

STATE OF CONNECTICUT

SITING COUNCIL

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ADOPTION OF REGULATIONS FOR THE
 SITING OF WIND TURBINE FACILITIES
 PURSUANT TO PUBLIC ACT 11-245

* * * * *

JULY 24, 2012
 (3:05 p.m.)

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Colin C. Tait, Vice Chairman
 Brian Golembiewski, DEP Designee
 Larry Levesque DPUC Designee
 Edward S. Wilensky
 Daniel P. Lynch, Jr.
 Philip T. Ashton
 James J. Murphy, Jr.
 Dr. Barbara Bell

STAFF MEMBERS: Linda Roberts, Executive Director
 Melanie Bachman, Staff Attorney

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of adoption of regulations for the siting of wind
4 turbine facilities pursuant to Public Act 11-245, held at
5 the offices of the Connecticut Siting Council, Ten
6 Franklin Square, New Britain, Connecticut, on July 24,
7 2012 at 3:05 p.m., at which time the parties were
8 represented as hereinbefore set forth . . .

9
10

11 CHAIRMAN ROBIN STEIN: Good afternoon,
12 ladies and gentlemen. I'd like to call this meeting to
13 order this 24th day of July at approximately 3:05 p.m.

14 My name is Robin Stein and I'm Chairman of
15 the Connecticut Siting Council. Other members of the
16 Council present are Professor Tait, Vice Chairman; Mr.
17 Golembiewski, the designee from the Department of Energy
18 and Environmental Protection; Mr. Levesque, the designee
19 from the Public Utilities Regulatory Authority; Mr.
20 Aston; Mr. Lynch; Senator Murphy; Dr. Bell; and Mr.
21 Wilensky.

22 Members of the Council staff present are
23 Executive Director Linda Roberts; Staff Attorney Melanie
24 Bachman. The court reporter is Gail Gregoriades.

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1 This hearing is held pursuant to Section
2 4-168 of the Uniform Administrative Procedure Act
3 relative to the adoption of wind regulations in
4 accordance with Public Act 11-245. Notice of intent to
5 adopt the regulations was published in the Connecticut
6 Law Journal on May 1, 2012. Notice of the date and time
7 of this public hearing was published in the Hartford
8 Courant and other newspapers of general circulation on or
9 about June 26, 2012. Copies of the proposed regulations
10 and Public Act 11-245 are available here on the table,
11 at the Council's office, and also on the Council's
12 website.

13 The purpose of this hearing is to afford
14 all interested parties and persons reasonable
15 opportunities to submit data, views, and arguments orally
16 or in writing. The Council will fully consider all
17 written and oral submissions with respect to the proposed
18 regulations. These written and oral submissions,
19 including documents referenced in and attached to the
20 written or oral submissions, shall become part of the
21 Council's regulation-making record. These public
22 statements are not subject to questions from other
23 interested persons and/or members of the general public
24 making statements and also by the Council. We're here

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1 just to get your views on the draft proposals that you
2 have before us. Therefore, there will be no cross-
3 examination or rebuttal statements. Also, please note
4 that we have already received written comments, which
5 have been made part of the record, and do not need to be
6 resubmitted into the record during this public hearing.
7 And we appreciate those who have submitted their comments
8 in advance.

9 As many of you know, the Council has acted
10 on three petitions for the siting of wind projects in
11 2011; one in Prospect and two in Colebrook. We would
12 like to make it clear that we are not here to rehash or
13 review these petitions and subsequent decisions by the
14 Council. I would also like to note that under Public Act
15 11-245 that there are no new applications or petitions
16 for the siting of wind turbines during the period while
17 the regulations are being adopted; and therefore, there
18 are no applications or petitions pending before the
19 Council.

20 The Siting Council has jurisdiction over
21 wind turbine facilities with the generating capacity of
22 more than one megawatt. Small and medium sized wind
23 turbines, therefore, do not fall under the Council's
24 jurisdiction or regulations, but rather fall under the

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1 jurisdiction of local commissions.

2 We ask each person making a public
3 statement during this hearing to be concise and to
4 confine his or her statements to the subject matter
5 before the Council so that we may hear all of the
6 suggestions interested parties may have. The subject
7 matter before the Council is the adoption of regulations
8 that consider the following topics concerning the siting
9 of wind turbines, and they are as follows: The setback
10 distances; shadow flicker; decommissioning of turbines;
11 requirements for wind turbine projects of different
12 sizes; issues relating to ice throw; blade throw; noise;
13 and the impact on natural resources.

14 A sign-up sheet is available on the table
15 at the door for those interested persons who would like
16 to present oral statements.

17 A verbatim transcript will be made of this
18 hearing and deposited at the Council's office for the
19 convenience of the public.

20 I would also ask that for those who are
21 making specific reference to sections in the proposed
22 regulations to please indicate the page number and
23 section number assigned in the various -- in the
24 regulations that we're proposing.

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1 And I also note there are two sign-up
2 sheets; one is for elected officials and one is for the
3 public. And elected officials are those state -- include
4 state legislators and chief elected officials of
5 municipalities.

6 In order to be fair for every -- to
7 everyone -- I would like to ask you to limit your oral
8 statements to three minutes. And again as I mentioned,
9 you can submit additional material in writing. We do
10 have on the desk to my right a stoplight mechanism that
11 will try to give us all guidance. It apparently stays
12 green for approximately two minutes and thirty seconds.
13 And after that, it will become flashing yellow. And then
14 when your time limit has expired, it will turn red. So
15 again, we appreciate everybody because there are -- I
16 assume a number of people who want to speak this
17 afternoon. As I believe you all know, we will also -- we
18 will recess -- we'll recess at approximately 5:00 p.m.,
19 and then we will resume the hearing at 6:30, at which
20 time I assume that there may be other people who are not
21 here now. So again, I would ask you all to be concise so
22 that we get an opportunity for everybody to speak.

23 The first speaker or official we have is
24 the Mayor of Prospect. If you would come up please,

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1 sir.

2 MAYOR ROBERT CHATFIELD: Bob Chatfield, 25
3 Cornwall Avenue, Prospect. Honorable Members of the
4 Siting Council and Mayor Wilensky -- nice to see you
5 again.

6 Originally many people were opposed to the
7 turbines because there were no regulations guiding the
8 construction of them. And that was the main reason that
9 many in the Town of Prospect were opposed, including
10 myself. So I thank you for adopting regulations.

11 However, as time went on, I learned other
12 things about the wind turbines and would ask you to
13 tighten up on some of the regulations. And the first
14 thing that I would address would be the distance. And I
15 think if you made the distance farther than what is
16 proposed, that some of the other problems would
17 disappear, such as ice throw or flicker. And I think
18 they should be a couple of thousand to twenty-five
19 hundred feet from any property line and out of the way,
20 and that might get -- or farther if the site permits --
21 and I think that would -- would solve some of the other
22 problems and other concerns that people have.

23 I do have a resolution here from the
24 members of the Prospect Town Council to pass out to the

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1 members, and I'm just going to highlight because of time.
2 And even they talked about the proposed setback of the
3 property and also it confirms their position on the
4 resolution that they adopted a couple of years ago. And
5 I see CTN is here. And they were in Prospect last Friday
6 for -- we have another problem, we've got bugs in
7 Prospect now if you didn't happen to see that in the
8 paper, they're killing all the Ash Trees. But I would
9 ask the other people around the state that are watching
10 this -- we're not NIMBYs. When this project came to
11 Prospect, we didn't really know anything about it. And
12 believe me -- to the other mayors and selectmen, and I
13 know there's somebody here from the Council for Small
14 Towns -- when this proposal or a proposal like this comes
15 to your town, it will be just like if a McDonalds or a
16 Wal-Mart comes to a small town because of -- you'll have
17 neighborhood groups -- and you ladies and gentlemen will
18 see them because they will certainly be here -- but you
19 should study this very, very carefully. And I'm talking
20 to the residents in the state. I know the Siting Council
21 knows what I'm talking about.

22 And because -- before I get the red light
23 here -- I don't want to get a ticket for going too long -
24 - I will end my remarks just as long as you consider

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1 extending the amount of feet from the property lines.
2 And if you have any specific questions, I would be glad
3 to answer them.

4 CHAIRMAN STEIN: Thank you.

5 MAYOR CHATFIELD: Okay. Thank you very
6 much.

7 CHAIRMAN STEIN: I will also apologize in
8 advance for any mispronunciation of names. I also would
9 appreciate it that when you come up, if you could spell
10 your last name. And if you want to, you can either give
11 your address, or if you belong to an organization, that
12 would be helpful. The first person on the list is
13 Elizabeth Gara.

14 MS. ELIZABETH GARA: Good afternoon. My
15 name is Elizabeth Gara, G-a-r-a, and I'm from Durham,
16 Connecticut.

17 I'm here on behalf of the Connecticut
18 Council of Small Towns to speak in opposition to the
19 proposed regulations. Although we support efforts to
20 promote the use of renewable technologies and energy, we
21 are concerned about the direction of this proposal.

22 Under Public Act 11-245 that legislation
23 was enacted to try to address some of the issues that
24 small towns raise regarding the siting and placement of

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1 these wind turbines. We're not sure at this point
2 whether or not these regulations really fully address
3 those regulations. As drafted, they really fail to take
4 into consideration a lot of the concerns of small towns
5 relative to how the turbines are going to impact rural
6 character, scenic views, the -- basically, the
7 neighborhoods, the noise levels, ecology, public health,
8 and so forth, and certainly property values. And again,
9 we feel that the regulations need to more fully address
10 these issues

11 When a small town is faced with the
12 placement of a wind turbine proposal, the cost can be
13 overwhelming in trying to put together the types of
14 information and consultant reports that are required to
15 combat those types of proposals are going to be too
16 expensive for many towns to absorb. Most of the small
17 towns rely on volunteer boards and commissions and they
18 really don't have the resources on tap to be able to
19 fight against these types of proposals. We do spend
20 countless hours crafting local regulations, zoning and
21 land use regulations to try to make sure that we manage
22 growth and that we preserve the character of our small
23 towns. And unfortunately, we have so little say in this
24 process, that we are very concerned that the -- that the

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1 regulations will allow these turbines to be located in a
2 way that's really going to change the face and the
3 character of our communities.

4 And so we urge the Council to really take
5 a longer look at this. Other states and countries are
6 now putting the brakes on some of their proposals.
7 They're certainly looking at increasing the setback
8 requirements. For example, Wisconsin is now looking to
9 increase theirs from a thousand feet to twelve hundred
10 and fifty feet. There's also a proposal to consider an
11 eighteen hundred foot setback requirement. Vermont, for
12 example, is considering a moratorium on the siting of
13 wind turbines because of what the impacts could be on its
14 forests and ridgelines.

15 So again, we are very concerned. We think
16 that the Siting Council needs to take a more thoughtful
17 approach and to involve the towns in looking at ways of
18 accommodating the need for renewable energy without
19 affecting the character of our small towns. I've
20 identified several areas where we believe the Siting
21 Council should look -- and I -- I know my yellow light is
22 already flashing -- but certainly a stronger role for
23 municipalities in siting the wind turbines, a municipal
24 impact analysis, a community benefits agreement that

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1 other states have looked at, some kind of bond and
2 financial assurances relative to a decommissioning
3 agreement, abandonment of turbines and processes for
4 addressing those. I will leave you with my written
5 testimony and thank you for the opportunity to comment.

6 CHAIRMAN STEIN: Thank you. Terry
7 Yachtis.

8 MS. TERRY YACHTIS: Good afternoon. Terry
9 Yachtis, 11 Woodland Terrace, Prospect. That's Y-a-c-h-
10 t-i-s.

11 MR. EDWARD WILENSKY: Could you move
12 closer to the mic please.

13 MS. YACHTIS: Okay. Is that better? Is
14 it on?

15 A VOICE: We can't hear you.

16 MS. YACHTIS: Is it on? Maybe it's not
17 on.

18 MR. WILENSKY: Move it up a little --
19 yes.

20 MS. YACHTIS: It's on? Is that better?

21 VOICES: No.

22 MS. YACHTIS: Okay. Alright. Good
23 afternoon --

24 VOICES: We can't hear you.

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1 MS. YACHTIS: I'm sorry, I don't think the
2 mic is working --

3 A VOICE: It was --

4 MS. YACHTIS: Yeah -- well -- no it's not
5 -- can you help us?

6 A VOICE: It sounds like it's working.

7 Ours is --

8 VOICES: It's working --

9 (pause - audio check)

10 MS. YACHTIS: Okay. Good afternoon. It
11 goes beyond reason that you people who are --

12 VOICES: We can't hear you.

13 MR. PHILIP T. ASHTON: You've got a rotten
14 mic.

15 A VOICE: Can you pull it up?

16 A VOICE: Get closer.

17 MS. YACHTIS: Okay. It goes beyond reason
18 -- (mic feedback) -- that's --

19 (pause)

20 MS. YACHTIS: Alright, let's try -- the
21 third one is the charm, right -- is that better?

22 A VOICE: Yes.

23 MS. YACHTIS: Okay. It goes beyond reason
24 that you people, who as the Siting Council members are

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1 described on your website to, No. 1, balance the need for
2 adequate and reliable public utility services at the
3 lowest reasonable cost to consumers with the need to
4 protect the environment, the ecology of the state, and to
5 minimize damage to scenic, historic, and recreational
6 values, and also to provide environmental standards for
7 location, design, construction, and operation of public
8 utility facilities that are at as stringent as federal
9 environmental standards and that are sufficient to assure
10 the welfare and the protection of the people of
11 Connecticut, and yet you the Council members have taken
12 all the facts that were presented to you from leading
13 experts and you heard the credible testimony from
14 American citizens who appeared before you and told you
15 how it is to live with the hell of wind turbines, and
16 then you could blatantly disregard that data and produce
17 regulations that you have proposed.

18 It's a sad commentary that you the Council
19 members were not strong enough to stand up and do the
20 right thing with regards to regulations for the wind
21 energy safety and cost. It's a sad commentary when
22 politics trumps the well-being of American citizens and
23 when green politics trumps protecting our quality of
24 life, our health, and the value of our properties.

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1 I believe it was William Churchill who
2 said you can always count on Americans to do the right
3 thing after they've tried everything else. Siting
4 Council, please do the right thing and withdraw the
5 current proposal. Please reconsider the wind turbine
6 regulations, put us the citizens first and foremost, put
7 our welfare and our protection first and foremost and not
8 politics. Thank you.

9 (applause)

10 CHAIRMAN STEIN: Thank you. The next one
11 is Helen Plante.

12 MS. HELEN PLANTE: Helen Plante, 5
13 Rosewood Drive, Prospect, Connecticut. P-l-a-n-t-e.

14 I was very happy to hear that regulations
15 were going to be drafted for the protection of the
16 citizens of the state --

17 A VOICE: We can't hear you --

18 VOICES: We can't hear you.

19 MS. PLANTE: I was very pleased to hear
20 that regulations were going to be drafted for our
21 protection, and then bitterly disappointed when I saw how
22 lax they really were. One point one times the height of
23 the turbine is woefully insufficient. Please learn from
24 other states that have found out the hard way that that's

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1 just too short a distance. You need at least three
2 thousand feet. Thank you very much.

3 (applause)

4 CHAIRMAN STEIN: Thank you. Cassandra Van
5 -- is it Dyne?

6 MS. CASSANDRA VAN DYNE: Hi. My name is
7 Cassandra Van Dyne. The last name V-a-n, D-y-n-e. I
8 have property in Union, Connecticut. We are in Union
9 supposed to be --

10 A VOICE: We can't hear you --

11 A VOICE: Talk into the mic.

12 MS. VAN DYNE: We're in -- in Union,
13 Connecticut. Union, Connecticut is one of the smallest
14 towns in Connecticut. We have adopted as of October
15 regulations to allow wind turbines into our town. I am
16 in a very unique position because the wind turbines are
17 literally in my backyard. And for the most part, when I
18 first found out, I did not want anything to do with it.

19 For the last year I've been educating
20 myself. I've read anything and everything I can read on
21 it. The most stringent regulations come from Scotland
22 where they pretty much put into effect for the worst, the
23 most aggressive wind turbines 1.25 miles approximately,
24 1.24. What I like about them is a lot of people say it's

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1 automatically 1.25. It's not. They take it on a case-
2 by-case basis.

3 The most progressive -- the most
4 progressive companies have listened to the concerns of
5 the people. They've come out with newer technology. 45
6 decibels is pretty -- have had some problems with birds.
7 And the newest technology -- the newer companies that
8 have come out -- and I'm working with one of the
9 companies right now and I can tell you they work with
10 you. They do try to make -- they want to be part of the
11 community. They're not just coming in. They're not big
12 bad people -- now I'm not saying this for all companies
13 and all -- and that's why regulations are important
14 because you guys protect us.

15 But I would say that education --
16 education is a big thing. It takes away the fear if you
17 educate yourself and you find out that 35 years of
18 research and 35 years of building these things have come
19 out with newer technology; they're quieter, they're more
20 respective of people's concerns. And I've read probably
21 60 -- over 60 reports, some of them very tech -- I've --
22 I'm -- I got my MSW, so I'm into protection of the
23 public. So I would say if you guys can, educate
24 yourself.

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1 And 45 -- the tower is important, but
2 sound is even more important. They're talking about
3 distance, but sound -- sound is very very important. The
4 45 decibels or less rule is -- that's what we can learn
5 from Canada, we can learn from Scotland, we can learn
6 from all these places that it's already set up and have -
7 - and yes there are people over the last 30 years that
8 have had terrible things happen to them. In New York one
9 of the wind turbine things came off and went crashing
10 into a farmer. And I happen to know the attorney's
11 brother who had this happen. It's those things that
12 bring concerns, but they also bring safety, experience.
13 Knowledge means you can gain from it.

14 And to be totally honest, in the next 30,
15 40, 50 years, we're going to need those renewable
16 resources. We're going to need to have a way to bring
17 people energy. And if we start investing now, we can be
18 on top of the game. And that's all I would say, so I'm a
19 little -- thank you.

20 CHAIRMAN STEIN: Thank you very much.

21 (applause)

22 CHAIRMAN STEIN: John Lamontagne.

23 MR. JOHN LAMONTAGNE: Hi. My name is John
24 Lamontagne, Prospect, Connecticut.

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1 During the other hearings for the Town of
2 Prospect, I was very involved when all the testimonies
3 and things went on, and it really surprises me the
4 setback distances that the Council is proposing. Most of
5 the testimony -- even the turbine industry themselves
6 their setbacks were greater than this. So, I don't
7 understand where that 1.1 came from. It's very
8 disappointing. And there's also a waiver of requirements
9 I see here, so you could even make it less than that if
10 you choose to.

11 So, I don't -- I would think that you'd
12 want to least start out with a much higher number, more
13 in line with what all the testimony was. I don't know if
14 this came Exelon's suggestion, which was your experts,
15 who was also a big wind proponent, so I -- I doubt that
16 they're very biased -- or unbiased I mean. So, I'd just
17 like to see a much, much -- more emphasis put on the
18 people rather than the wind industry. Thank you.

19 (applause)

20 CHAIRMAN STEIN: Thank you. I figured it
21 would be a losing proposition to try to ask you not to
22 applaud, but just for the sake so everybody can speak,
23 try to keep it to a minimum. I'd appreciate that.
24 Calvin Goodwin.

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1 MR. CALVIN GOODWIN: Good afternoon.
2 Calvin Goodwin, G-o-o-d-w-i-n, 19 Woodcrest Drive,
3 Prospect, Connecticut.

4 Chairman Stein, I was waiting for the
5 applause, so you've kind of killed my whole speech --
6 (laughter).

7 Location, location, location, it's the
8 first thing you hear in real estate and it's the punch
9 line of many jokes. This is no joke. Prospect residents
10 spent a lot of money, hired experts in their fields to
11 prove that distance mitigates problems. San Diego,
12 California has an 80-foot tower restriction because San
13 Diego is a city with a 10 times the height of the turbine
14 that they just renewed last fall. 1.1 the tower height
15 for industrial turbines is totally inadequate.

16 Back when I testified in front of the
17 Energy and Technology Committee, General Electric had on
18 its website some of the basic rules for siting turbines.
19 One of those rules was each turbine needed tens of acres.
20 I don't see anything in the regulations that covers that
21 kind of information. They didn't say what tens of acres
22 was. But you need a lot of space for industrial
23 turbines.

24 The waiver, depending on the

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1 neighborhoods, somebody could take a settlement from a
2 developer, and 250 feet away the neighbor who is not an
3 abutter is going to pay with the noise. I have talked to
4 people who were bothered by the noise. I talked to a
5 couple in Massachusetts. The husband it doesn't bother
6 him a bit. The wife hides in the basement. We can't
7 take that chance. People in Falmouth, the Town Council
8 approved and bought turbines. Now the residents don't
9 get sleep, and the Town Council doesn't get sleep because
10 the phones keep ringing. They make noise. Sixteen
11 hundred feet away there's a woman who was contemplating
12 suicide because of the disruption of her life with the
13 noise. It's kind of like sea sickness. It may bother
14 you, it may not. But if you're the one turning green on
15 the side of the boat, you're sick, you can't make it go
16 away.

17 Regulations, as in business, we plan, we
18 do, we check, and we adjust. It's time to adjust page
19 13, Setback Distances. The lady before me testified that
20 in Europe it's a mile and a quarter. That comes to two
21 kilometers, which is the reigning standard overtaking
22 Europe. Thank you for your time.

23 (applause)

24 CHAIRMAN STEIN: Thank you. Joyce

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1 Hemingson.

2 MS. JOYCE HEMINGSON: Good afternoon. Can
3 you hear me? My comments are part of what I'm submitting
4 in writing.

5 The proposed regulations contain big
6 loopholes and would not be good law for the State of
7 Connecticut if adopted as is. The Council has written
8 these regulations to cover its June 2011 approvals of the
9 two Colebrook projects for six 492-foot industrial wind
10 turbines in residential neighborhoods. By proposing to
11 give itself the power of waiver of requirements for
12 noise, setbacks, and shadow flicker, the Council
13 justifies those approvals, which allowed wind turbine
14 blades to be nine feet from an abutter's property line in
15 one project and fourteen feet away in the other. The
16 Council would not site a cell tower that close to a
17 property line, but has shown that they would site a
18 moving blade long enough to sweep almost two acres with
19 each rotation that close to property lines. The
20 loopholes need to come out of the proposed regulations,
21 which should be clear and fair for those who live in
22 Connecticut with no waiver of requirements permitted for
23 the Council.

24 The proposed waivers would allow the

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1 Council to ignore noise levels at property lines by
2 passing current state law. Noise levels at home should
3 never be the industrial zone to residential zone maximum
4 of 51 dBa nighttime and 61 dBa daytime. Why should
5 Connecticut begin by approving higher noise levels than
6 those in use elsewhere.

7 A setback of 1.1 times the height of an
8 industrial turbine is inadequate to protect health given
9 the experience in other states and countries. Why
10 knowingly install industrial wind turbines so close to
11 housing? Why force citizens into court for a remedy?

12 The Council's proposed regulations would
13 allow it to create Class C industrial emitters in
14 residential zones without regard to the State Plan of
15 Conservation and Development or each of the 169 towns'
16 mandated 10-year plans of conservation and development.
17 This is spot zoning without a long-term over-arching
18 vision of land use. The state and local plans all
19 recognize that residential neighborhoods, historic
20 properties, and conserved lands enhance the quality of
21 living and working in Connecticut. The Council should
22 include these in its considerations for decision.

23 In short, there's no indication that the
24 Council did sufficient research in drafting these

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1 regulations. The Council has effectively ignored the
2 records from the public hearing held by the Connecticut
3 legislators Energy and Technology Committee on February
4 3, 2011, the public hearings and proceedings held on
5 Petitions 980, 983, and 984 in 2011, and the public
6 hearing for Act 11-245 held on October 13, 2011. Thank
7 you for your time once again.

8 (applause)

9 CHAIRMAN STEIN: Thank you. Blake Levitt.

10 MR. ELLERY SINCLAIR: I am not Blake
11 Levitt. She has asked me to speak for her. I'm Ellery
12 Sinclair, Executive Secretary of the Berkshire/Litchfield
13 Environmental Council. I think you've heard from us
14 before.

15 The overall intent of the draft seems to
16 facilitate the wind industry with nothing too onerous and
17 with maximum discretion awarded to the CSC. With regard
18 to the specific sections, Section 5, 16-50j-94, page 12,
19 Natural Resource Impact Evaluation Report, BLEC requests
20 incorporate specific references to U.S. Fish and Wildlife
21 wind guidelines and conservation documents. Before
22 writing the following point, which is included here in
23 the document, BLEC queried Dr. Albert Manville, see
24 attached BLEC Editorial Exhibit A, at the U.S. Fish and

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1 Wildlife Service for the service's best advice to the CSC
2 in drafting wind regulations. I will not read his
3 comments, they are included in total.

4 Secondly, request new wind facility
5 designs. BLEC requests that the CSC require safer, lower
6 turbine designs, such as vertical axis wind turbines,
7 VAWTs, attached Exhibit B, especially for interior land
8 sites. In fact, a -- these turbines bypass most of the
9 problems that CSC is trying to regulate. They have even
10 been shown to capture more wind nearer the ground than
11 taller turbines at significantly higher altitudes.

12 Thirdly, Section 5 -- in reference to
13 Section 5.2, page 9, State Historic Preservation Office
14 Review, BLEC requests that the adherence to the National
15 Historic Preservation Act, National -- Natural Landmarks
16 and Properties listed on the National Register of
17 Historic Places be specifically mentioned.

18 Reference to Section 6a, 1 and 2, page 13,
19 Setback Distances, BLEC requests an increase in setbacks
20 to 1.24 miles. The setback of 1.1 times the height of
21 the wind turbine is nowhere near high enough. We refer
22 you in the document to the Cape Code Planning Commission
23 recommends 3,000 feet. A lawsuit in Maine was settled
24 when residents living within 3,500 feet of a wind farm

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1 were made ill. Falmouth, Math -- Mass., excuse me, now
2 requires wind turbines where they are to be turned off at
3 night because people 1,320 feet are being made ill. Some
4 samples.

5 Further: Section 6(b)1 and (2) (A and B),
6 page 14, Noise, BLEC requests a reduction in
7 classification and noise level allowances below 30
8 decibels, dB -- dBa at night. The classification of wind
9 turbines is Class C. Industrial emitters is
10 inappropriate to rural towns where no industry exists and
11 where typically -- and which typically have quieter
12 ambient sound levels under 30 dBa both day and night.

13 Section 6(c), page 14, Shadow Flicker,
14 BLEC requests that shadow flicker allowances be made more
15 stringent. Shadow flicker affects the whole of a
16 property for humans and wildlife alike and not just
17 inside the home.

18 Additionally, BLEC requests that the CSC
19 take the opportunity to include language requiring
20 applicants to mitigate for, quote, "dirty electricity"
21 generated when renewable energy is converted from DC to
22 AC.

23 BLEC requests that the CSC require
24 additional better environmental review near protected

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1 lands. The language of these waivers would allow the CSC
2 to site mammoth installations -- I beg your pardon, I
3 don't need to go there.

4 And -- Item 3: BLEC requests that the CSC
5 consider placing a time limit on when wind facilities
6 must be built after site approval, after which the
7 approval is automatically rescinded. This will hopefully
8 discourage speculators from taking financial advantage of
9 upfront federal and state stimulus money than flipping
10 approved sites for profit.

11 Conclusion: Wind is a clear part of
12 renewable energy, but siting such facilities must be done
13 with great care. We hope that the Siting Council will
14 take that great care. Thank you very much for
15 listening.

16 (applause)

17 CHAIRMAN STEIN: Thank you. Roger Smith.
18 Roger Smith? No? Is it Sukey Wagner?

19 MS. SUKEY WAGNER: Good afternoon. I
20 wanted to discuss the new Section 16-15j-95, which deals
21 with setbacks. It is now clear that the 500-foot plus,
22 that's the one time one height of the turbine, setbacks
23 do not protect the health of Connecticut citizens.

24 Since the beginning of these hearings on

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1 petitions to erect industrial wind turbines here in
2 Connecticut, "an avalanche of research and reports has
3 swept over us all," quote. The fact is that turbine
4 noise seems to be more disturbing than other noise of the
5 same decibels. And scientists are straining to
6 understand why. It was suggested, but not known in the
7 fall of 2012 that noise from turbines was injurious to
8 nearby residents' health. Developers and wind companies
9 declared there is no evidence that proximate turbines are
10 bad for health. That is demonstrably now not a true
11 statement. It was not clear at that time two years ago
12 when we first came before you just what the pathway or
13 causal link was between wind turbines and illnesses, but
14 there were multitudes of people all over the world who
15 found that living near turbines was unbearable or too
16 uncomfortable.

17 Carl Phillips, a noted epidemiologist,
18 says there is clear and compelling evidence
19 internationally that turbines makes some people ill, some
20 of those who live near turbines will suffer. I offer you
21 a copy and a link to Dr. Link's -- to Dr. Phillips'
22 report. I'll bring it up.

23 Just what part of the audible or inaudible
24 noise is most troublesome is a matter of intense study at

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1 the moment. Dr. Salt in St. Louis, who is a cochlear ear
2 or inner ear specialist, is studying the effect of
3 infrasound on the inner ear. Brandon Ambrose and
4 professional acousticians found themselves experiencing
5 the illness of nearby turbines when they themselves were
6 investigating infra and low frequency sounds in an abode
7 near a turbine in Massachusetts. Dr. Pierpont has named
8 the set of symptoms Wind Turbine Syndrome and continually
9 publishes her findings respected by many people in the
10 community.

11 Dr. Nissenbaum of Kent, Maine, and who has
12 studied Mars Hill extensively, and respected by many
13 people in the medical -- no -- Dr. Nissenbaum has recent
14 material from scientific peer reviewed studies -- and he
15 was criticized at first for not having peer reviewed
16 studies, but he has now done those showing the
17 relationship of proximity to turbines and illness at the
18 tenth international conference on noise as a public
19 health problem and he declared that those within fourteen
20 hundred meters -- and that's 2,000 -- 4,209 feet -- those
21 within 4,209 feet showed significant sleep disturbance.
22 And therefore, current ordinances determining setbacks of
23 less than a kilometer and a half or one and a quarter
24 mile, must be regarded as unsafe.

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1 Frank Hadden in December of 2011
2 interviewed a huge amount of scientific and professional
3 reports to conclude that turbines from 35 to 50 meters
4 high should have a setback of two kilometers or 1.25
5 miles and that turbines greater than 100 meters should be
6 set back three miles -- three kilometers or 1.8 miles.

7 Denmark, which has more turbines per
8 capita than any country in the world and a longer history
9 regulates two kilometers. Victoria State in Australia
10 has done the same. Scotland does the same. The French
11 Academy of Medicine and the UK Noise Association
12 recommend a minimum of one mile.

13 It is clear that industrial wind turbines
14 do indeed harm their neighbors. It is necessary to
15 provide safety to those who live nearby. And the present
16 thinking is that 1.25 miles is required to do so.
17 Doesn't the Siting Council in light of the emerging
18 research look outdated and uninformed to suggest a
19 setback of 530 feet. And I will give you the copy of the
20 Phillips' report.

21 CHAIRMAN STEIN: Thank you. Lloyd
22 Garrison.

23 MR. LLOYD GARRISON: Hi. My name is Lloyd
24 Garrison. I'm associated with the monthly paper in

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1 Norfolk.

2 Most of the support here in Connecticut
3 for installing industrial wind turbines as close as 500
4 yards from people's homes is based on a report
5 commissioned by the Massachusetts Department of
6 Environmental Protection that concludes that there are no
7 adverse effects from such installations. I would like to
8 call your attention to a critique of that report by
9 Raymond Hartman, a distinguished scientist who has taught
10 at MIT, Boston University, and the University of
11 California. In addition Hartman was -- has regularly
12 testified on behalf of the Massachusetts Attorney
13 General's Office, notably in the 1996 case against the
14 ill effects of smoking cigarettes in which he debunked
15 the claim that independent research found no connection
16 between smoking and cancer, and as a result the
17 Commonwealth received billions of dollars in settlement
18 from big tobacco. So here is what he has to say about
19 that DEP report. The study has certainly -- was
20 certainly not independent. It was commissioned by a
21 state agency and the governor, who were admittedly
22 committed to expanding the role of industrial wind
23 turbines. Some members of the panel are heavily financed
24 by the very state agencies seeking to site industrial

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1 wind turbines wherever they can. The DEP report
2 conducted no primary research. This means they didn't
3 ask any victims of wind turbine noise and didn't talk to
4 any doctors who dealt with the victims. It focused
5 primarily upon the only -- upon only four to five
6 published studies out of hundreds of studies that have
7 been conducted, and concedes that these four and five
8 studies suffer from a variety of flaws. Finally, the
9 panel even admits that some -- that recent and improved
10 research conducted by the same authors of several of
11 these fortified studies has found that turbine noise does
12 have adverse health effects, yet none of these findings
13 are in the report's final conclusions.

14 In short, according to Hartman, the DEP
15 report ignored evidence from many other states and
16 countries indicating that industrial wind turbines too
17 close to residences can cause sleep deprivation. In
18 fact, the Massachusetts Department of Health has just
19 launched a new investigation as a result of the
20 demonstrable ill effects of turbine noise on scores of
21 residents in Fair Haven and Falmouth.

22 Thank you. And I'll present that report
23 of Mr. Hartman.

24 CHAIRMAN STEIN: Thank you.

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1 (applause)

2 CHAIRMAN STEIN: Linda, is there another
3 list?

4 (pause)

5 CHAIRMAN STEIN: And if there are other --
6 other people here who -- who wish to speak, feel free to
7 sign up. I only have one more name, and I'd like to get
8 as many this afternoon. Obviously, we assume there will
9 be more people coming this evening. Stella Somers.

10 MS. STELLA SOMERS: Good afternoon. I'm
11 Stella Somers and as you may remember, I'm the owner of
12 Rock Hall --

13 VOICES: We can't hear.

14 A VOICE: Speak up.

15 MS. SOMERS: I'm Stella Somers. I'm an
16 owner of Rock Hall.

17 According to the Connecticut Siting
18 Council's own website, the first responsibility of the
19 Council is balancing the need for adequate and reliable
20 public utility services at the lowest reasonable cost to
21 consumers with the need to protect the environment and
22 ecology of the state while minimizing damage to scenic,
23 historic, and recreational values.

24 The Council's proposed regulations state

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1 in regard to impact on historic resources that, quote,
2 "the petitioner shall submit the visual impact evaluation
3 report to the SHPO for review." SHPO will then submit
4 its findings to the agency, where apparently they will
5 continue to be relegated to the waste bin and ignored
6 since the regulations pointedly fail to mention that the
7 Council will take into consideration SHPO's findings.

8 In Petition 984, Finding of Fact No. 190,
9 the SHPO determined that the proposed Colebrook North
10 Project would alter directly the characteristics of the
11 Rock Hall property in a manner that would damage the
12 integrity of the property's location, design, setting,
13 material workmanship, feeling or association. Does any
14 member of the Siting Council or its legal counsel in fact
15 possess any formal training or a recognized higher degree
16 in historic preservation? By having set the disturbing
17 precedent of having no member of the Siting Council ever
18 set foot on the historic resource in question, which is a
19 property listed on the National Register and protected
20 from visual and audio impact under federal law, let alone
21 be guided by the State Historic Preservation Office's
22 findings and recommendations, I suggest that esteem
23 counsel for the agency go back to the drawing board and
24 propose actual regulations that really consider the State

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1 Historic Preservation Agency's input and comply with
2 federal law, which the Siting Council is not above.
3 Thank you.

4 (applause)

5 CHAIRMAN STEIN: Thank you. Do we have
6 anybody else who would like to speak at this session?

7 (pause)

8 CHAIRMAN STEIN: Mr. Corey.

9 MR. PAUL COREY: Good afternoon, Mr.
10 Chairman and members of the Council. Paul Corey of BNE
11 Energy. I've sat here this afternoon and I appreciate
12 the opportunity to offer comments.

13 Clearly the Council has its work cut out
14 for them on siting any type of power facilities and cell
15 towers and the like. No one wants a cell tower in their
16 neighborhood, no one wants a cell tower in their
17 community, but everybody wants to use a cell phone all
18 the time. Similarly with power, some people don't want
19 to look at wind turbines, that's very clear in this room
20 today, but people want power, and people want to be able
21 to turn on their air-conditioners and use their laptops
22 and so forth. And what -- what I believe in is renewable
23 energy. We need it. We can't just continue to drill for
24 oil and burn oil and natural gas. It's a tradeoff

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1 clearly, but when the benefits of wind far outweigh any
2 of the negatives associated with it.

3 And with respect to other states, every
4 state in New England, with the exception of Connecticut,
5 has operating commercial turbines today. Vermont just
6 approved a 63-megawatt project that is being built as we
7 speak. Every day in Massachusetts, if you drive from
8 Boston up to the Cape, there are more turbines being
9 installed throughout the city, throughout the community.
10 And I was up there the other day, people come up to me
11 and they say what -- what is going on in Connecticut.
12 They just don't understand it. They don't understand the
13 opposition to it. And quite frankly, I think it's
14 because we just don't have enough experience. Once
15 there's more turbines installed -- or at least a couple
16 of turbines installed in Connecticut, I think that the
17 support will be even broader than it is today.

18 With -- with respect specifically for the
19 regulations, I think they're -- they're fair and they're
20 reasonable. They're certainly challenging for developers
21 like myself. There's a myriad of requirements that have
22 to be looked at and managed. You have to find the right
23 site. It's not only setbacks, you've got to deal with
24 noise, impacts on wildlife, birds and bats, ice throw

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1 and the like. And ultimately, this Council retains the
2 authority to approve, deny, or modify projects and
3 determine whether they're in the public interests or not.

4 And having been on the opposite end of
5 some your decisions, it's -- it is what it is and it's
6 appropriate. The Council should retain the authority to
7 review cases, projects and proposals on a case-by-case
8 basis. I think overall the regulations do that, they're
9 fair, and they should be adopted. Thank you.

10 CHAIRMAN STEIN: Thank you. Anyone else?
11 If not, I guess we'll -- we'll recess and we'll -- we
12 can't move the time up since we published it, so we'll --
13 we'll be back here at 6:30 this evening.

14 Also, if any of you intend to come back
15 or remain here for this afternoon, just to let you know
16 the garage closes at 6:45, so you're probably to have to
17 -- again, if you're planning to stay or come back,
18 you're going to have to move your cars out of the garage
19 and into the parking lot. So just -- just to give you a
20 warning. It's something we unfortunately have to deal
21 with every time we have an evening meeting. Thank you.

22

23 (Whereupon, the hearing adjourned at 4:00
24 p.m.)

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