decision making to a three member Public Service Board.

Therefore, we are in favor of having the Vermont legislature adopt enabling legislation that would grant municipalities the option to regulate industrial wind turbine and solar panel projects within their borders with review by local land use boards. It is our hope that you will support and perhaps recommend such legislation in a timely manner.

Local control is a hallmark of Vermont life. We thank you for your attention to this matter and expect to hear from you soon.

Respectfully,

The Swanton Selectboard

Cc: Town Administrator, Village Trustees & Manager

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:18 AM
To: London, Sarah; Mishaan, Jessica
Subject: FW: Rocky Ridge Wind Project - Swanton/St Albans

From: Springer, Darren
Sent: Wednesday, August 05, 2015 8:25 AM
To: Trombley, Shana
Subject: Re: Rocky Ridge Wind Project - Swanton/St Albans

Yes

Sent from my iPhone

On Aug 5, 2015, at 8:14 AM, Trombley, Shana <Shana.Trombley@vermont.gov> wrote:

FYI - see letter below. Do you want me to forward this to Chris too?

Sent from my iPad

Begin forwarded message:

From: "Patricia P. Rainville" <[REDACTED]>
To: "Trombley, Shana" <Shana.Trombley@vermont.gov>, "Markowitz, Deb" <Deb.Markowitz@vermont.gov>, "AGR - Helpdesk" <AGR.Helpdesk@vermont.gov>
Subject: Rocky Ridge Wind Project - Swanton/St Albans

Good morning, Peter, Deb and Chuck,

Please see attached letters.....regarding the Rocky Ridge Wind Project.

One of the most comforting aspects of this process, is the selfless involvement of the folks on Georgia Mountain. Despite the hopeless prospects they face, the connection to others in their State community, is front and center. We are beyond fortunate to live in this state, where we genuinely live, with care for each other.

"Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to *the bigger picture* of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences."

With that in mind, we have 4 major rivers in Vermont. Fully understanding that no solution is perfect, the prospect of hydro power seems the least negative choice, while giving the highest rate of return vs. cost. Also in Georgia, lovely waterfront properties surround Arrow Head Lake.

Each of you, work and live the same selfless involvement. Thank you, in advance for passing this email along to your peers, and, anyone else you see appropriate.

Years ago, someone in my circle, who moved here from a large metropolitan area out of state, said it best...."I love the way we can have personal, genuine contact, with those who are in a position to make significant decisions about our lives."

I fully appreciate your contributions!

xoxoxo patty

<Letter to Gerald, Travis, and Ashley Belisle.pdf>

<Swanton Select Board letter to Gov Shumlin re Rocky Ridge Proj 001.jpg>

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:18 AM
To: Mishaan, Jessica; London, Sarah
Subject: FW: incoming invite

From: Green, Geoff
Sent: Friday, August 07, 2015 3:46 PM
To: Trombley, Shana
Subject: incoming invite

Hello Governor Shumlin.

There is going to be a "Swanton Wind Fair" on Rocky Ridge Road in Swanton off of Rt 105 on August 22, 2015. This event is going to be 1pm to 4pm with proposed wind energy, wildlife, water, and human health experts on site in regards to consideration for "appropriate" sites for industrial wind turbines. Additionally this is an opportunity for folks in the area to learn what all vermonters, especially in the Town of Swanton should know. For more information, please email our group at swantonridge@gmail.com, phone: 802-528-5242, or visit the www.swantonwindvt.org web site. I'm attempting to include a flyer for this event in hopes that you might be interested in this event or even provide us your thoughts on this very important concern for many in the area. Thank you for your time. Have a wonderful weekend.

Sincerely,
Kevin Nichols



Geoff Green
Director of Constituent Services
Office of the Governor
109 State Street
Montpelier, VT 05609
802-828-3333
geoff.green@vermont.gov

Trombley, Shana

From: Trombley, Shana
Sent: Tuesday, September 22, 2015 10:06 AM
To: Trombley, Shana
Subject: Fwd: Rocky Ridge Wind Project - Swanton/St Albans

Sent from my iPad

Begin forwarded message:

From: "Recchia, Chris" <Chris.Recchia@vermont.gov>
Date: August 7, 2015 at 5:45:31 PM EDT
To: "Trombley, Shana" <Shana.Trombley@vermont.gov>
Subject: Re: Rocky Ridge Wind Project - Swanton/St Albans

I'll forward the responses we're sending to others right after this. Use as you see fit, or we're happy to respond to any forwarded messages.

Chris


Sent from my iPhone

On Aug 7, 2015, at 4:21 PM, "Trombley, Shana" <Shana.Trombley@vermont.gov> wrote:

We are hearing a lot from these folks. Gov is not able to attend but I wanted to see what you might suggest as a response.

Thanks,

Shana

From: Patricia P. Rainville [<mailto:> 
Sent: Wednesday, August 05, 2015 12:57 AM
To: Trombley, Shana; Markowitz, Deb; AGR - Helpdesk
Subject: Rocky Ridge Wind Project - Swanton/St Albans

Good morning, Peter, Deb and Chuck,

Please see attached letters.....regarding the Rocky Ridge Wind Project.

One of the most comforting aspects of this process, is the selfless involvement of the folks on Georgia Mountain. Despite the hopeless prospects they face, the connection to others in their State community, is front and center. We are beyond fortunate to live in this state, where we genuinely live, with care for each other.

"Logically thinking people understand the crisis of our environment. Likewise, the use of electricity isn't going away. Careful attention to the bigger picture of alternative energy has to be the priority. The mistake of choosing wrong has unfixable consequences."

With that in mind, we have 4 major rivers in Vermont. Fully understanding that no solution is perfect, the prospect of hydro power seems the least negative choice, while giving the highest rate of return vs. cost. Also in Georgia, lovely waterfront properties surround Arrow Head Lake.

Each of you, work and live the same selfless involvement. Thank you, in advance for passing this email along to your peers, and, anyone else you see appropriate.

Years ago, someone in my circle, who moved here from a large metropolitan area out of state, said it best...."I love the way we can have personal, genuine contact, with those who are in a position to make significant decisions about our lives."

I fully appreciate your contributions!

xoxoxo patty

<Letter to Gerald, Travis, and Ashley Belisle.pdf>

<Swanton Select Board letter to Gov Shumlin re Rocky Ridge Proj 001.jpg>

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:17 AM
To: London, Sarah; Mishaan, Jessica
Subject: FW: Messenger Letters

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Friday, August 07, 2015 11:43 PM
To: Trombley, Shana; Markowitz, Deb
Subject: Re: Messenger Letters

Good Friday, Peter and Deb,

Keeping you in the loop, because I know it matters to you.

xoxo p

Good letter on page 2D of today's Free Press. 'How will renewables affect electricity costs?'

Sent from my iPad

On Aug 5, 2015, at 8:29 PM, Christine lang < [REDACTED] > wrote:

Not sure if everyone saw these 2 letters to the editor - one from Melodie in Georgia and one from Tyrell. The last sentence in Tyrell's letter gives me goosebumps.

If anyone else wants to send in a letter to the editor, the email address is:
emerson@samessenger.com

Georgia Wind turbine neighbor responds to realtor's letter

This letter is in response to realtor Paul Martin's letter to the editor regarding the impact of turbines on the value of neighbor's properties.

Mr. Martin left out some very crucial information in his statistics of sales of homes here on Georgia Mountain.

Simply saying that they are on Georgia Mountain Road is not sufficient. How far from the wind project are they? Where are they in relation to the project, such as are they upwind or downwind? What is the elevation difference in relation to the project? Are they shielded by several thousand

feet of forest from the turbines, or are they open to the project? How many realtors were those properties listed with before they were sold, and how long for each one?

We live on Georgia Mountain and are approximately 3,700 feet from the turbines. The following are some very specific examples of circumstances of home sales by neighbors close to us:

<image.gif>

- The farm up the road is approximately 3,820 feet from the project. It is located to the east, closest in elevation of all the neighbors and it's a wide-open shot to the turbines.

It was on the market for five years (much of that while the wind project was in the permitting process) and they had four different realtors trying to sell it. Over the course of those five years they had several interested buyers who backed out when they found out about the proposed project. They told us that they finally ended up selling to the wind developer for about half of the appraised value.

- The neighbor down the hill next to us is approximately 3,980 feet from the project. Their home is located to the northeast of the project, downhill and downwind. The house is somewhat shielded by forest, but their barn and much of their property opens to the turbines. The town of Georgia dropped their property assessment by 8%, specifically stating the noise from the turbines as the reason for the drop in value. They had their home on the market for two years off and on and had two realtors trying to sell it for them.

- Another neighbor down the hill is approximately 4,390 feet from the project. Their home is located to the northeast of the project, downhill and downwind. The house and all of the property is shielded by forest. This house was on the market off and on for two years and at least two realtors tried to sell it.

- We are approximately 3700' from the turbines. Our home is located to the northeast of the turbines, slightly downhill and downwind. We have an open shot to the turbines. The town of Georgia has dropped our assessment by 12%, specifically stating the noise from the turbines for the reason of drop in value.

- Our neighbor across the road is approximately 3,400 feet from the turbines. His home is located more northerly of the turbines, slightly downhill and downwind. He has an open shot to the turbines. The town of Georgia has dropped his assessment by 15%, specifically stating the noise from the turbines for the reason of drop in value.

The neighbors in Swanton will be just over 2,000 feet to the proposed turbines, which is more than 1,000' closer to the project than any homes on Georgia Mountain. The proposed turbines in Swanton are also nearly 60' taller than the ones here. So I think it's safe to say that they have a very valid reason to be worried about their property values.

Melodie McLane, neighbor of Georgia Mountain Wind project

And today's by Tyrell:

Swanton Wind turbine's impact requires serious consideration

This is in response to Paul Martin's letter to the editor.

You are right that no agent can advise at this point the effect of property values but seem to have

left out one major point, no real estate agent in this area can.

I have found numerous articles in other papers in regards to loss in property values of houses near turbines.

One wind turbine company bought out four homes near turbines and lost over half a million dollars when selling the homes. They also made the buyers sign an agreement that living near the turbines could affect their health and that the turbine company wasn't responsible. Many of the people who do get bought out also have to sign a gag order meaning they can't talk out about the turbines or risk legal action.

I like your information on home and property sales on Georgia Mountain road. How far are the properties/ homes from the turbines? I know for a fact that some of the closest properties to the Georgia turbines have had their property values drop due to the noise of said turbines, the highest depreciation being 15%. The houses on Rocky Ridge will be almost three times closer than the closest on Georgia Mountain. I have also found an article of a woman who had to sell her home for half its value in part of its proximity to turbines and the fact that no one wanted to buy it. It ended up being sold to an individual who just wanted to grow medical marijuana.

You are also right about Vermont being one of the worst states to do business and having a problem keeping its younger demographic, however Vermont is a pretty forward thinking state. We already receive more than 30% of our energy from renewable resources. Burlington is the first city in the country to be powered 100% by renewable energy. We were the first to introduce civil unions and the first state to legalize gay marriage with a statute, meaning the marriage doesn't have to be approved by a court decision. I believe the reason that Vermont is one of the worst states to do business has more to do with taxes. We are ranked third worst in the nation for taxes based on percentage of income. Vermont is not a tax friendly state and as I understand we are set to be worst the worst taxed state before long. Most businesses would rather conduct their business in a tax friendly state. No competitive, high paying jobs means the younger, educated demographic moves elsewhere to find jobs.

The initial construction phase of installing the turbines will create jobs, people will be needed to clear the land, blast for the turbine bases and building of the road, landscape and install the turbines. Once the wind turbines are up and running, how many jobs will be created? I've found that only one person is needed to run a facility of the proposed size. In fact it's been found only one person is needed to maintain up to 21 turbines.

As far as the comment that there is very little credible evidence suggesting that turbines effect the health of people nearby, you couldn't be more wrong. I have in my current possession more than 40 peer reviewed scientific papers/ articles stating the opposite. I'm sure I can find more easily but am in the process of reviewing all the information I already have. Does anyone know that most scientific papers in favor of wind turbines are paid for, or are conducted by people who work for wind turbine companies or their umbrella companies? I'll leave you with an ethics question. Is it right to put an additive into our water supply that will benefit 90% of the population but make the other 10% ill? Now insert wind turbines into that question.

Tyrell Boudreau, Swanton

Christine

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:17 AM
To: Mishaan, Jessica; London, Sarah
Subject: FW: I will be at the Statehouse August 25, 9:15a - 11-15a...

-----Original Message-----

From: Markowitz, Deb
Sent: Tuesday, August 18, 2015 3:11 PM
To: 'Patricia P. Rainville'; Trombley, Shana
Cc: Trombley, Shana
Subject: RE: I will be at the Statehouse August 25, 9:15a - 11-15a...

Hi Patricia - Unfortunately, I am busy all day. Is this about Swanton Wind? I can see if my deputy is around if that would be helpful. Deb

Agency of Natural Resources


Deb Markowitz, Secretary
Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620-3901

802-828-1294
Deb.markowitz@vermont.gov
www.anr.state.vt.us

Please Note: As of July 27, my email address has changed to deb.markowitz@vermont.gov

Respect. Protect. Enjoy.

-----Original Message-----

From: Patricia P. Rainville [mailto: 
Sent: Tuesday, August 18, 2015 3:01 PM
To: Trombley, Shana; Markowitz, Deb
Subject: I will be at the Statehouse August 25, 9:15a - 11-15a...

Peter and Deb,

I will be at the Statehouse, in Montpelier, next week, Aug 25, 9:15-11:15....would very much like to have a short meeting with you.

Will that be possible?

xo Patty

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:16 AM
To: Mishaan, Jessica; London, Sarah
Subject: FW: I will be at the Statehouse August 25, 9:15a - 11-15a...
Attachments: 2015 0812 PC Minutes - Complete with Appendices.pdf

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Tuesday, August 18, 2015 4:08 PM
To: Markowitz, Deb; Trombley, Shana
Cc: Trombley, Shana
Subject: RE: I will be at the Statehouse August 25, 9:15a - 11-15a...

Hi Deb -

Yes.....it would be very helpful to speak with your deputy...

It has come to our attention, that the initial project is, potentially, expanding.

I have attached the minutes of the Public Meeting - Swanton Planning Commission, August 12th. The critical area in question is Part 2. Presentation on Wind Power, facilitated by Representative Marianna Gamache - featuring Annette Smith.

Feel free to pass the information on to whomever you see as critical or interested in the discussion. Exposure of this information, after the fact, could have significant consequences, for all of us, and our uniquely, beautiful state.

I am so appreciative of your interest, timely response and help!


xoxo

Patty

-----Original Message-----

>From: "Markowitz, Deb"
>Sent: Aug 18, 2015 3:10 PM
>To: "Patricia P. Rainville" , "Trombley, Shana"
>Cc: "Trombley, Shana"
>Subject: RE: I will be at the Statehouse August 25, 9:15a - 11-15a...

>
>Hi Patricia - Unfortunately, I am busy all day. Is this about Swanton Wind? I can see if my deputy is around if that would be helpful. Deb
>
>
>

>
>Agency of Natural Resources
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>Deb Markowitz, Secretary
>Agency of Natural Resources
>1 National Life Drive
>Davis 2
>Montpelier, VT 05620-3901
>
>802-828-1294
>Deb.markowitz@vermont.gov
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>Please Note: As of July 27, my email address has changed to deb.markowitz@vermont.gov
>
>Respect. Protect. Enjoy.
>
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>From: Patricia P. Rainville [mailto:
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>To: Trombley, Shana; Markowitz, Deb
>Subject: I will be at the Statehouse August 25, 9:15a - 11-15a...
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>Peter and Deb,
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>Will that be possible?
>
>xo Patty
>
>

SWANTON PLANNING COMMISSION
One Academy St., P.O. Box 711
Swanton, Vermont 05488-0711
Tel. (802) 868-3325, Fax. (802) 868-4957
Email: swanza@swantonvermont.org

August 12, 2015

PUBLIC MEETING
SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public hearing and meeting at 7:00 PM on Wednesday, August 12, 2015 at the Swanton Town Offices, 1 Academy Street.

Planning Commission members present:

Jim Hubbard
Ed Daniel
Andy Larocque
Ross Lavoie
Ron Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary

Others present:

Taylor Newton, Northwest Regional Planning Commission (arrived at 8:06 p.m.)
Marianna Gamache, Swanton Representative
Melody Bodette, Vermont Public Radio
Chris Leach and Adam Paxman, Swanton Village Trustees
Mary Anne Duell
Ricky Doe
Tyrell Boudreau
Gil & Marie Tremblay
Danielle Garrant
David Butterfield
Dustin & Christine Lang
Annette Smith
Justin Lindholm
John A. Smith
Patricia Rainville
Pat Messier

1. To hold a public hearing to consider adoption of the 2015 Swanton Town and Village Municipal Plan pursuant to Chapter 117 of Title 24, Section 4387 and 4384, Vermont Statutes Annotated. The plan will focus on the following: updating data and information to be as current as possible, incorporating strategies to make Swanton a more flood resilient community and to incorporate public input gathered from the Swanton Community Visit done in conjunction with the Vermont Council on Rural Development. The purpose of this hearing is to receive public comment on the adoption of the draft Swanton Town and Village municipal Plan. The notice of the public hearing is available on the Swanton Town Website at www.TownOfSwantonVermont.weebly.com.

Mr. Jim Hubbard called the meeting to order at 7:08 p.m. He explained that this was the final public hearing of the Planning Commission for the Town Plan revision, prior to presenting the revised plan to the Joint Legislative Body. He summarized the plan changes, noting that the Swanton Planning Commission had been working with the Northwest Regional Planning Commission to revise the plan to be more in compliance with recommended federal and state standards regarding floodplains, water quality, and more. Compliance resulted in access to FEMA funding and grants. Mr. Hubbard added that the Planning Commission incorporated information resulting from the Swanton Community Visit in the plan, to highlight goals and objectives for Swanton's future.

Mr. Hubbard explained the importance of remaining within the schedule for the town plan's adoption by Regional Planning Commission, since timely adoption allowed Swanton to remain eligible for grant money. The presentations before the Joint Legislative Body would take place on September 16th and 23rd.

Mr. Ed Daniel added that one of the objectives was to remember and support the homeless, since the plan included information identifying 178 households in Swanton with less than \$10,000 in income annually. Mr. Hubbard added that the Swanton Economic Development Council would benefit the community as well.

Mr. Chris Leach stated that he saw the plan not so much as a plan, but as an almanac of what Swanton is and plans to be, which could be used as a conduit to get more industry into Swanton. He encouraged everyone to be familiar with and to use the plan.

The Planning Commission summarized that there were four main priorities for the next few months:

- 1) **Main Corridor:** Should the downtown and service area be one business district?
- 2) **Culverts:** Create an inventory of culverts in the town.
- 3) **Town Road & Bridge Standards:** Ensure that these standards have been accepted by the Selectboard.
- 4) **Flood corridors:** Review flood corridors and how they should affect development.

The conversation then turned to renewable energy siting. Mr. Leach stated that, as Village Trustee, one of his responsibilities was power, and noted that Vermont had the 8th highest average power price, at 17.5 cents. In order to attract energy, that price needed to be reduced.

2. Presentation on Wind Power, facilitated by Representative Marianna Gamache

Rep. Marianna Gamache stated that she had first been made aware of the proposed Swanton Wind Project by Christine Lang, who was a neighbor to the proposed project. The developer was currently in violation due to his failure to receive a Certificate of Public Good for the meteorological tower placed on the ridge to measure wind speed. She introduced Annette Smith, who had testified before the state Energy Committee, on which Rep. Gamache sat. She stated that Annette Smith was very knowledgeable about wind power and had been consulting with her in relation to the proposed project.

Ms. Smith introduced herself, explaining that she served in numerous functions, both for her town of Danby and for the Regional Planning Commission, and she lived "off the grid" on solar. She had 6 years of experience working on wind issues. She noted that wind projects tended either to be divisive within towns, or to unify the townspeople in opposition to a project.

The Town Plan was the community's voice to the Public Service Board, but, unfortunately, the plan's language in relation to renewable energy would be cherry-picked by the developer when presenting the application for a project. The plan must therefore be specific and consistent. Statements could not contradict one another (e.g. general support of renewable energy yet desire to preserve natural beauty). Specificity involved naming specific areas to exclude from siting, or specific areas allowed for such siting. She was very concerned that if the revised Swanton Town Plan went before the Joint Legislative Body without specific language, the town's (unstated) desires would be disregarded. She added that the strongest message that the town could send to the Public Service Board would be for the public to vote in support of the Town Plan.

Ms. Smith explained that her Regional Planning Commission had formed an energy committee with the following goals:

- 1) To develop language for guidance and regulation
- 2) To provide information and guidance to towns
- 3) To draft a bylaw on solar energy

Ms. Smith read sections from her regional plan, which gave specific guidelines. For example, the minimum setback from wind turbines shall be 1.5 times the total height of the turbine; a 500 foot turbine would therefore require a 750 foot setback from the property line of the nearest neighboring property. The tower base shall also be set back from the nearest home by one mile per megawatt.

She detailed a list of known health impacts caused by wind turbines: sleep disruption, heart issues, higher blood pressure, and more. Credible sources and experts had provided testimony before the Public Service Board regarding these health complaints, but the PSB had gone entirely with the information presented by one source. She explained that the motion of wind turbines produce

barometric pressure waves that can be channeled by topography toward homes and cause health problems. Infrasound could cause pressure inside the head, especially since it was often louder indoors than outdoors.

The PSB decided on DBA (A-weighted decibels) standards of 45 DBA measured from the exterior of a home averaged over one hour, and 30 DBA, measured in the interior of a home averaged over one hour. She stated that many reports regarding the standards and the impact on neighbors had been filed with the PSB, but had been ignored.

Mr. Dustin Lang remarked that cigarettes' known link to health problems had been denied; now the health risks of wind energy were similarly denied.

Ms. Smith explained that the Public Service Board would give the community's stated preference due consideration. However, there was no public process in the PSB process. She recommended that when the town received the 45-day notice regarding the Swanton Wind Project application, the town should hold a public hearing to gather input and should provide comments to the developer. When the application was filed, the Planning Commission and Selectboard should offer comments to the Public Service Board. These comments were not included in the record, but were considered. The town plan would be cited in the record.

Intervention as a town involved a lawyer. In Swanton's case, Ms. Smith recommended that the town intervene if an application was filed, since it was very hard to intervene at the citizen level. She explained that the process would involve a "discovery" prior to ruling on the motion to intervene. She further noted that the SPB had its own version of the Queechee analysis (for aesthetics) in which citizen intervention was not given as much standing as town intervention because neighbors were considered more likely to be concerned. This matter was currently before the Supreme Court.

Mr. Hubbard asked if wind projects were actually cost effective. Ms. Smith replied that, due to the lack of transparency, no one knew. The experts hired by the PSB to study the effect of sound, or the impact on birds and bats, were always from the same company. The system was not democratic and was harmful to communities. She doubted that they would "save the planet" with the current technology.

It was noted that the proposed Swanton Wind Project would involve going through a critical habitat, recognized by the Northwest Regional Planning Commission. Mr. Hubbard asked whether there was an movement to gather support from NRPC. Ms. Smith replied that a pilot program was being developed in NRPC to address the lack of renewable energy siting language in area town plans. The program was currently cataloguing energy, to make a map of the area for solar. Some of the mapped areas included forest; Vermont did not currently have a policy on removing forest for solar. She noted that some communities experienced significant flooding due to stormwater runoff from construction. There was massive pressure to move forward on Vermont's goal for 90% renewable energy by 2050, so much so that she had seen many organizations "roll over and violate their missions [in order] to support wind energy."

Mrs. Doe noted that she and her neighbors had first learned of the project in June 2015, so a lot of people still did not know of it. Pat Messier suggested asking the town's citizens: "Would you like this in your area? Would you like to live near a wind project?" Mrs. Marie Tremblay said that she lived a third of a mile away, and was very concerned for the health of her grandchildren. Mr. Doe added that if the developer had abided by the rules, the neighbors would have known over 4 years ago of the proposed project; there had to be some 11th hour language that the Town could put in the plan to "hit the pause button" so that the situation could be investigated more thoroughly.

Ms. Smith informed the board that some towns had raised and spent up to \$700,000 to intervene in the PSB process, whereas specific language in the town plan could provide better support in intervention and reduce costs significantly. She noted that the main issue was time, since the question of the meteorological tower did not necessarily slow down the application for the rest of the project.

Mr. Ross Lavoie stated that his parents had some wind turbines on their land, but they did not seem disruptive. Did topography influence the effects? Ms. Smith replied that topography absolutely influenced the effects, and suggested that the board members research "acoustic ecology." She emphasized that this was the highest concentration of population around wind power and that the actions that the Planning Commission might take did matter. She gave information on 17 towns who had language regarding wind siting in their town plans.

Mr. Hubbard informed the attendees that the Swanton Selectboard would meet with the Selectboards of Fairfield and St. Albans on September 1st to discuss the project.

Rep. Marianna Gamache reminded the board that, when representatives at the state level considered a bill, they did not hear from every constituent that they represented, only from those with definitive thoughts. Also, the representatives had access to information not available to the general public and therefore had to make decisions in the constituents' best interests. The Swanton Planning Commission should insert a simple measure of protection for the good of its citizens.

The Planning Commission hearing recessed at 8:50 p.m.

The recess ended at 9:00 p.m. Mr. Taylor Newton of NRPC informed the Planning Commission that there was still time to put in an insubstantial change before presenting to the Joint Legislative Body. NRPC had adopted a new plan, which would go into effect January 2016 and had strong criteria in terms of environmental protection and policy. Chris Leach sat on the Policy Recommendation Committee, which reviewed applications, all of which were treated on a case-by-case basis. The committee then reviewed the applications in terms of goals and policy, brought their findings to the full board, and asked any questions they wanted. There were usually several rounds of "discovery." Without strong standards in a town's plan, the plan was weaker in the PSB process. The PSB did not have to give deference to the Regional Plan, only "consideration." The pilot project mentioned by Annette Smith would amend the plan in some way in the future and would project out to 2050.

The Selectboard could make changes to the plan as long as it was more than 15 days before the final hearing on September 23rd. The Swanton Town Plan expired on August 31st, and getting approved by the Regional Planning Commission would allow Swanton access to one Municipal Planning Grant, at a maximum of \$20,000. Mr. Leach and Mr. Paxman, Village Trustees, stated their support for a minor amendment in the plan regarding wind energy siting.

After discussion, the Planning Commission and Village Trustees agreed to hold a joint meeting amongst the Planning Commission, Village Trustees, and Selectboard on Tuesday, the 18th of August, to discuss specific language for the Town Plan. Mr. Newton added that the NRPC committee would hopefully approve the Swanton town plan on September 30th. A grant application should have been submitted by that time.

3. Public Comment – None.

4. Any Other Necessary Business

Mr. Lavoie made a motion, seconded by Mr. Daniel, to approve the Town Plan as written. Motion carried unanimously.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to approve the Swanton Planning Commission meeting minutes of July 8, 2015. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn at 9:43 p.m. Motion carried.

NOTE: Appendices I through VI are part of this record. These are the documents that Annette Smith provided to the Planning Commission regarding renewable energy siting language adopted by other towns in Vermont.

Respectfully Submitted,

Yaasha Wheeler
Swanton Planning Commission Secretary

Jim Hubbard

Ed Daniel

Ross Lavoie

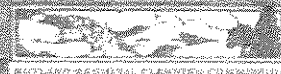
Andy Larocque

Municipal Wind Siting Checklist



	Yes	No
Has the developer made an effort to site the facility away from:		
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>
Prominent peaks	<input type="checkbox"/>	<input type="checkbox"/>
Regarding setbacks:	<input type="checkbox"/>	<input type="checkbox"/>
What is the setback from road to height of the turbine ratio?		
What is the setback from the nearest residence to height of the turbine ratio?		
Will this setback accommodate throw and/or ice throw?	<input type="checkbox"/>	<input type="checkbox"/>
Does this comply with town preferences?	<input type="checkbox"/>	<input type="checkbox"/>
Will the turbine be shut-down in icing conditions?	<input type="checkbox"/>	<input type="checkbox"/>
What will be the noise volume (audible dB, above ambient noise) that the turbine will generate?		
Does this comply with town preferences?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer conducted a viewshed/aesthetic analysis for the proposed site?	<input type="checkbox"/>	<input type="checkbox"/>
If so, how many houses have a view of the project?	<input type="checkbox"/>	<input type="checkbox"/>
Do any of these houses have a view considered adverse?	<input type="checkbox"/>	<input type="checkbox"/>
Will the turbine be equipped with lights?	<input type="checkbox"/>	<input type="checkbox"/>
If so, will the lights adversely affect any residents?	<input type="checkbox"/>	<input type="checkbox"/>
Will any residences experience 'flickering' from the turbine?	<input type="checkbox"/>	<input type="checkbox"/>
If so, how many hours per year will the house(s) experience the flickering?		
Has the developer proposed using existing topography and vegetation to screen the project?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer attempted to site the project in proximity to development for the benefit of aesthetics?	<input type="checkbox"/>	<input type="checkbox"/>
Does the town plan have specific language regarding the siting of wind facilities?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer met with the Planning Commission, Selectboard, and/or neighbors prior to filling out the 45 day notice for the project?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Planning Commission or Selectboard submitted comments to the PSB regarding the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Planning Commission or Selectboard held a public meeting to gather public comment during the 45 day period?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer proposed a decommissioning bond and/or decommissioning plan for the project? ...	<input type="checkbox"/>	<input type="checkbox"/>

Municipal Solar Siting Checklist



Is the developer using existing hardscape such as a:	Yes	No
Brownfield	<input type="checkbox"/>	<input type="checkbox"/>
Developed site	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer made an effort to site the facility away from:		
Agricultural land	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>
Forests/Trees	<input type="checkbox"/>	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	<input type="checkbox"/>
How many acres will be replaced for each aforementioned land type?		
Will the facility be set back from the road?	<input type="checkbox"/>	<input type="checkbox"/>
If so, how many feet?		
Does this comply with town preferences?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer conducted a viewshed/aesthetic analysis for the proposed site?	<input type="checkbox"/>	<input type="checkbox"/>
If so, how many houses have a view of the project?	<input type="checkbox"/>	<input type="checkbox"/>
Do any of these houses have a view considered adverse?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer proposed screening for the project?	<input type="checkbox"/>	<input type="checkbox"/>
Will the screening make use of existing topography and vegetation?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer attempted to site the project in proximity to development / the three phase line for the benefit of aesthetics and energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>
Does the town plan have specific language regarding the siting of solar facilities?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer met with the Planning Commission, Selectboard, and/or neighbors prior to filling out the 45 day notice for the project?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Planning Commission or Selectboard submitted comments to the PSB regarding the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Planning Commission or Selectboard held a public meeting to gather public comment during the 45 day period?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer/owner proposed a maintenance plan for the facility, such as the responsibility of snow removal?	<input type="checkbox"/>	<input type="checkbox"/>
Has the developer proposed a decommissioning bond and/or decommissioning plan for the project?	<input type="checkbox"/>	<input type="checkbox"/>



Model Municipal Plan Language for In-State Commercial and Municipal Solar Electricity Generation and Transmission Siting

The (town) Planning Commission, in consultation with the Rutland Regional Planning Commission, will identify and map those areas of the municipality that are most suitable for commercial and municipal solar electricity generation and transmission facility development based on facility siting requirements and municipal energy, conservation and development policies and objectives.

The (town) Planning Commission, in consultation with the Energy Coordinator (Committee), will prepare community standards and siting standards for the development of solar electricity generation, transmission and substation facilities, for reference by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248).

Under this law, prior to the construction of a solar electricity generation facility, the VT Public Service Board (PSB) must issue a Certificate of Public Good. A Section 248 review addresses environmental, economic, and social impacts associated with a particular project, similar to Act 250. In making its determination, the PSB must give due consideration to the recommendations of municipal planning commissions and its respective plan. Accordingly, it is appropriate that (town's) Municipal Plan address these land uses and provide guidance to town officials, regulators, and facility developers.

The municipality will participate in the Public Service Board's review of new and expanded generation facilities as necessary to ensure that local energy, resource conservation and development objectives are identified and considered in proposed utility development. This may include joint participation in collaboration with other affected municipalities and the Rutland Regional Planning Commission for projects that may have significant regional impact. H.40, passed in 2015, gives the host municipality automatic party status in the PSB permitting process. It is acknowledged that the PSB's prime focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.

The Planning Commission, in consultation with the (legislative body), will develop guidelines to direct local participation in Section 248 proceedings for the review of solar electricity projects located in (town) or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, and magnitude of a proposed project, and its potential benefits and impacts to the community.

Community Standards

The following community standards are to be considered in undertaking municipal solar electricity projects and programs, in updating the (town's) bylaws to address commercial solar electricity generation and transmission development subject to local regulation, and in the review of new or upgraded commercial solar electricity generation facilities and systems by (town) and the Public Service Board (Section 248 review).

Plan Conformance: New commercial, utility-scale solar electricity generation facilities and proposed system upgrades, should be identified in or be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities' Integrated Resource Planning (IRP). A new facility should be considered only after potential alternatives, including increased energy efficiency, distributed energy systems, and existing facility upgrades are evaluated and found to be insufficient to meet system reliability needs or projected demand.

Benefits: A demonstrated public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar electricity projects located within or which may otherwise affect the (town). Facility development must benefit town residents, businesses, and property owners in direct relation and proportion to the impacts of the proposed development.

Impacts: New generation, transmission and distribution facilities must be evaluated for consistency with community and regional development objectives and to avoid undue adverse impacts to significant cultural, natural and scenic resources identified by the community.

Decommissioning: All facility certificates or impacts shall specify conditions for system abandonment and decommissioning, including required sureties for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads and accessory structures, must be removed from the site.

Solar Electricity Facility Siting

(Town) supports responsibly sited and developed solar electricity projects within its boundaries. It recognizes that financial considerations require projects to be located in close proximity to electric power lines capable of transmitting the load proposed to be generated and easy access from major transportation networks for construction. However, it desires to maintain the open landscape and scenic rural views important to its tourism economy and rural cultural aesthetic. Not all commercial or community scale solar electricity projects proposed can meet this standard. Projects must meet the following criteria in order to be supported by this plan:

Preferred Areas: New generation and transmission facilities shall be sited in locations that reinforce the community's traditional and planned patterns of growth, of compact (downtown/village) centers surrounded by a rural countryside, including working farm and forest land.

The following areas have been identified as suitable for the development of larger, utility-scale solar electricity generation and transmission facilities (150 kW or greater), consistent with this pattern of development, based on the municipal review of state energy plans, municipal participation in state energy plan development, an analysis of available renewable energy resources, technical facility requirements, and municipal resource conservation and development goals and objectives:

Identify and map those areas suitable for solar electricity development, as identified from the review of planned facility upgrades, to be referenced in the municipal plan, and/or from a community-wide inventory and mapping project. This could also include specifying suitable zoning districts, as appropriate.

The following areas are identified as suitable for the development of all sizes of solar electricity generation and transmission facilities:

- Roof-mounted systems;
- Systems located in close proximity to existing larger scale, commercial, industrial or agricultural buildings;
- Proximity to existing hedgerows or other topographical features that naturally screen the proposed array;
- Reuse of former brownfields;
- Facilities that are sited and/or clustered at the edge of timber stands and core forest habitat, along property boundaries, and in otherwise disturbed areas, such as gravel pits, closed landfills, or former quarries.
- In agricultural areas, solar facilities are to be located and/or clustered on the least productive portion of the site. In nonagricultural areas, along field and forest edges, or on otherwise disturbed areas;

- A location that accommodates (town's) setback and screening requirements and encourages the use of existing natural vegetation.

Under H.40, passed in 2015, minimum setbacks requirements for in-state, ground-mounted solar generation facilities approved under Section 248 are:

Minimum Setbacks	
From a state or municipal highway	100 feet for a facility with a plant capacity exceeding 150 kilowatts (kW); 40 feet for a facility with a plant capacity between 15 and 150 kW.
From each property boundary that is not a state or municipal highway	50 feet for a facility with a plant capacity exceeding 150 kW; 25 feet for a facility with a capacity between 15 and 150 kW.

The PSB may require a larger setback or with agreement of the applicant, local legislative body and adjoining owners, a smaller setback. No setback is required for facilities with plant capacities of less than 15 kW.

Prohibited (Exclusion) Areas: Because of their distinctive natural, historic or scenic value, and special significance to the community, solar electricity facility development shall be excluded from (prohibited within), or shall not be supported by the town in the following locations (as mapped by the municipality or other official entity):

- Certain zoning districts (specify)
- Floodways shown on Flood Insurance Rate Maps (FIRMs);
- Fluvial erosion hazard areas shown on River Corridor Maps developed by the Vermont Agency of Natural Resources (ANR);
- Class I, II and III wetlands;
- A location that requires clear cutting or fragmentation of the (town's) working landscape, including undeveloped forestland, open farm land and primary agricultural soils (as mapped by the U.S. Natural Resource Conservation Service);
- Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
- Ridgelines: (list);
- Steep slopes (>25%)
- Surface waters and riparian buffer areas (except for stream crossings);
- (Other as identified and mapped by the municipality).

- Topography that causes a facility to be visible against the skyline from common vantage points from public and private vantage points such as roads, homes and neighborhoods;
- A site in proximity to and interfering with a significant viewshed (significant viewsheds within (town) include: _____);
- A location where a "good neighbor policy" cannot be practiced. For example, where a site cannot be screened from the view of neighbors and thus prohibits them from exercising the peaceful enjoyment of their property;
- A site that does not allow for (town's) prescribed screening standards;
- A site that causes significant adverse impacts to historical or cultural resources, including state or federal designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts of historical and cultural resources include:
 - removal or demolition;
 - physical or structural damage, significant visual intrusion, or threat to the use;
 - significant intrusion in a rural historic district or historic landscape with a high degree of integrity;
 - significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - creating a focal point that would disrupt or distract from elements of a historic landscape;
 - a significant intrusion in a rural historic district or historic landscape that has a high degree of integrity;
 - impairing a vista or viewshed from a historic resource that is a significant component of its historic character and history of use;
 - visually overwhelming a historic setting, or by being dramatically out of scale;
 - isolating a historic resource from its historic setting, or introduce incongruous or incompatible uses, or new visual, audible or atmospheric elements.

Other Recommendations

Site selection should not be limited to generation facilities alone; other elements of the facility need to be considered as well. These include access roads, site clearing, onsite power lines, substations, lighting, inverter sheds, and off-site power lines. Development of these elements shall be done in such a way as to minimize any negative impacts. Site clearing and roadways can have greater visual impacts than the energy generation facility itself. In planning for facilities, designers should take steps to mitigate the project's impact on natural, scenic and historic resources and improve its harmony with the surroundings.

New solar generation and transmission facilities that include multiple installations shall be sited to include equipment of uniform design.

Mass and Scale (to limit large projects)

Solar facilities should be limited in mass and scale, or have their mass and scale broken up by screening, to fit in with the (town's) landscape. Projects larger than ----- cannot be adequately screened or mitigated to blend into the municipality's landscape and are therefore prohibited.

Town Wide Votes

		Against Wind	For Wind	
May-05	Sheffield	93	120	to continue to explore the wind project
Mar-10	Lowell	214	242	to oppose
Mar-06	Roadsboro	51	101	to allow expansion of the existing 12 turbines at 150
Jan-2007	Barton	160	-	to oppose Sheffield Wind
Mar-2007	Sutton	120	23	to oppose Sheffield Wind
Mar-2006	Londonderry	425	213	to oppose wind turbines on Glebe Mountain
Mar-2006	Manchester	62	60	not to support wind turbines on Little Equinox Moun
Dec-2007	Wilmington	51	15	to oppose the Searsburg expansion, also known as E
Mar-2010	Ira	80	29	to support town plan that prohibits wind turbines or
Sep-2012	Newark	169	59	to support town plan that opposes wind turbines or
Sep-2012	Hubbardton	94	6	to oppose commercial ridgeline wind development
Oct-2012	Brighton	544	320	against the Seneca Mountain wind project
Nov-2013	Eden	74	51	against the BNE wind project
Dec-2013	UTG	171	107	against SMW
	Total	2,188	1,536	
		59%	41%	

Regional Plan that Addresses Renewable Energy

<http://rutlandrpe.org/rutlandregionalplan.php>

www.nvda.net

The NVDA Wind Study

The NVDA Wind Study Committee was formed in response to the NVDA Board of Directors July 2012 adoption of a resolution recommending a suspension of industrial-scale (height of 200 ft. or greater) wind turbines for a 3-year period for further study. At the March 26, 2015 meeting of the full Board of Directors, members unanimously approved the committee's recommendation that "no further development of industrial-scale wind turbines should take place in the Northeast Kingdom. This position will become an element in the NVDA regional energy plan. The position may be revised for future plans if our understanding of turbine impacts changes significantly." (The final Wind Study Report is available below)

Committee members include: Jim Greenwood (Chair), Mark Whitworth, Farley Brown, Robert Croteau, and David Snedeker (NVDA staff). The Committee meets at the Barton Town Office approximately every three weeks. Please contact NVDA to check on upcoming meetings. Meeting minutes will be posted soon.

Meeting schedule:

2/20/13, 6:00pm Barton Town Office Minutes

3/13/13, 6:00pm Barton Town Office Minutes

4/03/13, 6:30pm Barton Town Office (guest: Dave Hallquist, VEC) Minutes

4/24/13, 6:30pm Barton Town Office (guest: Billy Coster, ANR) Minutes

5/08/13, 6:30pm Barton Town Office (guest: Anne Margolis, PSD) Minutes

5/29/13, 6:30pm Barton Village Community Center (guest: John Soininen, Eolian) Minutes

Eolian Presentation

8/14/13 at 7:00pm at the Barton Town Office (guest: Kerrick Johnson, VELCO) VELCO -

Interconnecting Wind NVT, VELCO - System Reliability Renewable Generation Minutes

9/4/13 at 6:30 at the Barton Town Office. (guest Kevin Jones, VT Law School and Steve Therrien) Minutes

9/26/13, 6:30pm at the Barton Town Office. (Guests: Robt. Dostis, GMP; Jason Shafer, LSC) Health Effects - Peer Review Lit_KCW, KWC Fact Sheet, JShafer WindResource Presentation, Minutes

11/06/13, 6:30pm at the Barton Town Office. (Guest: Dr. David Grass, VT Dept. of Health) Minutes, Health Reviewed Lit., Infrasound report, Fall Testing Rpt., Winter Testing Rpt.

1/6/14 (Guest: Gloria Bruce, NEKTTA) 9am at NVDA Office in St. Johnsbury Minutes

1/29/14, 6:30pm, at the Barton Town Office. (Guest: Ben Luce) Minutes

Antrim Wind Avoided Emissions Report, Renewable Energy Options

Wind Study - Draft Report - Attachment A, Attachment B, Attachment C, Attachment D, Attachment E, Attachment F

Wind Study - Draft Report August 21, 2014 (amended January 22, 2015)

Wind Study - Final Report March 27, 2015

Wind Study Report

August 21, 2014 (amended January 22, 2015)

(As prepared by the NVDA Wind Study Committee)

&

(With edits and recommendation approved by NVDA Executive Committee)

Accepted and adopted by the NVDA Board of Directors

March 26, 2015.

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WIND STUDY REPORT – Final

Executive Summary

Policy Statement (from the NVDA Regional Plan) – “This region has a responsibility to plan for adequate supply of energy to meet local energy demand. Planning activities may include the production, storage, siting, and distribution of energy. Individuals, businesses, organizations, and communities are encouraged to explore emerging energy supply, efficiency, and net-metering opportunities that meet accepted environmental standards in order to satisfy their power demand.

New industrial/utility energy development shall meet the highest standards required by law. Permitting authorities shall first consider current and historical land use and the culture of the region, community opinion, economic benefit, as well as the land owner’s rights. Any development shall to the extent possible be done so as to mitigate adverse impacts to the region. Any utility-scale energy generation project deemed acceptable by the Public Service Board shall include a plan for distributing benefits to the towns in the region proportional to the adverse effects experienced by that town. Long term maintenance, safety issues, decommissioning, and land reclamation procedures required at the end of the energy project’s life must also be included in the project plan.

The plan aims to balance environmental quality and important natural resources with energy production. Significant local and regional support and clearly demonstrated benefits should exist in any energy proposal.”

Wind as a Renewable Generation Resource - Wind energy has recently been on the forefront of the renewable energy movement. The U.S. Department of Energy has announced a goal of obtaining 5% of U.S. electricity from wind by 2020, a goal consistent with the current rate of growth of wind energy nationwide. Vermont is currently ranked 34th out of the lower 48 states for wind energy potential.

Status/Recent History of Industrial Wind Development in the NEK - Projects that have been constructed or proposed in the Northeast Kingdom include: UPC/First Wind Project (16 turbines over 400’ tall and constructed in Sheffield); GMP/Kingdom Community Wind (the region’s second utility – scale wind farm and VT’s largest wind facility, utilizing 3 miles of ridgeline with 21 turbines over 400’ tall constructed in Lowell); Eolian/Seneca Mountain Wind (initially proposed for Ferdinand, Newark, & Brighton, but scaled down to only include Ferdinand); East Mountain – 4-turbine demonstration project (proposal for East Haven); Grandview Farm 1-turbine (Derby); and Smugglers Hill Farm 1-turbine (Holland). [pp. 21-22 of NVDA Energy Plan]

The First Wind facility, located in Sheffield, Vermont came online in October 2011 and contributed another 25,948 MWhs to regional generation. The wind farm was only operating for a portion of 2011, but was projected to contribute a total 112,000 MWhs annually. Another utility-scale wind farm in the region, Kingdom Community Wind (Lowell, Vermont), received a Certificate of Public Good and began

generating electricity in November 2012. The Kingdom Community Wind Project was projected to contribute another 180,000 MWhs annually.

Public Issues and Concerns over Industrial-scale Wind Development - The siting of wind turbines has raised public concerns about aesthetic impacts, erosion, water quality impacts, noise, land scarring, and effects on wildlife, property values, public health, and impacts on local economic drivers, such as tourism. Concern has also been expressed by residents within the Northeast Kingdom that our region has been targeted for industrial-scale wind development due to the region's rural nature, low population densities, and lower overall socio-economic status. When one considers the number of projects proposed for this (the NEK) region in comparison to the rest of VT, perceptions may seem valid. To address these many unknown impacts and for other reasons, including the state's permitting process for energy generation facilities, the NVDA Board of Directors, at its July 2012 meeting, overwhelmingly passed a resolution recommending a suspension of industrial-scale wind in the Northeast Kingdom for a three-year period for further study. Later, broad public concerns at a statewide level over the siting of energy generation facilities and complaints around the state's permitting process for these facilities resulted in Governor Shumlin appointing an official Siting Commission to examine the VT Public Service Board's permitting process and to come up with recommendations for improvement.

Purpose

Board Resolution for Industrial-Scale Wind Study – As recommended by NVDA Board of Directors Resolution of July 2012, the NVDA formed a committee to conduct “a thorough evaluation of the impact of wind towers on the Northeast Kingdom” to include:

- The cost versus the benefit of industrial size wind turbines in the Northeast Kingdom
- What does objective data and science show concerning measurable health impacts? What does national and international research show?
- Are transmission requirements being adequately addressed with these projects?
- Do statutes, regulations and the review process provide ample environmental protections for the development of higher elevation ridge-lines?
- What is the impact of industrial wind turbines on property values and tourism in the Northeast Kingdom?
- What impact do industrial wind turbines have on greenhouse gas emissions in the Northeast Kingdom?

Methodology - The NVDA Executive Board approved a Study Committee of volunteer members from the NVDA Board of Directors. Members of the study committee are local and regional stakeholders representing different backgrounds with differing areas of expertise. Some of the appointed committee members were just completing a 2013 comprehensive update of the Energy Section of the NVDA Regional Plan*, and others members were recruited based on their ability to address areas of study proposed by the NVDA Board resolution. The Study Committee began its work in January 2013. *Note – The Energy section of the 2013 NVDA Regional Plan received a grade of ‘A’ for its content related to the

requirements of 24 V.S.A., Chapter 117 following a review of the entire plan by an independent consultant selected by the Agency of Commerce & Community Development and the Vermont Association of Planning & Development Agencies.

Study Committee members included: James Greenwood, Chair (retired NVDA Economic Development Specialist, VT Dept. of Labor official, State Senator, Citizens Utilities), Farley Brown (NVDA Board of Directors, Sterling College, Town of Craftsbury Planning Commission and Conservation Commission), Robert Croteau (NVDA Executive Board, Town of Barton Selectboard, Business Owner), Mark Whitworth (NVDA Executive Board, Town of Newark Planning Commission, Energize Vermont), and David Snedeker (NVDA Executive Director, Town of Barton Planning Commission). Other NVDA Board members that participated in committee meetings over the study period include: Peter Rodin (UTG Planning Commissioner and retired VT Electric Cooperative employee), Steve Amos (Town of Wheelock Selectboard), Martha Feltus (State Representative, Town of Lyndon Selectboard), and John Morley (President, NVDA Board of Directors, Orleans Village Supervisor, former Director VPPSA).

Following upon the study recommendations of the NVDA Board's resolution, the Study Committee developed a format of inviting guest speakers with experience and/or expertise in specified topical areas. The selected guest speakers were chosen based on their perceived knowledge of the subject area the committee was interested in learning. As the study evolved and additional information was desired, other guest speakers were invited to participate. Guest speakers appearing before the study committee were:

- April 3, 2013: David Hallquist, VT Electric Cooperative (speaking on generation, transmission, and distribution)
- April 24, 2013: Billy Coster, ANR (speaking on ANR's role and responsibilities in the PSB process)
- May 8, 2013: Ann Margolis and Aaron Kisicki, PSD (speaking on PSD's roles and responsibilities in PSB process)
- May 29, 2013: John Soinenen and Travis Bullare, Eolian Renewable Energy (speaking on climate change, wind industry, and role as a renewable energy developer)
- August 14, 2013: Kerrick Johnson, VT Electric Transmission Company (VELCO), (speaking on VT's Electric Transmission Company and its role and responsibilities, transmission system in northern VT, interconnecting wind resources, etc.)
- September 4, 2013: Kevin Jones, VT Law School (speaking on VT's renewable energy policy and its impacts on Vermont)
- September 4, 2013: Steve Therrien, adjoining property owner to First Wind (speaking complaining of health impacts and impacts to property value based on inability to resell.
- September 26, 2013: Robert Dostis, Green Mountain Power (speaking on the Kingdom Community Wind Project in Lowell)
- September 26, 2013: Jason Shafter, Professor of Atmospheric Sciences at LSC (speaking on climatology, wind resources, and local data)

- November 6, 2013: Dr. David Grass, VT Dept. of Health (speaking on health impacts and studies related to industrial-scale wind)
- January 6, 2014: Gloria Bruce, Northeast Kingdom Travel and Tourism Association (teleconference speaking on impacts to businesses in the travel and tourism industry)
- January 29, 2014: Dr. Ben Luce, Lyndon State College (speaking on renewable energy options for VT and the NEK region)

Study Committee meetings notices were posted on the NVDA website, along with meeting minutes and materials www.nvda.net. Local newspaper reporter(s) were invited to each of the committee meetings, as well. Over the months of March – June 2014, the study committee held 5-6 working meetings to assess and discuss information that had been covered over preceding months and develop recommendations (proposition statements) for the committee's report.

The proposition statements are presented in no specific order and must be understood within the context in which they were developed. For a complete understanding, it is important that they should be read along with the full report, minutes from each meeting, and supplementary materials that were presented (and reviewed) by each of the invited presenters and/or study committee members.

General assertions regarding industrial wind development in Vermont and the Northeast Kingdom:

- The State of Vermont, through its adopted Comprehensive Energy Plan, has set progressive and ambitious renewable energy generation goals to achieve by the year 2050. 20% of electricity needs by 2017 and 90% of energy needs across all sectors by 2050.
- The development of industrial-scale wind generation facilities is contributing to meeting the State's renewable energy generation goals. There are two projects in the NEK region – Sheffield and Lowell. Other projects have been proposed, but not developed – East Haven, Seneca Mountain (Ferdinand), and Derby.
- The siting and development of industrial-scale wind facilities in the NEK region has not been without controversy, whether in towns where projects have been constructed or in towns where projects have been developed, proposed, tabled, or withdrawn from consideration.
- Industrial-scale wind turbines have created significant local, regional, and state land use planning issues.

Health Impact Propositions

The NVDA Wind Study Committee concludes*:

- We are concerned that our neighbors have health complaints that they attribute to turbine operations.
- The relationship between turbine operation and health is not well understood.

- There may well be a direct link from turbines to ill health that has yet to be discovered.
- If turbine noise will disturb sleep only if it exceeds noise guidelines, then assuring the health of neighbors may require continuous noise monitoring and rigorous enforcement of noise standards.
- DoH should actively investigate the health claims made by turbine neighbors in Vermont.
- There is not enough known about: the potential health impacts (direct or indirect) of turbines; the distances over which those impacts might be felt; or, the effectiveness of possible mitigation measures to allow the NVDA to recommend further turbine development in the Northeast Kingdom.

**As developed by the Study Committee based upon the testimony and evidence presented. For a full assessment of findings, see Attachment A: Propositions on Health 5.0*

Transmission Propositions:

The NVDA Wind Study Committee concludes*:

- We acknowledge that VELCO, through its long-range plan and presentation, has identified most of the NEK region as a constrained zone due to transmission grid congestion. This limits the system's ability to accept additional generation resources.
- We acknowledge the VT Electric Cooperative's recommendation for a moratorium on implementing renewable mandates because of transmission constraints and grid integration issues associated with renewable generation resources.
- Accepting VELCO's assertions that new generation added over the last five years now makes our region an exporter of power to other regions of VT and New England; our regional constraint issues; and, that the forecasted annual load growth for VT is less than 1% (and decreasing) going forward, there seems to be little need for new large-scale generation facilities in the NEK region.
- Improving transmission reliability within the existing system is preferable to adding new generation and transmission facilities that may exacerbate curtailment issues or destabilize the existing transmission grid.

**As developed by the Study Committee based upon the testimony and evidence presented. For a full assessment of findings, see Attachment B: Propositions on Transmission 4.*

Wildlife and Water Resource Propositions:

The NVDA Study Committee concludes*:

- Regional environmental impacts of industrial wind development are not well understood, such as high elevation stormwater runoff, bird and bat fatalities, wildlife habitat destruction, and loss of connectivity across the Northeast Kingdom landscape. Studies are ongoing and further research should be conducted.

- Alternative stormwater technologies, such as level spreaders, need to be proven for their effectiveness.
- Because there is limited data on the impacts of wind projects in the Northeast Kingdom on birds and bats, it is recommended that GMP continue to monitor bat fatalities beyond the one year post construction survey and follow methods used in the Sheffield Bird and Bat Post-Construction Study.
- The Sheffield Bird and Bat Post-Construction Study Final Report is due in December 2014 and the Vermont Department of Fish and Wildlife determination of future methods of mitigation based on this information will need to be followed.
- Agency of Natural Resources wind development guidelines from 2006 need to be updated. This is consistent with the Energy Generation Siting Policy Commission Recommendations 2013: ANR shall provide detailed guidelines on assessment and "undue" impact.

**As developed by the Study Committee based upon the evidence presented. For a full assessment of findings, see Attachment C: Wildlife and Water Resources Propositions (8/5/14)*

Property Value Impact Propositions:

The NVDA Wind Study Committee concludes*:

- Establishing property values is a subjective as well as an objective exercise.
- Perceptions (negative and positive) drive the decision making and valuation process.
- *Property values and aesthetics are intertwined.*
- While the property value impact studies that were presented to the Committee showed mixed conclusions, the Committee gives greater consideration to the studies from the professional appraisal consultants given their experience in establishing values, including an accounting for subjectivity.
- The nearer a residential property is to an industrial wind project, the greater the likelihood of negatively impacting its value.
- With a number of existing industrial wind facilities in the region and Vermont, the Public Service Department, working with the VT Tax Department, should consider tracking property values and sales within a defined range of distances (e.g. 1/2-mile, 1-mile, 2-miles, etc.) to aid in determining the impacts of turbines on property values.

**As developed by the Study Committee based upon the testimony and evidence presented. For a full assessment of findings, see Attachment D: Property Value Propositions4 (6/17/14)*

Green House Gas Propositions:

The NVDA Wind Study Committee concludes*:

- Focusing on the generation of electricity is not the most effective way of reducing the state's GHG emissions
- It is unclear if industrial wind turbines in Vermont can bring about reductions in the region's GHG emissions.

- If the reduction of GHG emissions is a goal, it is clear that significant reductions may be achievable by addressing the state's larger contributors: transportation and heating.
- The impacts of Vermont turbine operations upon GHG emissions are dependent upon: The GHG lifecycle costs and benefits of the turbine project under consideration; and, the energy policies of Vermont and neighboring states
- The analysis of these lifecycle and policy effects is beyond the scope of this report.

As developed by the Study Committee based upon the testimony and evidence presented. For a full assessment of findings, see **Attachment E: Greenhouse Gas Propositions 2.0*

Propositions on Aesthetics:

The NVDA Wind Study Committee concludes*:

- Due to their enormous size, industrial wind turbines have an *adverse* impact on aesthetics. NVDA agrees with PSB comments in its KCW (Lowell) decision that *adverse impacts on aesthetics exist.*
- The municipal plans excerpted here constitute clear, written community standards intended to preserve the aesthetics or scenic, natural beauty of the area.
- Industrial wind turbines violate the clear, written community standards established in the excerpted municipal plans.
- Since industrial wind turbines violate these clear, written community standards, under Vermont law they would constitute an undue adverse impact to these communities.
- The clear, written community standards expressed in the region's municipal plans reflect a high level of education and experience relating to industrial wind turbines.
- *Clearly written community standards in regional and municipal plans should be used by the PSB as they evaluate aesthetics.*
- *The PSB should use the full Quechee Test to evaluate project aesthetics.*

As developed by the Study Committee based upon the testimony and evidence presented. For a full assessment of findings, see **Attachment F: Aesthetics Propositions 3.0*

Conclusion

The Northeast Kingdom, the region that the NVDA serves, has considerable experience with industrial wind turbines. Caledonia County is home to First Wind's Sheffield turbines. Green Mountain Power's Kingdom Community Wind turbines are located in Lowell (Orleans County). Three additional projects were proposed, but not carried out: the East Haven Wind Farm (Essex County), Seneca Mountain Wind (Caledonia and Essex Counties), the Encore Redevelopment project in Derby (Orleans County). It follows that the NVDA's Board of Directors has become quite familiar with arguments both for and against industrial wind complexes.

The NVDA's 2005 regional plan stated, "As a statement of policy, NVDA supports the construction of wind towers." The plan also said, "Wind Towers should be seen as beneficial to the region."

The NVDA has first-hand experience with the divisiveness that accompanies wind projects and the damage that the projects visit upon communities. This experience resulted in a re-evaluation of the NVDA's 2005 position on wind energy. In 2012, the NVDA Board of Directors voted 39 to 3 in favor of a resolution calling for a suspension of development of new industrial wind projects in the region. The Board called for the formation of a committee to study industrial wind energy in the region and develop findings and recommendations. The committee's findings and recommendations would be reviewed by the NVDA's Executive Committee and then by the full Board of Directors.

As a result of this effort, the NVDA has developed the following position on industrial wind energy:

"The NVDA sees one clear benefit to industrial wind energy, one clear problem, and a host of troubling questions. The clear benefit is the tax relief that industrial-scale wind turbines bring to their host towns. The clear problem is the bitter divisions that wind brings to our communities. The troubling questions involve the unreliability of wind energy, the amount of energy produced versus the social and environmental disruption, the costliness of the electricity, and the dubiousness of the claims of environmental benefit. We are even more troubled by the potential impacts on human health, essential wildlife habitat, water quality, aesthetics, property values, and our tourism industry. We are also troubled by the state's energy policies, the state's permitting process, and the ease with which the public good as expressed in our municipal and regional plans can be overridden by people who may never have even visited our region.

It is the position of the NVDA that no further development of industrial-scale wind turbines should take place in the Northeast Kingdom.

This position will become an element in the regional energy plan. The position may be revised for future plans if our understanding of turbine impacts changes significantly."

The report was reviewed first by the NVDA Executive Committee and a recommendation for industrial-scale wind development was made to the NVDA Board of Directors to consider. The recommendation of the Executive Committee was presented to the full NVDA Board of Directors at its meeting on March 26, 2012 and the recommendation of the Executive Committee was unanimously approved by the Board. This position will be incorporated into the energy element of the NVDA Regional Plan.

=====

Biomass Facilities

Facilities that burn woody biomass to generate electricity shall be designed, constructed, and operated such that:

1. Biomass inputs (fuel) are sourced in accordance with a written procurement standard approved by the Vermont Agency of Natural Resources. If a standard is not available, a majority of fuel shall be sourced from lands managed under the Use Value Assessment program; or from harvests monitored by a professional forester.
2. The facility is designed and operated to utilize waste heat for an integral purpose, such as district heating of multiple buildings; manufacturing or processing; or agricultural production.
3. The facility shall be designed to avoid traffic through residential areas, provide safe access onto local or state highways, and not contribute to unreasonable congestion on area highways.
4. The facility shall use the least amount possible of water withdrawal and discharge by using latest technology, such as dry cooling.
5. The water that is discharged by the facility shall not increase the nutrient load on waterbodies in the area.
6. The use of wood waste shall be encouraged provided it does not contain toxic materials.

Wind Facilities

Facilities that generate electricity using the force of wind and designed with generation capacity of 100 kW or greater shall be designed, constructed, and operated such that:

1. Facility components, including towers, shall be located to minimize component visibility from beyond project boundaries.
2. The distance from a tower base to the nearest property line shall be at least 1.5 times the total height of the turbine structure as measured from mean ground level at the base to the top of its highest blade.
3. Any tower base shall be set back at least one mile per megawatt from any habitable structure (at the time of petition) that is not related to the facility. The owner of a structure within this setback distance may waive requirements for their property in writing.
4. Since wind turbines have a unique sound profile that is more annoying at lower decibel levels, facilities shall not exceed 35 dBA Lmax daytime/ 30 dBA Lmax nighttime measured from the property line.

Electrical Transmission Facilities

Electrical transmission facilities in excess of 30 kV and related substations shall be designed, constructed, and operated such that:

1. Existing rights-of-way shall be used by new facilities. The need for a new facility beyond these corridors shall be based on the Public Service Board's review of system need, reliability, and economic benefit.
2. Any transmission line, substation or other structure is located away from special flood hazard areas and wetlands.
3. Any upgrade to 3-Phase requires a permit from the Public Service Board.
4. When electrical transmission lines are less than 50 feet from residences, they shall be re-routed or buried.

Natural Gas Transmission Facilities

Fixed natural gas transmission facilities shall be designed, constructed, and operated such that:

1. New or expanded facilities shall use existing utility or transportation rights-of-way.
2. New or expanded facilities shall serve existing development within 2.0 miles of the transmission route—including all downtowns and village centers as designated by the Agency of Commerce and Community Development.
3. Any gate station, compressor facility, or other above-ground structure shall comply with the plan and bylaws of the municipality.
4. Any transmission trunk line (including the pipeline) shall be set back at least 150 feet from any habitable structure (at the time of petition) that is not related to the facility. The owner of the structure within this setback distance may waive requirements for their property in writing.

Proposed Regional and Community Standards for Energy Facility Siting & Development (for Regional and Municipal Plans and Act 250/ Section 248 Proceedings)

To carry the most authority in a PSB proceeding, a municipal or regional plan must be clear, specific, and consistent in expressing community standards. A plan must be unambiguous on stating a community's position on the development of energy facilities. A collaborative approach shall be used to ensure there is a thoughtful planning process that includes input from the region and the municipality and encourages developers to involve regional and municipal officials as early as possible.

The following sections lay out specific standards for particular types of energy transmission and generation facilities. Where a new generation facility requires a new transmission facility, including electrical substations, both the generation and transmission standards shall apply. The standards below are not the exclusive standards and are intended to apply along with policies elsewhere in the *Rutland Regional Plan*.

All Transmission and Generation Facilities

1. The Rutland Regional Plan requires facilities to conform to all policies stated throughout the Plan.
2. All facilities shall conform to local, state and federal regulations.
3. Every facility above 10 kW shall specify an action plan and guaranteed funding source for decommissioning to ensure the site is safe, stable, and free of structures and hazardous materials.
4. Road access to the facility shall not contribute to unsafe conditions for the general public.
5. Light pollution is minimized to every extent possible. Non-critical outdoor lighting is activated by motion-sensors or on-site personnel. Light fixtures are shielded down to minimize light trespass and upward glare or glow.
6. Every facility, with the exception of wind turbines, shall be designed and constructed to meet the audible noise regulation of the municipality; if the municipality has no noise standard, the facility shall not exceed daytime levels of 45 dBA Lmax and nighttime levels of 30 dBA Lmax, as measured at the property line.
7. No facility shall create conditions that reduce or interfere with television, radio, radar, or other communication signals, including public safety communication systems.
8. Every facility of 200 kW or greater generation capacity, and every transmission substation facility, shall prominently display 24-hour emergency contact information and file site plans and emergency response plans with the fire departments serving the location.
9. Facility construction and renovation is consistent with historic preservation guidelines published by the Secretary of the Interior and the Vermont Division for Historic Preservation.
10. Any proposed facility shall comply with the plan and bylaws of the municipality where it is to be located.
11. Any proposed facility shall consider the cumulative impact of land use aesthetics, property values, and landowner compensation for multiple energy generation and transmission facilities.

Hydropower Facilities

Hydropower facilities used to generate electricity shall be designed, constructed, and operated such that:

1. The facility makes use of an existing impoundment or watercourse structure to generate electricity without changing the water quality, water temperature, upstream and downstream habitat of the facility. Vermont Agency of Natural Resources regulations for stream flow shall apply. The *Plan* recognizes the viability and importance of utilizing existing dams, including upgrading outdated equipment to maximize generation.
2. The facility does not increase flood hazard to public or private structures or public infrastructure.
3. The facility does not impair or inconvenience recreational users. Any portage is well marked, as short as possible, and features stable shoreline areas for landing and launching.

Solar Electricity Facilities

Photovoltaic and other solar electricity facilities shall be designed, constructed, and operated such that:

1. The facility is located to make use of a developed or existing structure or brownfield site, including parcels contaminated or perceived to be contaminated that otherwise hinders redevelopment, so as to avoid primary agricultural soils and silvicultural areas.
2. The facility is designed to locate inverters and support structures away from existing residences, wetlands, special flood areas, and slopes.
3. The facility is designed to reduce visibilities from the road with setbacks and screening.

Swanton Planning Commission
August 12, 2015

Town Plans and Renewable Energy

- The Town Plan is the Town's Voice to the PSB
- Town Plans Must be Specific and Consistent in order to be considered in the regulatory process
- Town Plan Update for Renewable Energy Should Seek Maximum Public Engagement. "Get As Much Input from Residents as Possible"
- Town Plans Supported by a Vote sends the clearest message to the PSB
- The Report Matters (see recent decision in lawsuit against Newark), which discusses the issue of changing land designation.
- Recent decision clarifies that town plans may contain strong language prohibiting specific technologies
- The Town Planning process has multiple benefits especially when it is being updated to address specific proposals. Public engagement increases, the document itself incorporates the community's vision, a follow-up vote in support of the town plan sends the clearest message to developers and regulators.

The PSB Process

- Receipt of 45 day notice is opportunity for the town PC and SB to hold public hearings and take input to provide to the developer
- Receipt of filing is a second opportunity for the PC and SB to comment to the PSB
- Town PC and SB can intervene at the PSB by filing a Motion to Intervene, Certificate of Service, Cover Letter. Intervenors can represent themselves *pro se* without attorney. Towns usually an attorney. Residents usually cannot afford to participate with a lawyer.

Resources

Town Plans that Address Industrial Wind

1. Brighton - <http://www.nvda.net/towns.php?town=21>
2. Castleton - http://rutlandrpc.org/t.php?town_id=14
3. Charleston - <http://www.nvda.net/towns.php?town=40>
4. Clarendon - http://rutlandrpc.org/t.php?town_id=19
5. Hubbardton - http://rutlandrpc.org/t.php?town_id=6
6. Ira - http://rutlandrpc.org/t.php?town_id=18
7. Kirby - <http://www.nvda.net/towns.php?town=6>
8. Londonderry - <http://windhamregional.org/towns/londonderry>
9. Newark - <http://www.nvda.net/towns.php?town=8>
10. Pittsford - http://rutlandrpc.org/t.php?town_id=7
11. Poultney - http://rutlandrpc.org/t.php?town_id=17
12. Stannard - <http://www.nvda.net/towns.php?town=13>
13. Sutton - <http://www.nvda.net/towns.php?town=14>
14. Waitsfield - <http://www.waitsfieldvt.us/townplan/index.cfm>
15. West Rutland - http://rutlandrpc.org/t.php?town_id=13
16. Westmore - <http://www.nvda.net/towns.php?town=54>
17. Windham - <http://windhamregional.org/towns/windham>

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:16 AM
To: London, Sarah; Mishaan, Jessica
Subject: FW: Swanton Proposed Wind Turbine Project

From: Springer, Darren
Sent: Tuesday, August 25, 2015 8:54 PM
To: Trombley, Shana
Subject: Fwd: Swanton Proposed Wind Turbine Project

Just keeping this on radar for scheduling mtg when we sit down, she came by to visit today, but I wasn't available.

Sent from my iPhone

Begin forwarded message:

From: Marianna Gamache <MGamache@leg.state.vt.us>
Date: August 20, 2015 at 11:48:35 AM EDT
To: "darren.springer@vermont.gov" <darren.springer@vermont.gov>
Subject: Fwd: Swanton Proposed Wind Turbine Project

Thanks for such a speedy reply Darren. I will alert my constituents of your reply and look forward to a timely positive response from the Governor.

Marianna

Sent from my iPad

Begin forwarded message:

From: "Springer, Darren" <Darren.Springer@vermont.gov>
Date: August 20, 2015 at 11:03:20 AM EDT
To: Marianna Gamache <MGamache@leg.state.vt.us>
Subject: Re: Swanton Proposed Wind Turbine Project

I will share with the Governor's scheduler and we will get back to you. Thanks
Marianna.
Darren

Sent from my iPhone

On Aug 20, 2015, at 11:00 AM, Marianna Gamache
<MGamache@leg.state.vt.us> wrote:

Sent from my iPad

Begin forwarded message:

From: Marianna Gamache
<MGamache@leg.state.vt.us>
Date: August 19, 2015 at 9:44:41 PM EDT
To: "darren.springer@vt.gov"
<darren.springer@vt.gov>
Subject: Swanton Proposed Wind Turbine Project

Darren Springer,

As per our conversation last week, I am writing at the request of my constituents, many of whom have had contact and conversations with Commissioner Recchia regarding this project.

Although no application has been filed with the Public Service Department as of this date, the Belisle family illegally erected a MET tower in 2011 on their property on Rt. 105, Swanton, without first applying for and being granted an CPG. This violation has been confirmed by the department.

My constituents
whose homes and
property will be
directly effected by
this project,
respectfully request a
meeting with Gov.
Shumlin in order to
address their concerns
directly with him.
Given the nature, size
of turbines and
number of adjoining
communities that will
be effected by this
industrial wind
turbine project, as
their State
Representative, I urge
the Governor to meet
with them at his
earliest convenience.

On behalf of my
constituents, thank
you in advance for
forwarding this
request to Gov.
Shumlin.

Very truly yours,

Rep. Marianna
Gamache,
Sheldon / Swanton

Sent from my iPad

Trombley, Shana

From: Trombley, Shana
Sent: Tuesday, September 22, 2015 10:05 AM
To: Trombley, Shana
Subject: Fwd: email

Sent from my iPad

Begin forwarded message:

From: "Green, Geoff" <Geoff.Green@vermont.gov>
Date: August 26, 2015 at 10:26:57 AM EDT
To: "Trombley, Shana" <Shana.Trombley@vermont.gov>
Subject: email

We got this email, wanted to check with you before doing anything in response.

Hi Peter,

I really need to speak with you.....I live within a half mile of the Swanton Wind Project. Every one is laying this in your lap. All of our discussions and research with other Wind Project adjacent neighbors in VT, tell us not to let this happen.

I have sent multiple emails to you via Shana Trombley, with no response.

Thank you in advance for getting back to me.....

Patricia Rainville

Geoff Green
Director of Constituent Services
Office of the Governor
109 State Street
Montpelier, VT 05609
802-828-3333
geoff.green@vermont.gov

Trombley, Shana

From: Trombley, Shana
Sent: Tuesday, September 22, 2015 10:03 AM
To: Trombley, Shana
Subject: Fwd: I will be at the Statehouse August 25, 9:15a - 11-15a...

Sent from my iPad

Begin forwarded message:

From: "Patricia P. Rainville" <[REDACTED]>
Date: September 3, 2015 at 11:33:28 AM EDT
To: "Trombley,Shana" <Shana.Trombley@vermont.gov>
Subject: RE: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...
Reply-To: "Patricia P. Rainville" <[REDACTED]>

Good morning, Shana,

Several years ago, one of my friends, who moved here from California, often remarked how fortunate, we Vermonters were, to have such availability to have personal contact with our public figures.

There is something very wrong with this current picture. This is not the Peter I have always seen him to be. With so much negative energy directed at him, to have an authentic, supportive, informed, 10 minute conversation, would seem a breath of fresh air. I am not ready to believe, he has full understanding of my request.

Patty

-----Original Message-----

From: "Trombley, Shana"
Sent: Sep 3, 2015 10:21 AM
To: "Patricia P. Rainville"
Subject: RE: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

Hello Patty,

Yes, the Governor is kept apprised of your communications with him and with members of his administration.

Thank you,

Shana

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Wednesday, September 02, 2015 5:32 PM
To: Trombley, Shana
Subject: RE: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

Hi Shana,

Did you ask him?

Patty

-----Original Message-----

From: "Trombley, Shana"
Sent: Sep 2, 2015 4:45 PM
To: "Patricia P. Rainville"
Subject: RE: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

Hi Patricia,

Thank you for contacting me. I am glad that you are able to attend the meeting on September 10th. Unfortunately, the Governor's schedule does not allow for an additional meeting that day.

Best,

Shana Trombley
Scheduler
Office of the Governor
802.828.3333 (o)
[REDACTED] (c)
shana.trombley@vermont.gov

Visit Governor Shumlin's Online Resources:
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Patricia P. Rainville [mailto: [REDACTED]]
Sent: Wednesday, September 02, 2015 11:14 AM
To: Trombley, Shana
Subject: Fw: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

Good morning Shana,

As you may already know, the Swanton, Fairfield and St Albans Select Boards held a public meeting last night, in Swanton, with overflowing public attendance. (please see related link below)

<http://www.wcax.com/story/29936607/wind-development-plan-stirs-controversy>

Rep Gamache, Brian Dubie, Christine Lane were among the attendees, and, I had conversations, re the Sept 10, 10am meeting in Montpelier. It is my plan to be there.

It is my understanding, it will be a predesigned 15 minute meeting. I have always had the utmost respect and belief in the Governor's abilities and purpose. He and I have discussed, what I believe to be inordinate disrespect shown to him, by intellectually lazy constituents and members of State government.

As a registered democrat who consistently votes and supports the person, ignoring the political party, it is my request to have a few moments to speak privately with him.

Former Governor Jim Douglas asked me multiple times to run for office. My response, "To give my best, and be under continual attack by at least half of State government and residents, not going to happen. Instead, I will continue to be informed and supportive of those who are willing to "take the blows for the rest of us".

Please see email below, sent to Michelle Monroe, St Albans Messenger Reporter, June 10, 2015, in response to an article she wrote (that Emerson Lynn's suggestion)

From: "Patricia P. Rainville" <[REDACTED]>
To: michelle monroe <michelle@samessenger.com>
Cc: Emerson Lynn <emerson@samessenger.com>
Subject: Gov.'s legacy clear locally.....
Date: Jun 10, 2015 6:18 PM

A refreshing, appreciative message to past, present and future citizen's considering running for public office!

Michelle's article about Gov. Peter Shumlin's positive impact in our county and state a clear example of encouragement vs. "What else can you do for us"?

It is far too easy, and, common place to point out and ridicule the attempts to solve the problems, as opposed to getting "in the weeds" to constructively, solve them. Hard to deny this truth.

The Bell Curve exists in all areas, including, government and politics. A handful of extraordinary effectiveness on the high end, a similar number on the lower end, and, countless hardworking, well intentioned, making up the majority. Would a shift in focus, like Michelle's piece, encourage qualified candidates to step up to the daunting prospect of making themselves the endless target of ridicule?

"How can I help"? A clear use of the "Wisdom of crowds", using the constructive, instead of destructive approach. What a concept! Thank you Michelle!

-----Forwarded Message-----

>From: "Patricia P. Rainville"

>Sent: Aug 31, 2015 3:09 PM

>To: "Trombley, Shana"

>Subject: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

>

>Hello Shana,

>

>Thank you for getting back to me.

>

>Yes, I am deeply involved with Rep Gamache, and, the neighbors of the Swanton Wind Project...I am, also, a neighbor.

>

>In addition, I spoke at the PSB preliminary hearing on Aug 25, along with Rep Gamache and Christine Lang....who is the person who requested the Hearing.

>

>It is my grave concern, that the process to find alternative, renewable energy has reached critical mass, in our extraordinary State. Irrevocable decisions are being made, with an obvious lack of public input, seemingly to us, by design.

>

>I look forward to continual contact, with the sincere hope that, using the "wisdom of crowds", we can make thoughtful choices.

>

>Patty

>

>

>

>

>-----Original Message-----

>>From: "Trombley, Shana"

>>Sent: Aug 31, 2015 2:26 PM

>>To: "Patricia P. Rainville"

>>Subject: Re: I will be at the Statehouse August 25, 9:15a - 11-15a...

>>

>>Hello Patricia,

>>

>>Thank you for contacting our office. I have been sharing your messages with Comm. Recchia and Sec. Markowitz. I also understand that you met with Sec. Markowitz's deputy the other week. Gov Shumlin is being kept apprised of these conversations. Gov Shumlin also has been in touch with Rep. Gamache regarding this topic and she is helping to organize a small group of constituents to meet with the Governor on Thursday, Sept. 10th at 10am. Are you in touch with her and the home owners association?

>>

>>Thank you,

>>

>>Shana

>>

>>

>>

>>Sent from my iPad

>>

>>> On Aug 18, 2015, at 4:08 PM, Patricia P. Rainville wrote:

>>>

>>> Hi Deb -

>>>

>>>

>>>

>>> Yes.....it would be very helpful to speak with your deputy...

>>>

>>> It has come to our attention, that the initial project is, potentially, expanding.
>>>
>>> I have attached the minutes of the Public Meeting - Swanton Planning Commission, August 12th. The critical area in question is Part 2. Presentation on Wind Power, facilitated by Representative Marianna Gamache - featuring Annette Smith.
>>>
>>> Feel free to pass the information on to whomever you see as critical or interested in the discussion. Exposure of this information, after the fact, could have significant consequences, for all of us, and our uniquely, beautiful state.
>>>
>>>
>>>
>>> I am so appreciative of your interest, timely response and help!
>>>
>>>
>>>
>>> xoxo
>>>
>>> Patty
>>>
>>>
>>> -----Original Message-----
>>>> From: "Markowitz, Deb"
>>>> Sent: Aug 18, 2015 3:10 PM
>>>> To: "Patricia P. Rainville" , "Trombley, Shana"
>>>> Cc: "Trombley, Shana"
>>>> Subject: RE: I will be at the Statehouse August 25, 9:15a - 11-15a...
>>>>
>>>> Hi Patricia - Unfortunately, I am busy all day. Is this about Swanton Wind? I can see if my deputy is around if that would be helpful. Deb
>>>>
>>>>
>>>>
>>>>
>>>> Agency of Natural Resources
>>>>
>>>> Deb Markowitz, Secretary
>>>> Agency of Natural Resources
>>>> 1 National Life Drive
>>>> Davis 2
>>>> Montpelier, VT 05620-3901
>>>>
>>>> 802-828-1294
>>>> Deb.markowitz@vermont.gov
>>>> www.anr.state.vt.us
>>>>
>>>> Please Note: As of July 27, my email address has changed to deb.markowitz@vermont.gov
>>>>
>>>> Respect. Protect. Enjoy.
>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Patricia P. Rainville [mailto: [REDACTED]]
>>>> Sent: Tuesday, August 18, 2015 3:01 PM
>>>> To: Trombley, Shana; Markowitz, Deb
>>>> Subject: I will be at the Statehouse August 25, 9:15a - 11-15a...
>>>>
>>>> Peter and Deb,
>>>>

>>>> I will be at the Statehouse, in Montpelier, next week, Aug 25, 9:15-11:15....would very much like to have a short meeting with you.

>>>>

>>>> Will that be possible?

>>>>

>>>> xo Patty

>>> <2015 0812 PC Minutes - Complete with Appendices.pdf>

Trombley, Shana

From: marianna Gamache <mariannagamache@gmail.com>
Sent: Wednesday, September 09, 2015 4:46 PM
To: Trombley, Shana
Subject: Fwd: meeting with Gov. Shumlin 9/10/2015

----- Forwarded message -----

From: **marianna Gamache** <mariannagamache@gmail.com>
Date: Wednesday, September 9, 2015
Subject: meeting with Gov. Shumlin 9/10/2015
To: shana.trombly@vt.gov

Shana,

Thank you for your assistance in scheduling this meeting with Governor Shumlin. The names of the people who will be attending this meeting are as follows:

Rep. Brian Savage
Rep. Marianna Gamache
Christine Lang
Patricia Rainville
Penny Dubie
Mary Anne Duell

The homeowners of the Rock Ridge residential community look forward to meeting with Governor Shumlin at his office on Thursday, September 10th at 10 a.m., to discuss their concerns regarding the proposed Swanton Industrial Wind Turbine project. If approved, the turbines will be located above the homeowners property on the ridge line between Rt 105, Swanton and above Fairfield Pond, Fairfield. It would also be approximately 1/2 mi from St. Albans Town.

Regards,

Rep. Marianna Gamache
Sheldon / Swanton, Franklin 4 Distr.

Mishaan, Jessica

From: Trombley, Shana
Sent: Wednesday, September 23, 2015 9:11 AM
To: Mishaan, Jessica; London, Sarah
Subject: FW: Meeting with Gov

-----Original Message-----

From: Brian Dubie [mailto: [REDACTED]]
Sent: Tuesday, September 15, 2015 6:38 PM
To: Trombley, Shana
Subject: Re: Meeting with Gov

Shana,

Hope all is well.

How about wed or Thursday this week for that chat we talked about. Or Friday am? Coffee or Beer, early or late, north or south.

10minutes will work.

Sincerely,

Brian Dubie
[REDACTED] Cell
[REDACTED]

> On Aug 31, 2015, at 14:25, Trombley, Shana <Shana.Trombley@vermont.gov> wrote:

>

> Hi Brian,

>

> The Governor is not available to visit the proposed sit for this project, however, he would be happy to meet you for a beer in the coming weeks. I'm working on finalizing two other events/meetings in the area. Once I get this nailed down I will circle back to you with a proposed date/time. Hopefully, by tomorrow.

>

> Thanks,

>

> Shana

>

> Sent from my iPad

>

>> On Aug 31, 2015, at 12:23 PM, Brian Dubie <[REDACTED]> wrote:

>>

>> Shana.

>>

>> It is called the Swanton Wind project.

>>

>> Thanks.

>>

>> Brian Dubie

>> [REDACTED] Cell

>> [REDACTED]

>>

>>

>>

>>> On Aug 31, 2015, at 12:17, Trombley, Shana <Shana.Trombley@vermont.gov> wrote:

>>>

>>> Hi Brian,

>>>

>>> Thank you for following up with me. The Governor mentioned that you all had been in touch. Can you tell me a bit more about the proposed project?

>>>

>>> Thank you,

>>>

>>> Shana

>>>

>>> Sent from my iPad

>>>

>>>> On Aug 31, 2015, at 11:59 AM, Brian Dubie <[REDACTED]> wrote:

>>>>

>>>> Dear Shana,

>>>>

>>>> I hope you are well.

>>>>

>>>> The Governor has accepted my invitation for a walk in my woods.

>>>>

>>>> I would like to show him a proposed project.

>>>>

>>>> However I would settle for 10 minutes anywhere anytime before 9 Sept.

>>>>

>>>> Thank you.

>>>>

>>>> Brian Dubie

>>>> [REDACTED] Cell

>>>> [REDACTED]

>>>>

>>>>

>>>>

>>>>> On Oct 8, 2012, at 14:55, Trombley, Shana <Shana.Trombley@state.vt.us> wrote:

>>>>>

>>>>> Hi Brian,

>>>>>

>>>>> I apologize for just now getting back in touch with you. Governor Shumlin will be in Franklin County on Wednesday, October 10th. Are you by chance available? If so, he could meet at 12pm or 12:30 depending on where you would like to meet. Thank you, Shana

>>>>>

>>>>>

>>>>> Shana Trombley
>>>>> Scheduler
>>>>> Governor's office
>>>>> 802.828.3333 (o)
>>>>> [REDACTED] (c)
>>>>> shana.trombley@state.vt.us
>>>>>
>>>>> Visit Governor Shumlin's Online Resources:
>>>>> Website | Facebook | Twitter | YouTube
>>>>>
>>>>>
>>>>>
>>>>>

>>>>> -----Original Message-----

>>>>> From: Brian Dubie [mailto:[REDACTED]]
>>>>> Sent: Tuesday, September 11, 2012 1:43 PM
>>>>> To: Trombley, Shana
>>>>> Subject: Re: Meeting with Gov

>>>>>
>>>>> Shana,
>>>>>
>>>>> Ok. If anytime 17-20 sept anywhere works I be happy to drive where it works for the Gov.
>>>>>
>>>>> Best,
>>>>>
>>>>> Brian Dubie