

**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)

10/18/17 4:39
PUBLIC SERVICE BOARD

**MOTION TO INTERVENE OF
PAULA PEARSALL**

I, Paula Pearsall, *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 a non-adjointing neighboring 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) orderly development of the region, pursuant to 30 V.S.A. § 248(b)(1);
- (ii) economic benefit to the State and its residents, § 248(b)(4);
- (iii) public health and safety, § 248(b)(5);

- (iv) water pollution, conservation, and burden on water supply, 10 V.S.A. §§ 6086(a)(1)(A), (B), and (C), (3), and (4);
- (v) scenic or natural beauty and aesthetics, § 248(b)(5) and § 6086(a)(8);
- (vi) necessary wildlife habitat or endangered species, § 6086(a)(8)(A); and

The following argument supports my motion to intervene in this matter.

I. Legal Standard

Intervention in proceedings before the Board is governed by Board Rule 2.209. Under Rule 2.209(A), a person upon timely application shall be permitted as of right to intervene in any proceeding:

(1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or (3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest, and where the applicant's interest is not adequately represented by existing parties.

Under Rule 2.209(B), a person upon timely application may in the discretion of the Board be granted “permissive intervention” in any proceeding when the applicant “demonstrates a substantial interest that may be affected by the outcome of the proceeding.” The Board in exercising its discretion under this rule shall consider:

(1) whether the applicant's interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

The Board has ruled that, “individual intervenors may bring a perspective sufficiently distinct from those of existing parties to warrant their participation on specific issues.”¹

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

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 is not required to consider interests in private property.⁵

II. Potential Impact of the Project on Paula Pearsall's Interests

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

1. My family and I own a summer camp on the East Shore of Fairfield Pond, at 98 Bloody Rock Camp Road across from the proposed Swanton Wind Project. The nearby turbines would all be visible from our camp.
2. We have owned this camp since 1997. Since then we have spent every summer here. We chose Fairfield Pond because of the rural beauty and peaceful tranquility of the pond and surrounding area. A beautiful place for our family to unite every summer.

In addition to the obvious beauty, we have enjoyed so many wonderful memories. Our grandchildren have enjoyed catching their first fish off the dock, and many fish after that every summer. Then there is swimming, boating, kayaking, walks, sitting by the water at night. Watching and hearing the loons are always a special treat every summer.

Also we cannot begin to count the many geese that we see every year! It is a piece of heaven for our family and many families on the Pond and the ridge. This would all be affected by the Turbines.

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

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.")

Trail, and nearby roads. As a long-time neighboring landowner, 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)(1), (3), (4), and (8) (water supply and quality, aesthetics, natural areas, wildlife habitat); and 30 V.S.A. § 248(b)(5) (aesthetics, natural areas, wildlife habitat).

3. Our key concern is that the 499' Industrial Wind Turbines will not make good neighbors for us the people, the environment, and the wildlife. We are troubled by this intruder. This ridge in a residential area was never meant for this construction. The Project would interfere with the orderly development of the region, and do more harm than good for future generations. We can do better.

As a long-time neighboring homeowner, my perspective is unique and potentially useful to the Board in determining the outcome of this proceeding. Therefore I move to intervene under § 248(b)(1) (orderly development of the region).

4. Because we have so enjoyed our summers on Fairfield Pond (also known as Dream Lake), we have chosen to retire here and build our permanent home in this area. Instead of moving south we chose the natural beauty of this tranquil area. It is disheartening that while we will be moving into our dream home soon, our camp and home are being threatened by Industrial Wind Turbines. It is a huge fear that our major life investment that we have worked so hard for may lose its value and our joy. We ask nothing more than to live in peace and harmony.

In addition to affecting the aesthetics and value of our personal property, the Project would also affect aesthetics and values of surrounding properties and thereby have an impact on the regional and statewide economy.

As a long-time neighbor and resident of Vermont, I have a unique interest and perspective that may be useful to the Board in this proceeding. Therefore I move to intervene under § 248(b)(1), (4), and (5) (orderly development, economic benefit to the state, aesthetics).

5. One of our biggest fears is the noise and the infrasound. A major threat that will affect the health of so many people for years to come. These huge turbines will take away so much and give back so little. 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.

Therefore in order to protect my interest in health and safety in my home, I move to intervene under § 248(b)(5) (public health and safety).

In sum, I believe that we do not need to destroy our ridges and the lives of people. There are better choices for renewable energy.

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, my family, 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:



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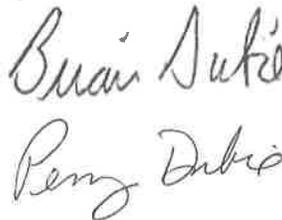
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VT PUBLIC SERVICE BOARD

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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