

Testimony provided 20 January 2016 before the VT House and Senate Natural Resources and Energy committees – Joel A. Clark, Swanton Selectboard Vice Chair

Good morning and thanks for allowing me to speak here today. I know my time is limited so I'll move fast to cover what I think is important.

First I want to state that that I am a true Vermonter born here in St Albans in 1959. My family and I moved to Swanton in 1994 and I have been on the Swanton Planning Commission for ten years, the ZBA / DRB seven and the selectboard four. I have served my country for 34 years as a member of the armed forces with the last 23 as a citizen – soldier in the Vermont Air National guard. I am also a registered professional engineer in New York and Vermont.

I also want to state early on that I am all for sensible renewable energy. I understand why we need to reduce our consumption of fossil fuels and I fully support efforts that will do so in a responsible and deliberate manner. I know the other members of the Swanton Select Board share the same thoughts.

With regards to renewable sitings I will mostly speak about wind generators. That is what the Swanton selectboard has been dealing with. To date we have not had one solar project come before us.

With regards to wind energy, the recent large scale wind generation project proposed in Swanton has been a process that has been very educational and very frustrating.

The first frustration that I'd like to bring up is I don't believe the Public Service Board process was every created to handle approval of large scale wind generation and solar projects that are being proposed. I believe it was initially set up to approve the likes of the generating plants like the McNeil plant, hydro projects, and the transmission and distribution projects needed to move the electricity around. Having the PSB be the sole approver of wind and solar projects totally removes the local municipality from the process.

Yes minor changes to were recently made to the law, but the deck is stacked against a community that may oppose a project. Our selectboard is struggling with how much money it should spend to oppose a project that the Planning Commission and the Selectboard unanimously oppose. The community also showed their opposition by a 5 to 1 vote held in November specifically regarding the proposed wind project. The community also voted 5:1 for local control of renewable energy siting.

When you look at how the PSB holds a hearing and what is submitted by an applicant for project approval, it would cost a town in the tens of thousands if not a hundred thousand or more to hire experts to refute the information provided by applicant. Some of the criteria are not clear cut and are subjective in nature. After having spent a large sum of money, the arguments may go nowhere with the PSB.

We have heard the state may propose to hire a person to help local communities sort out the permitting process. It is my opinion that this would be a waste of taxpayer's money. While it

might make legislators feel like they have helped, it will not provide the dollars nor the expert testimony necessary to oppose an application.

Another frustration that we have is that there are not specific siting criteria for large scale wind projects. How close to an abutting neighbor should a 499 foot wind generator be placed? How close to a residence should they be? Some states have provided such guidelines. In Swanton, the selectboard and the planning commission do not want large scale wind generators on any of our scenic vistas. Most of us on those boards remember why Vermont has no billboards and why as part of regional planning, we have scenic corridors. Particular to Swanton is the current application to install seven 499 foot industrial wind turbines on a place called Rocky Ridge. When you look to the north and to the south you can see an extension of the ridge that could hold many more of the unwanted structures. Where will it stop? Do we really want to cover all of Vermont's treasured ridgelines with these eyesores? I invite committee members to come and look at the proposed location.

Our board is also concerned with other negative issues associated with large scale wind generation. Some of the concerns are:

- Impact to the environment from the large scale land clearing that takes place. This particular project will clear more than 35 acres of forest and natural habitat. Habitat considered the highest habitat block in the Northwest Region.
- Impact to the wildlife to include deer, bear, birds, etc.
- Health impacts. While large scale wind generators may not cause similar effects to everyone, no can refute that many are affected that live near them.
- Decommissioning. Yes a bond needs to be submitted. How do you restore a concrete base that is thirty feet thick? Are we really looking at removing it and refilling the large excavation? Who makes that determination? Who will enforce it?
- Impacts to homes and property located adjacent to the site. The project in Swanton has 134 homes located within a mile. Who is going to compensate the homeowners for their reduced property values? Who is going to compensate the town for lost tax revenue?

With regard to both the seven wind turbine project in Swanton and the Large solar projects proposed for Highgate, the Governor has stated that the power is not needed in Franklin County and the that new transmission lines would have to be built and ratepayers would have to cover the costs. Green Mountain Power has said the same. How insane is that? This issue is also addressed in the State's 2016 Comprehensive Energy Plan. How will the PSB address this? More important, what if they don't?

So for recommendations I propose the following in order of my / our preference:

- **Regarding industrial wind projects:**
- 1) Either ban large scale wind projects in the state of Vermont and protect our precious ridgelines and those living near them, or put a two to three year moratorium on large scale wind projects until siting guidance is completed for use by the permitting agency. The 2013 Governor's Energy Siting Policy Commission provided many recommendations on renewable energy siting, some that require legislation changes. The moratorium would allow the changes to be studied and made. My first

- preference for the permitting agency for siting would be local zoning. If not local control then use the act 250 process, not the section 248 process.
- 2) Review the “Quechee” criteria and improve the communities ability to input concerns on the aesthetics.
 - 3) Require anyone that has blatantly ignored the law and installed meteorological towers without a permit to wait the number of months they short-circuited the process before they can submit their formal application. Subjecting them to a trivial fine makes a joke of the regulatory process.
 - **Regarding large scale solar projects:**
 - 1) Continue to refine the siting criteria for solar projects. Allow more local say in large scale projects. To just allow screening be put in local bylaws is not enough! Concerns over the loss of farm and industrial land needs to be addressed.
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None of this easy, but action by the legislature is needed now – the process is out of control. Big money has taken over and if we don’t act we will all regret what has been done. How wrong is it that some of this renewable energy is going out of state and the renewable energy credits are not being used in VT?

Thanks for allowing me to speak today. I will gladly provide additional information as needed.