

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8816

Petition of Swanton Wind LLC for a certificate of public)
good, pursuant to 30 V.S.A. § 248, for the construction)
of an up to 20 MW wind-powered electric generation)
plant powered by up to 7 wind turbines located along)
Rocky Ridge in Swanton, Vermont)

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VT PUBLIC SERVICE BOARD

**MOTION TO INTERVENE OF
TERRANCE SMITH**

I, Terrance Smith, *pro se* under Public Service Board Rule 2.209(A)(3), or alternatively under Board Rule 2.209(B), move to intervene in the above-referenced matter.

As an adjoining property owner, I have substantial, specific, and particularized interests that may be adversely affected by the outcome of this proceeding. This proceeding is the only means by which I can protect my interests, and these interests will not be adequately protected by other parties to this proceeding. My interests are unique to protecting the use and enjoyment of my property and the public areas nearby, and my perspective is sufficiently distinct from that of other parties.

My intervention will not unduly delay proceedings or prejudice the interests of existing parties or of the public.

Memorandum

I respectfully move to intervene in this matter based on my substantial, particularized interests in the following issues:

- (i) historic sites, aesthetics, pursuant to 30 V.S.A. § 248(b)(5), and 10 V.S.A. § 6086(a)(8);
- (ii) orderly development of the region, 30 V.S.A. § 248(b)(1);

For example, the Board has found particularized interest based on the following:

1. habitat and natural resources involving deer and black bear;²
2. aesthetics based on proximity to the proposed project;³ and
3. stewardship, use, and enjoyment of public resources;⁴

In proceedings under 30 V.S.A. § 248, the Board does not consider interests in private property.⁵

II. Potential Impact of the Project on Terrance Smith's Interests

I move to intervene in this matter based on the following facts and applicable law:

1. Terrance Smith's Property

I reside at 2070 Sheldon Road (Route 105) in the Town of Swanton, Vermont (mailing address: St. Albans). My home adjoins the property of Alan and Kim Bourbeau who would lease portions of their land to enable installation of up to four of the seven 499-foot wind turbines proposed in this Project. The Bourbeaus' land was previously owned by my family but sold due to financial debt; it still has great sentimental value to me. The turbines would be constructed 0.7 miles (3,696 feet) from my home. Due to the location of my property relative to the Bourbeaus' property, I consider myself an adjoining landowner to the Project.

2. Historic Sites; Aesthetics

My home has been identified by Petitioner as resource #25 on the Above-Ground Historic Resources Evaluation Report prepared by Suzanne Jamele. Exh. SW-SJ-2. The house is known as the Button-Smith House, c. 1820 (SR#4). It is believed that during the Civil War, Confederate raiders of Saint Albans stayed here before the raid, as it was a stagecoach inn at that time. I will be working with the Saint Albans Historical Society to confirm this fact, and I am considering applying for inclusion in the National Historic Register. Installation of the turbines likely would harm that prospect.

² *Application of Seneca Mountain Wind, LLC*, Docket No. 7867, Order of 10/12/12, at 2-4, 16-17; *Id.*, Order of 8/9/13, at 6.

³ *Petition of Barton Solar LLC*, Docket No. 8148, Order of 1/21/14, at 3-4.

⁴ *Joint Petition of Green Mountain Power Corporation, Vermont Electric Cooperative, Inc., and Vermont Electric Power Company, Inc.*, Docket No. 7628, Order of 9/3/10, at 12-13.

⁵ *Vt. Elec. Power Co. v. Bandel*, 135 Vt. 141, 145 (1977) ("Proceedings under 30 V.S.A. § 248 relate only to the issues of public good, not to the interests of private landowners who are or may be involved.").

In assessing the visibility of the Project from my house, Ms. Jamele states: “Because the house is at the foot of the hill and surrounded by trees and other structures, the project is not likely to be visible, or would be seen only to a very limited extent, from the house.” This opinion fails to note that the main entrance to the house is via the porch on the south side from which the turbines would be visible. Furthermore, the trees that Ms. Jamele references are deciduous and thus would be leafless six months of the year.

Additionally, Ms. Jamele states: “Due to the proximity of the project and the open land in the vicinity of the building, the project would be a back drop to this property when driving on busy State Route 105.” If Ms. Jamele is referring to driving south on Route 105, from Russell Road the Project would dominate the view and distract from the site of my home which was selected for building 197 years ago. Placing Ms. Jamele’s “back drop” analysis in perspective, the elevation of Rocky Ridge is approximately 500 feet above Route 105, therefore the 499-foot turbines would effectively double the height of the ridge.

If installed, the turbines would loom over my home, and the noise from them would be audible to me and my guests. The Project would destroy the visual beauty, and disrupt the solitude, that I enjoy in my backyard. Likewise the Project would have an impact on neighbors, and on the public in surrounding areas.

In sum, construction and operation of the Project would affect my enjoyment and the public’s appreciation of my historic home, and the surrounding scenic views and natural setting, including public areas such as Fairfield Pond, the Missisquoi Valley Rail Trail, and nearby roads. As a long-time adjoining landowner, and owner of a historic home, I have a unique interest and perspective that would not necessarily be represented by other parties, and which may be useful to the Board in determining the outcome of this proceeding.

Therefore, I respectfully move to intervene under the applicable criteria provided in: 10 V.S.A. § 6086(a)(8) (scenic beauty, aesthetics, historic sites); and 30 V.S.A. § 248(b)(5) (aesthetics, historic sites).

3. Orderly Development; Economic Benefit to the State

I am getting close to retirement; all I have worked for is invested in my house. If the Project is approved and constructed, my investment will be depreciated without any compensation.

I understand that in this proceeding my interest in private property may not be considered, however I assert that the Project would not only affect the value of my home, but rather all the homes in the surrounding area thereby affecting the regional

and statewide economy. The Project in disrupting this rural residential setting would interfere with the orderly development of the region.

Furthermore, if the Project were approved, decommissioning money must be set aside in order to remove the turbines at the end of their twenty-year life span. However twenty years of operating the Project, i.e., until 2037, falls short of the year 2050 which is the generation target date set by Northwest Regional Planning Commission. Northwest Regional Draft Energy Plan, 10/7/2016, Section IV, Figure 4.10, at 34.

As a longstanding adjoining neighbor, resident of Vermont, and owner of a historic home, I have a particular interest and perspective in the orderly development of the region, and in the statewide economy, that may be useful to the Board in determining the outcome of this proceeding. Therefore I move to intervene on these issues. § 248(b)(1), and (4), (orderly development, economic benefit to the state).

4. Public Health and Safety

My family has lived in my home for 64 years, and I still reside here, as I have for 47 years. My home is my sanctuary, as I work six days a week, twelve hours a day driving a tractor-trailer. Noise at night from the proposed turbines, and shadow flicker on moonlit nights, would disrupt my sleep and place at risk my safety and the safety of the public.

Additionally, my home is nearly 200 years old, and it sits on the original foundation. The blasting required to install the Project on Rocky Ridge may crack the foundation or the walls of my house, or otherwise damage my home. Likewise, the potable water that is provided to my home by an artesian well may be affected by the blasting, construction, or operation of the Project.

Therefore, as the Project may interfere with my restorative sleep, or may damage the foundation, walls, or well in my home, the Project poses a risk to health and safety. Thus as no other party would adequately represent these interests, I should be allowed to intervene on this issue. § 248(b)(5) (public health and safety).

5. Water Quality

As previously stated, I am concerned that blasting associated with the Project may affect the integrity of my well. Also I am concerned that such blasting, or other construction or operation of the Project, may affect the quality or volume of my drinking water.

Furthermore, there is a brook that runs through the Bourbeaus' property behind my home, and I am concerned that the run-off from construction or operation of the

Project on Rocky Ridge would affect the natural drainage patterns around my property, and affect the drainage work that I have completed around my home.

Therefore, as a long-time neighbor concerned over the quality of water in my well, and around my land and home, I move to intervene on this issue. § 6086(a)(1), (3), and (4).

III. Conclusion

I assert that while this Project is purported to advance the public good, it also raises significant concerns over the public interest. Therefore, in order to protect myself, and my neighbors throughout the State, I should be allowed upon the evidence presented herein to intervene in this proceeding.

Respectfully submitted this 16th day of February, 2017.

By:

Terrance Smith

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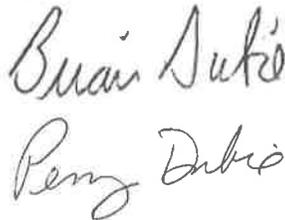
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CERTIFICATE OF SERVICE

We, Brian and Penny Dubie, et.al., certify that on February 16, 2017, copies of the foregoing *Notices of Appearance*, and *Motion to Intervenes of Brian and Penny Dubie, Jeanne Royer, Judith and Patrick Luneau, Karen and Leo McLaughlin, Sally and Bruce Collopy, Kaye and Frank B. Mehaffey, Jr., Terrance Smith, David A. Goodrich, Robert Perkins, Patricia Messier, Sarah & Ed Ferguson, Ian and Danielle Garrant, Curtis Swan and Sara Luneau-Swan, Dan and Nancy Dunne, Erynn & Tyrell Boudreau, Dennis Hendy and Diane Bell, Mary and Mark Bushey, Steve Woodward, Kenneth Fox, Michelle and Luc Deslandes, David Butterfield, Bradley Stott and Jennifer Belanger, Clark and Carol Palmer, Paula Pearsall, Greg Pierce and Paula Kane, Mark and Marianne Dubie, Marie and Gil Tremblay, Patricia Rainville and John Smith, Kevin and Dolores Nichols, Jessica Decker and Lance Desautels, Suzanne Seymour, Mary Hunter, Todd Poirier* in the above-referenced matter, were served via First-Class U.S. Mail on the interested persons designated in the following Service List.

Respectfully submitted this 16th day of February, 2017.

By:



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