

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

March 25, 2011 - 10:05 a.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

RE: SEC DOCKET NO. 2010-01
Application of Groton Wind, LLC,
for a Certificate of Site and
Facility for a 48 Megawatt Wind
Energy Facility in Groton,
Grafton County, New Hampshire.
(Hearing to receive public comments)

PRESENT:

Chairman Thomas B. Getz
(Presiding)

Robert Scott, Director
Richard Boisvert
Stephen Perry, Chief
Charles Hood, Administrator
Donald Kent, Administrator
Michael Harrington

SITE EVALUATION SUBCOMMITTEE:

N.H. Public Utilities Comm.

Air Resources Division - DES
N.H. Div. of Historical Res.
Inland Fisheries - N.H. F&G
Dept. of Transportation
Dept. of Resources & Econ. Dev.
N.H. Public Utilities Comm.

* * *

Counsel for the Committee: Michael Iacopino, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ALSO PRESENT:

Counsel for the Applicant: (<i>Groton Wind, LLC</i>)	Susan S. Geiger, Esq. (Orr & Reno)
Counsel for the Public:	Peter Roth, Esq. (Sr. Asst. Atty. General)
Reptg. the Buttolph Group:	Cheryl Lewis, Intervenor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

PAGE NO.

PUBLIC STATEMENTS BY:

Anita French 4

Millard Thomson 6

* * *

Statement by Ms. Lewis re: Buttolph Exhibit 36 8

P R O C E E D I N G

CHAIRMAN GETZ: Okay. Good morning. We'll open the hearing in the Site Evaluation Committee Docket 2010-01. On February 28, 2011, we issued a procedural order indicating that hearings would be -- final hearings would be held in this proceeding on Tuesday, March 22nd, and Friday, March 25th. We also noted in that procedural order, at the conclusion of the adjudicative hearings, we would reserve time to hear oral comments from the public pertaining to the Application and the proposed facility.

So, now is the time, opportunity for public comment. Would anyone like to speak? You have an opportunity to either come to the podium or speak into the microphone at the table. So, if anyone would like to speak, if they please identify themselves for the court reporter, and we'd be happy to take your comments.

MS. FRENCH: Good morning. My name is Anita French, and I'm a resident of Groton Hollow Road, and have been for over 50 years, which is right next to the wind towers. I would like to go on record as being opposed to this Project. Some of the reasons are concerning health and safety, also the devaluation of property taxes, plus quite a few other reasons.

{SEC 2010-01} {03-25-11}

1 I do realize, however, that, in view of
2 our dependence on foreign countries for our oil, I might
3 have to bite the bullet and get over this. And, I
4 probably can. But there are two issues which I don't know
5 if I can get over.

6 And, one of the issues is concerning
7 location. I'm very concerned why this location was
8 chosen, in view of the fact that it's in a populated,
9 fragile area, where all of these adverse impacts are going
10 to be -- are going to come into play. So, I don't
11 understand why it was ever chosen. Plus, I'm very
12 familiar with those hills behind my house. And, I
13 question that they are going to get sufficient wind there.
14 I know, on one side, we have experts that say "there is
15 sufficient wind"; on the other side, we have experts that
16 say "there is not." Well, I'm not an expert, and I don't
17 know. I don't know. And, I don't think they know either.
18 But, I just think, with all of the area in the country,
19 there's much better places for this to be placed than to
20 be where it is.

21 My other concern is, I don't feel this
22 is cost-efficient at all. With all the public subsidizing
23 funds that are going into this venture, I just think it is
24 going to have an adverse economic impact. And, I'm

1 wondering, is it prudent to be, at this time, is it
2 prudent for us to be spending this kind of money, when New
3 Hampshire has a reported surplus of power? Does it seem
4 cost-efficient?

5 Those are my two real concerns. And, as
6 I say, I am opposed to this. But I know that you probably
7 are all well aware of these facts, and you will have to
8 make a decision on it, and I wish you well. And, I thank
9 you for hearing me.

10 CHAIRMAN GETZ: Thank you. Sir.

11 MR. THOMSON: My name is Millard
12 Thomson. I'm also a resident of Groton Hollow Road. I've
13 written two letters to the Committee expressing my views
14 on the subject. I think I'm most concerned about the
15 disruption to the area. There will be blasting to set
16 these mills up, which could affect the aquifers in the
17 area, and I happen to be on that side of the road. And,
18 also, I mentioned in one of my letters about an article --
19 or, two articles, actually, in the *New American* magazine,
20 which had a picture on the cover of one of them of a fire
21 that had started with these windmills. And, the fire can
22 fall to the floor of the forest and start forest fires.
23 And, I'm also concerned with the idea that an awful lot of
24 damage could be done because of the fir trees and so forth

1 in the area and the loss of property for that.

2 This is a project that affects Groton or
3 should affect Groton, but they're going to -- they want to
4 use our road. And, so, of all the people in Groton and
5 Rumney, those of us who live on Groton Hollow Road are
6 going to be the only ones who are affected by the trucks
7 going up and down. Now, I've lived on the road for 35
8 years, and we have all kinds of trucks on the road; little
9 ones, big ones, trucks hauling trucks. And, in the
10 summertime, you cannot have your -- it's a gravel road.
11 And, in the summertime, you can't have the windows and
12 doors open because of the dust that flies.

13 It also seems to me an awful lot of
14 money for a project that won't produce much power. The
15 power it will produce will probably be expensive, and who
16 knows whether the Co-op or Public Electricity people in
17 Concord will buy it. I don't know. I just think it's
18 going to cause more troubles, more problems, to those of
19 us who live on the road than the Project is worth in the
20 long run. Thank you, gentlemen.

21 CHAIRMAN GETZ: Thank you, sir. Well, I
22 think at this point it's 10 after 10:00. I would suggest
23 we hold the record open until about 10:30, to see if
24 anyone else from the public shows up. And, then, if no

1 one is -- no else has shown up by 10:30 that we close the
2 hearing. So, with that, --

3 MR. IACOPINO: Excuse me, Mr. Chairman.
4 Can I address one issue? There is one exhibit that was
5 requested of the Buttolph Intervenor Group, that's
6 Buttolph 36. And, I believe Ms. Lewis is here to just
7 simply to tell you why that exhibit isn't here today for
8 the record. Apparently, they're not going to be able to
9 provide it. So, I think we should maybe let her put that
10 on the record.

11 CHAIRMAN GETZ: Okay. Ms. Lewis.

12 MS. LEWIS: Thank you. Last night there
13 were -- excuse me -- a few e-mails that went back and
14 forth between Mr. Mike McCann, as well as Jim Buttolph.
15 And, if I could, I'd just like to read to you a bit of
16 those e-mails that explain a little bit more in detail the
17 reason for that particular exhibit not coming forth.

18 "The Buttolph/Lewis/Spring Intervenor
19 Group wanted to communicate to the Committee the status of
20 Buttolph Exhibit Number 36. Mr. Iacopino's final exhibit
21 list indicates that this was a report to be provided by
22 Mr. Mike McCann. Specifically, in reviewing the
23 transcript, which was from Friday, November 5th, A.M.,
24 Page 55, Line 10, through Page 56, Line 3, Mr. Mike McCann

1 was asked if he could provide information to the Committee
2 relating to a study he had done. He said, and I quote,
3 "From memory, because I don't have those documents, this
4 dates back to a study I did in 2005, where I was tracking
5 all the property sale transactions for several years in
6 Eastern Lee County. And, what I found was that, leading
7 up to the date of the Mendota Hills Project being
8 established, that property sales tracks homogeneously."
9 And, that's Lines 11 through 17. Chairman Getz then said
10 "If you could get that, Mr. McCann, if you have that
11 document, we'd like it provided as an additional
12 intervenor exhibit in this case". And, that's what we're
13 responding to at this point.

14 "Mr. McCann has subsequently indicated
15 to us that he made a good faith effort to locate a copy of
16 the study but was unsuccessful in doing so. He had done
17 this work [specifically] for a lawyer. He followed up
18 with counsel on that zoning case several times, beginning
19 with immediately after he concluded his testimony and over
20 the next several weeks. Both the lawyer and the lawyer's
21 secretary went through multiple large files which included
22 several boxes of records and could not locate the Lee
23 County MLS records that he had referred to [during his
24 testimony here]. They even went so far as to check

1 another project file for a different matter from a
2 different county and still were unsuccessful at locating a
3 copy. He also contacted a realtor acquaintance of his in
4 the area to see if he could replicate the search he had
5 done in 2005. A few days later, Mr. McCann was told that
6 the archived records were not retrievable or searchable
7 under the parameters he had used years ago, and even the
8 photos were not available in the archived MLS system
9 records. Mr. McCann informed us that he ultimately
10 concluded that any copies were distributed to counsel for
11 the applicant in that matter as neither Mr. McCann nor the
12 attorney he worked with could locate such records."

13 "Although we were unable to locate this
14 particular document, we did want to remind the Committee
15 that Mr. McCann's prefiled testimony from August 31st,
16 2010 included a copy of a report dated June 8th, 2010 to
17 the Adams County Board. [This was] referenced during the
18 hearing on November 5th, Transcript Page 12, Lines 17
19 through 19. According to Mr. McCann, Appendix C Page 54
20 of this report contains sale data from the period of time
21 preceding the 2005 matter referenced in his testimony.
22 Although it was not the exact same data as derived
23 previously from the MLS records, it is a summation of
24 recorded sales in the Mendota Hills Project areas, as

1 separated by less than two miles from the turbines and
2 more than two miles from the turbines."

3 And, that is it. So, I do have a copy
4 of -- this is included in the exhibit that was previously
5 presented. But, basically, it's this one page that does
6 provide the sales of which the summary was made.

7 CHAIRMAN GETZ: But that's already in
8 the record?

9 MS. LEWIS: Yes.

10 CHAIRMAN GETZ: All right. Okay.
11 Anything further, Mr. Iacopino? All right. Then, we will
12 recess, hold the record open until 10:30. And, then, if
13 no one else from the public shows up today to speak to
14 this issue, then we will close the hearing at that time.
15 So, we'll recess at this point.

16 (Whereupon a recess was taken at 10:18
17 a.m. and the hearing reconvened at 10:34
18 a.m.)

19 CHAIRMAN GETZ: Okay. We're back on the
20 record. And, it's 10:30. And, it appears to be no other
21 members of the public have shown up to make a public
22 comment. So, we will close the hearings in this matter.
23 We will be expecting briefs to be filed on April 1st.
24 And, we've scheduled deliberations for April 7 and

1 April 8. And, we'll take the matter under advisement and
2 issue an order as soon after April 7th and 8th as we can
3 in this proceeding. So, thank you, everyone.

4 MS. GEIGER: Mr. Chairman, I'd just like
5 to briefly thank the Subcommittee members for their
6 attention throughout the duration of this proceeding. I
7 know at times it's been long, and we really appreciate all
8 of the hard work and effort that the Subcommittee members
9 have put into reviewing the record. Thank you very much.

10 CHAIRMAN GETZ: Okay. Thank you,
11 everyone.

12 **(Whereupon the hearing ended at 10:35**
13 **a.m.)**