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December 2015 Select Board responses, comments, additional questions.

On questions intended for the Select Board

1. There will be a Town vote.

2. The short answer is that regulations regarding zoning will play no role in the decision making process concerning the MTL-Iberdrola industrial wind proposal. However, the submitted question has a long preamble which strongly implies that, as there is no zoning, any development is permissible since the property owners have the right to do what they wish.

This MTL-Iberdrola proposed industrial wind project is subject to Vermont State Public Service Board approval. Therefore, the property owners DO NOT have the right to do what they wish. The PSB is bound to weigh the effects on the right to enjoy one's property of those who will be affected by the proposal. In a variety of ways, this proposal has the potential to significantly harm the property rights of a large number of people. If constructed along the lines of Iberdrola's recent *Draft Proposal*, the project would be the largest industrial wind operation in Vermont. There would be a far greater number of nearby residents than there are in any other industrial wind operation in Vermont. There are competing property rights here. To quote Michael McCann from his testimony regarding a similar proposal in Illinois, "The approval of wind energy projects within close proximity to occupied homes is tantamount to an inverse condemnation, or regulatory taking of property rights, as the noise and impacts are in some respects a physical invasion, an easement in gross over neighboring properties, and the direct impacts reduce property values and the rights of nearby neighbors." There are over forty residences within a half-mile of the boundaries of the MTL-Iberdrola industrial wind proposal.

Any land use is subject to Vermont State law and regulation. In particular, this proposal, were it for a ski development, subdivision, etc. would be subject to the stringent requirements of Act 250. The purpose of Act 250 is to provide "a public quasi-judicial process for reviewing and managing the environmental, social and fiscal consequences of major subdivisions and developments in Vermont through the issuance of land use permits." Act 250 exists independently of local zoning. Among the criteria that must be met for Act 250 approval are those that deal with headwaters, floodways, streams, wetlands, scenic beauty, wildlife habitat, and soil erosion, all of which are pertinent issues in this case. However, as an alternative energy development, the MTL-Iberdrola industrial wind proposal is exempt from Act 250 and subject to the much less stringent Act 248.

Though opposition cannot be stated in terms of calling attention to violation of zoning ordinances, individuals and the towns affected have every right to voice the strongest objection and to organize opposition to the proposed project including pointing out the numerous drawbacks. Just because this proposal is not governed by zoning regulations, we do not lose the right or duty as citizens of a democracy, to voice our opposition. On the contrary, because our property rights are being threatened, we must defend them.

3. The Select Board absolutely refuses to be governed by Iberdrola's timeline as to when the Town may vote. Iberdrola may not have a so-called "complete" proposal for another one to two years. Given Iberdrola's recent *Draft Proposal* and significant information already known including approximate tax payment, number, location, and size of the turbines, etc; it may make sense that a vote would be held sooner.

Clarifications on the submitted question: a) the question referred to is number 1 not number 2; b) the Town attorney cost was \$350 not \$1,400; c) With respect to the Town Plan and the work of the Planning Commission, Article 4 regarding a vote is not relevant.

On questions intended for Iberdrola

1. It is rather odd to describe the site as an “elevated plateau.” There is over a 1,000 foot change in elevation with a series of mountain tops and elevated ridgelines typically rising several hundred feet from the so-called plateau. Not surprisingly, it is on the highest locations that the *Draft Proposal* shows the proposed 28 turbines to be located.

2. Which of your American projects have 40 or more residences within a mile of a turbine?

3. There are numerous locations in Grafton where the Met towers can clearly be seen. The 28 turbines are two and one-half times higher than the Met towers.

4. Please answer the question based upon your *Draft Proposal*.

Additional questions and comments on the submitted answer: Any competent study would not claim causation or proof. What is actually known is that adverse health effects for many individuals living near wind turbine facilities are seen around the world. What is the likelihood that these adverse health effects are associated with living close to wind turbines? You say that “hundreds of thousands of people live and work near operating wind farms without any health effects.” What about the thousands of people experiencing adverse health effects? Are you saying that there is not a relationship between these adverse health effects and living close to a wind turbine facility?

Please provide the Board with copies of the main studies referred to in your response.

15. Additional question: How many of these full time jobs will be located permanently on site and entail only duties associated with this project?

17 and 18. Additional questions and comments on the submitted answer: Given your *Draft Proposal* and the request for “approximate” figures, please answer the questions.

23. Additional question: Has Iberdrola ever fully decommissioned a wind turbine facility in the United States?

26. Comments on the submitted question: If the project is built there will not be “an economic benefits package.” It would be a required annual **Property Tax** payment based upon assessed property value.

On questions intended for Iberdrola and MTL

2. See comment above to answer to question 4 for Iberdrola.

Please provide the Board with a copy of the study referred to in your response.

7 through 15. You have misread the questions. Each clearly says “property boundaries.” Please answer the questions. In addition, given your recent *Draft Proposal*, please answer questions 7 through 15 a second time labelling your answers 7a through 15a. Here, please give the distances to the nearest turbine relevant to each question.

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