

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

September 24, 2015

Sue Hudson, Clerk
Vermont Public Service Board
State of Vermont
112 State Street
Montpelier, VT 05620-2701

Dear Ms. Hudson:

Please accept this correspondence as the Town of Swanton's response to Swanton Wind, LLC's Section 248 45-day Pre-Filing Notice of its proposed project to construct seven industrial wind turbines with a 20 MW electric generation capacity along a one-mile length of Rocky Ridge. After reviewing the Notice, both the Swanton Selectboard and Swanton Planning Commission (collectively, the "Town") have concluded that this proposed project should not receive approval from the Public Service Board through the Section 248 process. The reasons for reaching this conclusion follow; specifically, the Town calls the Board's attention to the applicant's history of misrepresentation before permitting authorities.

1. 30 VSA Section 246

Section 246, entitled, "Temporary Siting of Meteorological Stations," requires anyone who is planning to apply for a Section 248 permit to apply for a Certificate of Public Good from the Public Service Board for the temporary installation of a meteorological station to gather wind data. The applicant is required to file a completed Section 246 application with the Public Service Board, the Department of Public Service, the Agency of Natural Resources, the Agency of Transportation, and the municipality where the meteorological station is located. To the best of the Town's knowledge, the applicant never filed a Section 246 application with the Board, and the Board did not issue any Certificate of Public Good.

Travis Belisle is a principal in Swanton Wind LLC. In his testimony during the Board's investigation of the met station construction without a Certificate of Public Good (Docket No. 856) he stated, "I was not aware that a Certificate of Public Good might be needed for the met tower if I did not have specific plans for a wind farm." When asked,

“Was the met tower installed for the purpose of determining the suitability of the site for a grid-connected wind project?”, Mr. Belisle answered, “No. I installed the tower to see what wind was like on the ridge.” When asked, “How will the meteorological data collected from the met tower be used to design and finance the Swanton Wind Project?”, Mr. Belisle stated, “It is my understanding that the data is not sufficient to design and finance a commercial wind project like Swanton Wind. Additional data is necessary for those purposes and is collected using other methods that do not require a met tower.”

According to Mr. Belisle’s testimony, the met tower was in place from January 2011 until August 2015. Mr. Belisle ignored 30 V.S.A. § 246, as well as the Board’s Sec. 246 Standards Order, in their entirety. On this failure alone, the Town has serious questions about Mr. Belisle’s credibility before a permitting authority such as the Board. By his own admission, the wind data it gathered over a 4-year period was insufficient. Because of these facts and because the Town was not given proper notice of the met tower under Section 246, it is the Town’s position that Swanton Wind LLC’s Section 248 application be tabled and that Swanton Wind LLC be required to apply for a Certificate of Public Good under Section 246 and install a new met tower that will gather data sufficient for the consideration of a seven turbine industrial wind farm and not just “to see what the wind was like on the ridge.”

2. Swanton Wind Section 248 45-Day Pre-Filing Notice

Several statements in Swanton Wind’s Pre-Filing Notice appear to be inaccurate or overstated. On the first page, a statement claims that the project will provide stably-priced wind power. Projects of this type increase electric rates for the consumer and are not considered base load because they normally only operate about 30% of the time. A 2012 NVDA study indicates that the wind farm in Lowell, Vermont has only operated 17% of the time and the one in Sheffield, Vermont only 23% of the time.

The top paragraph on page 2 mentions a Certificate of Public Good under 30 V.S.A. Section 248 but makes no mention of the fact that no Section 246 Certificate of Public Good application was submitted for the installation of the met tower. Under the project team paragraph, it is stated that an experienced team of local and regional experts has been assembled for the project, yet the expert consultant who advised him at the time he constructed the met tower apparently failed to inform him of the Section 246 Certificate of Public Good that was required.

The first paragraph on page three mentions that the Rocky Ridge hilltop is about 900 feet above sea level. It is about 500 feet higher than the farmland below. The wind turbines are projected to be 499 feet tall to the uppermost blade tip. They would be aesthetically incongruous on the ridgeline and visible over 10 miles away. They would be a visual detriment to the scenic byways that pass through the area, and a

discouragement to tourism. Swanton is the gateway to the United States from our border to the north, and the Town's position is that the proposed project would be shocking and offensive to the average person viewing the project. The project would be visible nearly the entire drive down from the Canadian border travelling south through Swanton, from Interstate 89. Moreover, the project would be visible through nearly the entire Town, which has generally flat topography heading west and north from the proposed project location. Swanton residents and visitors would be viewing the project from virtually every public vantage point, and it would dominate the landscape.

The top paragraph on page six states that, "Although the project will be visible from some areas, view of the project will not be dominant or out of scale." This statement demonstrates the applicant's complete disconnect from what it has proposed, in that seven 499 foot industrial wind turbines sitting on top of a ridge that is already 500 feet higher than the surrounding farmland can only be dominant and out of scale. Also, 50-story tall industrial wind turbines constructed on a ridgeline are not "within the tradition of the surrounding area..." as stated in the same paragraph.

The bottom paragraph on page three mentions the use of Rocky Ridge Road, which passes through a 10-lot residential subdivision, as an access road for delivering the large components for constructing the industrial wind turbines. This neighborhood's residents will experience the greatest impact on their safety and peaceful enjoyment of their homes from the large, heavy vehicles and continuous traffic traveling up and down their private road. No estimates of the size of vehicles, number of vehicles, or number of daily trips are given in this section.

This section also states that this 20 MW project "will interconnect electrically with the existing Green Mountain Power 34.5 kV transmission line" along Sheldon Road. Has Green Mountain Power approved this interconnection? Will Green Mountain Power be required to upgrade its infrastructure to accommodate the new 20 MW generation facility?

In the second paragraph on page 7 of the applicant's Notice, the amount of tax revenue the Town will receive is projected to be \$3.7 million over a 20-year period. This averages out to be \$185,000 per year. This figure appears to be grossly inaccurate because the turbines themselves would be taxed yearly as business equipment on a depreciating scale rather than added to the grand list. By the end of the 20-year period, the turbines' assessed value and the resultant tax revenues would be negligible. Thus, the tax benefit to the Town would be significantly less than what is projected by the applicant.

No mention is made in the Notice of impacts on the surrounding property owners, wildlife, streams, wetlands, forests, water quality, scenery, or the environment in general. We will express our concerns in these areas in the sections below.

3. Audible Noise Impacts

Approximately 134 homes are located within a one-mile radius of the project. The residents of these homes would be faced with an unacceptable impact on their quiet enjoyment of their homes. This project is dissimilar from those the Board has approved in Georgia, Lowell, and Sheffield, in that this project would be situated adjacent to numerous homes – effectively in the midst of a suburban residential area. Industrial wind turbines have both audible and inaudible noise impacts. The type that would most likely be used with a 499 foot tall turbine would produce approximately 106 dBA of noise. A gas powered chain saw is rated at 109 dBA of noise. The closer that someone lives to a wind facility, the greater the impact of the noise. The loudness of the noise is not the only disturbing impact to nearby residents. The repetitiveness of the noise is also very disturbing. Some have described it as a loud washing machine that never stops running, or a helicopter in slow motion.

Residents in a nearby town who live near an existing industrial wind facility have told us that the noise is so disturbing they must retreat to their basements to escape it and now sleep in their basements. They are unable to open their windows or sit out on their decks because of the constant noise. The property assessments on their homes have been reduced, resulting in lost tax revenue to the town they live in. It is now difficult to sell their homes.

Health problems in people living in proximity to industrial wind turbines have been attributed to the low frequency sound produced by the turbines. The spinning turbine blades generate a low frequency pulse called infrasound that is typically below 20 Hz. Research has indicated that although infrasound cannot be heard, it causes a physiological response from various systems in the body. Infrasound caused by industrial wind turbines has been detected in homes near turbines and up to 10,000 feet away. A multitude of health problems in people living near turbines have been attributed to infrasound produced by the turbines. Vermonters who live near existing industrial wind turbine facilities elsewhere in the state are experiencing these health problems. The Swanton Wind Project proposes to place industrial wind turbines as close as 1800 feet from occupied residences. Improperly sited industrial wind turbine facilities can have adverse impacts on nearby residents as well as the natural environment.

4. Environmental Impacts

There appear to be a multitude of environmental impacts that would be created by the project. The clearcutting of between 39 to 47 acres of forest land to provide openings for roads, concrete turbine pads, and stormwater basins will remove tree cover that

currently dissipates heavy rainfall. The topography leading up to the ridgeline is very steep. Opening the forest and disturbing the underlying soil will create the possibility for severe erosion during a heavy rainfall or snow melt, regardless of how well the roads and site are designed and built. Siltation resulting from the forest clear cutting would eventually flow into Lake Champlain. The state has set its goal for clean up of Lake Champlain as a top priority. Projects such as this which involve the development of steep slopes and mountain tops would dramatically imperil that goal. Erosive effects could also affect the water quality in Fairfield Pond. Siltation could occur in mountain streams and wetlands. There are several wetlands on the proposed project site. Swanton Wind's project map appears to illustrate the placement of waste dirt and blast rock debris within the state mandated 50 foot wetland buffer.

On other industrial wind turbine projects, hundreds of birds and bats are killed by the fast-spinning blades. Fairfield Pond, which is in close proximity to the proposed project site on the east side of Rocky Ridge, is an important stop over for migrating waterfowl. The natural flyway for waterfowl leaving Fairfield Pond is over Rocky Ridge. The turbines would lie within the path of this flyway. Deer yards would also be impacted by the large-scale deforestation on Rocky Ridge.

5. Previous Track Record of Applicant in Swanton

Travis Belisle's previous track record as a developer in Swanton raises concerns about how he would implement this much larger and ecologically more sensitive project. In 2007, while developing the Rocky Ridge housing development at the base of the mountain, Mr. Belisle was cited by the state for numerous wetland, stormwater, and wastewater violations.

The wetland violations occurred both in wetlands and the wetland buffer zones. According to state records, 73,659 square feet of wetland was disturbed and a total of 20,018 square feet of wetland buffer zone was impacted. To the best of the Town's knowledge, Mr. Belisle never applied for a construction general permit for stormwater discharge, and none has been issued even, though more than 2 acres of a combination of impervious surfaces and earth disturbances have occurred since the spring of 2007. No wastewater permit was applied for before construction began.

In addition to the above state violations, on November 5, 2009, the Belisles were cited by the Swanton Zoning Administrator for failing to obtain Certificates of Occupancy for buildings on two lots in the Rocky Ridge housing development in violation of the Swanton Zoning Bylaws. They were also cited for not providing the documents needed for the issuance of the Certificates of Occupancy. Also, a hunting cabin that was built in the forest on the Belisle property is currently being investigated by the Swanton Zoning Administrator for being constructed without first obtaining a town zoning permit.

6. Conclusion

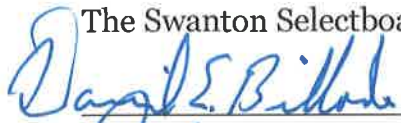
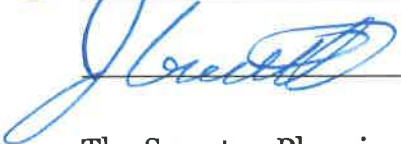


Our joint position on behalf of the Town of Swanton is that the proposed Swanton Wind LLC industrial wind turbine project for the top of Rocky Ridge would create more detriments than benefits to the Town of Swanton and adjoining towns and thus, will not serve the public good. The types of construction required for this project would degrade the steep hillside, deforest scores of acres of mountain land in the Lake Champlain watershed, create a risk for disturbing streams, wetlands, wildlife habitat, and Fairfield Pond, and generate intolerable noise conditions and safety issues for the 134 residents whose homes are situated within a one mile radius of the project site. Furthermore, the blatant incongruity of seven 50-story tall wind turbines standing atop the most scenic mountain ridge in Swanton – which serves as a primary gateway to the United States from Canada in northwestern Vermont – flies in the face of Vermont's perceived image as a beautiful, bucolic environment in which to live, work, and visit.

Therefore, for all of the reasons and concerns mentioned above, we the members of the Swanton Selectboard and Planning Commission stand in firm opposition to the Vermont Public Service Board's issuance of a 30 VSA Section 248 permit for the proposed Swanton Wind LLC Rocky Ridge Industrial Wind Turbine Project.

We thank you for your attention to this matter.

Respectfully,

The Swanton Selectboard

The Swanton Planning Commission





Cc: Town Administrator, Village Trustees & Manager
Swanton Wind LLC/Travis Belisle
VERA
Vermont Public Service Department

Vermont Agency of Natural Resources
Franklin County State Representatives
Town of St. Albans Selectboard
Town of Fairfield Selectboard
Governor Peter Shumlin