

3/16/2015

KimEinNH@aol.com

comment in reference to SEC Rulemaking docket number 2014-04

Dear Ms. Murray,

My name is Kim Smith, co owner of a condo located in Alexandria nearby where a Portugese company proposes to erect several gigantic wind turbines.

I have read that The SEC will be considering setbacks and noise limits based on '*property line*' or '*occupied permanent residence*', which means second home owners would be excluded along with structures such as barns, sheds, etc. In regards to aesthetics, there is **no requirement** for the SEC to consider the visual impact an industrial wind plant will have on **private property (residence)**. The outcome of this decision will be significant to those living or owning land in proximity to an industrial wind plant.

We will soon be moving into our condo, as permanent residents in Alexandria, and want to know why our voice to require setbacks from our condo association, and those like ours, around Newfound Lake Region are not being respected. We are being well educated about how these wind turbine companies are coming into the region, and ignoring the residents requests to build elsewhere, or take into consideration that the erected turbines are:

- 1) contributing to the death of eagles, bats, peregrine falcons
- 2) destroying the ridge lines of our beautiful NH mountains, and preventing animals from using their natural migratory paths across the mountains
- 3) creating a unsuitably amount of noise and destroying the landscape from being beautiful nature to ugly gigantic windturbines as far as we can see
- 4) costing the taxpayers \$ to keep them running in a region where we only have a 33% wind output
- 5) requiring the erection of gigantic telephone poles and miles of huge cable to carry the electricity that our state doesn't even benefit from
- 6) leaves the State/towns with the burden of repairs and maintenance, while these companies make a \$\$ then walk away from the project.

Site Evaluation Committee-Please Respect New Hampshire Constitution!

Our state's Site Evaluation Committee (SEC), which evaluates and permits the siting of all energy related projects, is in the process of creating and fine tuning the rules and standards by which they will function, following changes created by the legislature last year. Last

week the SEC heard testimony from both private citizens and interested energy companies concerning these changes.

Several attorneys including Susan Geiger, who at one time was herself a member of the SEC, represented the multi-billion dollar Portuguese company Energias de Portugal. In her testimony she expressed her company's view that private property boundaries are fluid, and do not need to be respected. She urged the Site Evaluation Committee to do the same.

If, once in place, the 499' wind towers that the company Ms. Geiger represents do happen to throw ice, snow, or turbine parts, inflict noise or shadow flicker anywhere onto your property, Ms. Geiger's testimony shows that she is fine with that. In fact the ONLY part of your property she would like to require the SEC to respect for permitting is a "permanent occupied dwelling". So - livestock out on pasture or in shelters? No concerns. Pottery studio? Trails or logging roads used on your land? Not important. Sugar Shack? Oh well. You don't live in it so if a hunk of ice traveling at 140 miles an hour flies off a turbine blade and through the building and workers inside, no concerns! The testimony advocated by Ms. Geiger is intended to tailor the rules in order to benefit any company involved in obtaining a siting permit, to the detriment of private property owners of New Hampshire.

Neighbors certainly have the right to lease their land to developers and have a company erect 499' turbines on property abutting mine. However, I have the right not to give anyone permission to impose their "extras" on any part of my property. No ice, shadow flicker, excessive noise or turbine parts. We all have that right- as per our state constitution, excerpted here:

[Art.] 12. [Protection and Taxation Reciprocal.] Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

Ms. Geiger, and New Hampshire SEC members- please keep in mind these words in our state constitution. We, the citizens of New Hampshire, believe in them. And note that the legislature has not given private companies such as Energias De Portugal permission to "take" our property. We ask permission before shoveling snow on your driveways. We count on you to do the same.

It is not enough to site wind towers a short distance from abutting property boundaries. These gigantic towers must be sited at distances that do not in any way, override our legal property rights as per the state constitution.

The New Hampshire Site Evaluation Committee is, it appears, being told by a former member who is now a consultant to a company which will come before it for project permits, to do just that, to “take” our property rights. Our properties and our property boundaries are not for “the taking”, Ms. Geiger. Property owners statewide are counting on the Site Evaluation Committee to abide by the state constitution, not to give in to the self-interests of a company raking in profits from our state, and our taxpayers, from a country thousands of miles away. We deserve better than that.

Sincerely,

Kim and Jeff Smith (owners of 13A Juniper Ridge, Alexandria, NH)

13 Margaret Circle

Mont Vernon, NH 03057