

**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 )

FEB 16 '17 PM 8:39  
VT PUBLIC SERVICE BOARD

**MOTION TO INTERVENE OF  
CAROLYN PALMER AND CLARK PALMER**

We, Carolyn Palmer and Clark Palmer, jointly *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.

We as adjoining property owners 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 we can protect our interests, and these interests will not be adequately protected by other parties to this proceeding. Our interests are unique to protecting the use and enjoyment of our property and the public areas nearby, and our perspective is sufficiently distinct from that of other parties.

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

**Memorandum**

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

- (i) scenic or natural beauty and aesthetics, pursuant to 30 V.S.A. § 248(b)(5) and 10 V.S.A. § 6086(a)(8);

distinct from those of existing parties to warrant their participation on specific issues.”<sup>1</sup>

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

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

In proceedings under 30 V.S.A. § 248, the Board is not required to consider interests in private property.<sup>5</sup>

## **II. Potential Impact of the Project on the Palmers’ Interests**

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

1. We reside at 63 Swanton Hill Road, Fairfield, Vermont (physical address: Swanton). Our homestead is located approximately 3,500 feet east of the site of the proposed Project. The turbines associated with the Project would be visible and audible from our home.
2. **Aesthetics; Natural Areas; Wildlife Habitat**

We have lived on our property since 1987. The scenic views and peaceful surroundings were main factors in deciding to purchase this land. Another key factor was the abundance of wildlife that live on and visit our property. This wildlife includes moose, deer, and occasional bobcat, and a variety of birds that we feed and love to watch.

Additionally, this area is a main passage for Canada geese which fly nearby twice each year in flocks of hundreds. We hear the air through their wings as they fly over the trees, going in and out of our beaver pond. The geese fly over Rocky Ridge traveling to and from Fairfield Pond and corn fields on the other side. As the geese fly at altitudes below 500 feet, it is likely that many would be injured or killed by the

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<sup>1</sup> *Application of Seneca Mountain Wind, LLC*, Docket No. 7867, Order of 10/12/12, at 12.

<sup>2</sup> *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.

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

<sup>4</sup> *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.

<sup>5</sup> *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.”)

turbines on Rocky Ridge.

Furthermore, we enjoy walks in the woods with our grandchildren, and we appreciate the habitat and sounds of nature. In the summertime we enjoy sitting outside listening to the birds and reading in this peaceful setting. However, if the Project is approved this beauty and tranquility would be lost.

Construction and operation of the Project would affect our enjoyment of the scenic views, natural setting, and wildlife on our property; and likewise the Project would affect surrounding public areas including Fairfield Pond, the Missisquoi Valley Rail Trail, and nearby roads. As long-time adjoining landowners, we 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, we respectfully move to intervene under the applicable criteria provided in: 10 V.S.A. § 6086(a)(8) (aesthetics, natural areas, wildlife habitat); and 30 V.S.A. § 248(b)(5) (aesthetics, natural areas, wildlife habitat).

**3. Orderly Development; Economic Benefit to the State**

We are concerned that approval, construction, and operation of the Project would cause a decrease in the value of our property. We worked hard all our lives to purchase this property and create a beautiful homestead in which we could retire, and which we would someday pass on to our children and grandchildren. We have been told that the value of our home would diminish if this Project is approved.

We understand that our interest in private property may not be considered in this case, however we assert that the Project would not only affect the value of our 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.

As longstanding adjoining neighbors and residents of Vermont, we have a particular interest in the orderly development of the region, and in the statewide economy, therefore we should be allowed to intervene on these issues. § 248(b)(1), and (4), (orderly development, economic benefit to the state).

**4. Public Health and Safety**

Being light sleepers, we have concerns over the sounds generated by this Project. Jeff Snyder from Vera Renewables visited our home and asked for permission to conduct some sound monitoring, which we allowed. During our conversation, we asked Jeff if we would hear the turbines from the Project. He said we definitely would, and it would sound like a refrigerator.

Seven refrigerators running in our bedroom at night is a far cry from the sounds of owls and other animals that we hear now and love so much. Jeff told us that we could always close our windows. However we Vermonters keep our windows closed for several months during the Winter, and come Spring we are excited to open the windows and let in fresh air and the sounds of nature. We do not open our windows for sounds of whirring turbines or refrigerators. Therefore, the sound of construction and operation of the Project may disrupt the peace in our home, and affect our ability to obtain necessary, restorative sleep, thereby affecting our health and safety.

Additionally, we are concerned that blasting and drilling associated with the Project – located 3,500 feet from our home – may cause cracking or damage in the foundation of our house, or further damage to our water well which was affected by blasting at a nearby quarry on Fairfield Pond Road.

Therefore, as the Project may pose a risk to our health and safety, and no other party would adequately represent this interest, we should be allowed to intervene on this issue. § 248(b)(5) (public health and safety).

#### **5. Water Quality**

As previously stated, we are concerned that blasting associated with the Project may affect the integrity of our well. Also we are concerned that such blasting, or other construction or operation of the Project, may affect the quality of our drinking water.

Additionally, we have several brooks and streams which flow off Rocky Ridge and end up in Fairfield Pond. Construction and operation of the Project may cause sediment from cement, petroleum-based products, or otherwise, to flow through the streams and into the Pond. Why would the state approve such projects that damage this beautiful Pond that we have fought so hard to protect? Why would the state of Vermont allow its ridgelines to be destroyed?

As longstanding neighbors concerned over the quality of water in our well and in Fairfield Pond, we move to intervene on this issue. § 6086(a)(1), (3), and (4).

### **III. Conclusion**

We 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 ourselves, our children, grandchildren, and neighbors throughout the State, we should be allowed upon the evidence presented herein to intervene in this proceeding.

Respectfully submitted this 16<sup>th</sup> day of February, 2017.

By:



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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 16<sup>th</sup> day of February, 2017.

By:

  


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