

July 18 2016 Response to David Acker question on WRPC meeting of March 3/31/2015

At the July 5 Grafton Select Board meeting David Acker asked for clarification or perhaps to defend myself on the letter written by or at least signed by Sally Warren and signed by 6 other Grafton residents.

First the issue of introductions:

The meeting was the first meeting of the WRPC to occur following March Town Meeting. There were some newly appointed towns representatives to the Windham Planning Commission present as well as long standing representatives so they were all asked to introduce themselves to benefit each other. The few attendees that were not WRPC Town representatives were not asked to introduce themselves. Don Dougall, Melissa (Belcher) Fisher and Kent Armstrong, would fall in that second group and three of them remained silent during the meeting just observed. The meeting was a long meeting as Bill Schmidt and April Hensel spoke on the history leading up to and the creation of WRPC. This presentation was in recognition of the 50th anniversary of WRPC and if I remember correctly Don Dougall left the meeting before I spoke.

Second issue: my speaking to the WRPC

I had communications with Jodi French, the chair, previous to the meeting, explained my concern and asked if I came to the meeting if I would be allowed to speak. She assured me I would be allowed to speak. When the time came she recognized me, I introduced myself and I had my say. It is important to know some events that led up to that.

- 1) I attended a meeting in Windham March 13, 2015 that appeared to be mostly "invited folks" *at 1 pm in afternoon* their comments were recorded as supporting statements for the town plan. Two other folks spoke besides me, we were recognized for our comments but they were not recorded by John Bennett. Several others Windham residents sent in written comments with concerns that were not recorded. The purpose of the meeting was the final comments on the Windham Town Plan before it was presented to the complete Windham Regional Planning Commission, action to be taken March 31, 2015.
- 2) September 4, 2013 a letter was sent to the WRPC from the Town of Grafton which I signed as the Chair of the Select Board that letter was a formal comment on the proposed Windham Town Plan relevant to any WRPC for Public Hearing stating the Windham Town Plan does not meet at least 3 out of 4 required Items in 4350 necessary for approval. The Town of Grafton requested 4345a(18) assistance from WRPC to coordinate how each neighboring Town Plan addresses commercial wind energy systems.

At the time I attended the March 13 and 31, 2015 meetings we had not received a reply offering assistance from WRPC even though we asked for their assistance. To my knowledge Grafton

never has received an offer from WRPC to the request. Reading my letter generated much discussion; ultimately they approved Windham Town Plan. Given the circumstances I feel I did things in the open and in the correct sequence. Isn't open dialogue part of transparency?

When I attended the SWOT (Strength Weaknesses Opportunities and Threats) meeting in Grafton I heard people speak to several issues about Grafton in opposing views, depending on their perspective and their background. I understand a portion of Town ^{has} decided the proposed wind project is a threat. I also understand there is a portion of town that views the project as a potential opportunity. If the source of the flooding can be identified and a method to control designed and made a condition of the Condition of the Public Good that could be beneficial to all of those affected by flooding. The people that have this opinion have the same right to be heard and represented. Others have expressed other potential benefits. Once the questions are answered and voters have voted No then it is no longer ~~and~~ considered an opportunity by the Town of Grafton. The Public service Board may still decide it is an opportunity for the State of Vermont, which is why we have consistently been told that we should be working with a lawyer, with this type of expertise. Grafton deserves a better thought out plan of action than counting on a NO VOTE and it all goes away. We are not operating in a vacuum and there are several bigger players.

Allan Sands

7/18/2016

G.No 7/2016

Letters to the Editor

To the Editor:

My grandfather Pete Haley turns 90 on July 8th. He is a WWII vet (he left the Navy 71 years ago), and he lives in Grafton on Route 121E. He loves receiving letters and cards and it would be wonderful if friends and family to send a card or note to him at: Bernard (Pete) Haley, 3373 RT 121E, Grafton VT 05146. He also loves visitors and reminiscing about his time in the Navy and his 70-year marriage (he lost his wife to cancer last year). He was a truck mechanic for Cota & Cota for over 40 years. He still does all his own home chores except a few involving ladders. He knows an incredible amount of history and it's amazing to listen to his stories of traveling the world on a frigate ship in the Navy and his life once he was home. We're hoping we can flood him with cards and letters!

Thank you,
Michelle Chase

To the Editor:

This July it is important to elect a Selectman who acts with honesty and respect - the qualities needed to bring us back together as a town. On 3/31/15, Don Dougali, who is now running for the position of Selectman, Kent Armstrong, Melissa Belcher,

then PR manager for Meadowsend, and Alan Sands, then a private citizen claiming to be neutral on the wind issue, went to the meeting of the Windham Regional Commission to oppose Windham Town Plan's anti-wind stance. Actively opposing another town's plan, which has been voted and passed, is not respectful of that town's deliberative due process. John Bennett, Senior Planner for the Regional Commission, said it was unprecedented for someone to speak against another town's legally voted town plan.

These 4 people from Grafton came expressly to oppose restrictions on industrial wind in Windham's town plan. However, in the audience of 30 or so, they were the only people who did not introduce themselves. Why did they want to keep their views and actions a secret? Finally, Alan Sands did introduce himself to read a letter dated 2013 opposing Windham.

This is not the transparent or ethical behavior, nor is it the action of someone you would want on your Selectboard. Speaking up with the courage of your conviction means identifying yourself, and then standing behind your actions. Refusing to identify yourself

when asked, demonstrates a lack of courage. Honesty and respect were not in evidence in the actions of this pro-wind foursome.

Sally Warren, Maryann Donald, Tom Cannon, Dorothy Cannon, Frances Alford, Fritz Maassen, Maggie Stewart

To the Editor:

Just a sad note: I had my small rowboat stolen over the past couple of weeks at the beaver pond one mile up Wright Orchard Road. I left it there for the locals to use any time they wanted to go out on the pond. The boat does have hidden identification so if any knows of its whereabouts please contact me or just put it back.

Sincerely,
Kent Armstrong

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Letters Policy

We welcome letters on any topic. **Until further notice, letters may not exceed 250 words. If a letter has been published elsewhere, it may be cut for space.** We reserve the right to edit based on available space and on standards of good taste. Your letter must be signed, but your signature can be withheld upon request.



**Full Commission Meeting
March 31, 2015
Townshend Town Hall**

FOR COMPLETE
MINUTE GO TO
THE WEB PAGE →

Commissioners Present: Jodi French (Chair), Maggie Bartenhagen, Sam Battaglino, Jenepher Burnell, Tom Consolino, Jack Cunningham, Charles Goodwin, Bradley Horn, Alan LaCombe, Alice Maes, Ray Mara, Edith Mas, Elizabeth McLoughlin, Georgianne Mora, Jane Morano Purdy, Denis Pinkernell, Lew Sorenson, Eric Stevens, Andy Toepfer, Piet van Loon, Nicolas Wallaert, John Whitman

Citizen Interest Commissioners Present: Greg Brown, Gretchen Havreluk, Prudence MacKinney

Guests Present: April Hensel, Robin Howe, Liisa Kissel, Bill Schmidt, Arthur Westing, Skip Lisle, Al Sands

Staff Present: Chris Campany, Susan McMahon, Jeff Nugent, Ashley Collins

Introductions: There was a **quorum** of 17 towns present.

Convened: 7:05PM

Executive Board: The Board convened in open session just prior to the Commission meeting to vote on a Revolving Loan Fund (RLF) application for the Brattleboro Farmer's Market (BFM) at the site of the former Planet gas station. The Board **approved** the \$35,000 grant for the BFM Project.

Windham Town Plan: A letter dated September, 2013 from the Grafton Selectboard to the WRC was presented by former Grafton Selectboard chair to the Commissioners which expressed opinions that the Windham Town Plan did not comport with state statute because it attempts to regulate industrial wind development in the town. The letter also asked that the Commission meet with the Grafton Selectboard. The presentation led to an extensive discussion about what Section 248 says about the standing of town plans in the Public Service Board process. There were also questions asked by Commissioners about why there was no meeting with the Grafton Selectboard in 2013. Planning Coordination Committee chair reviewed the process by which the plan was reviewed. The WRC received a request from the Town of Windham to review its plan for approval on January 26, 2015. The panel reviewed the town plan and reported their findings back to the Planning Coordination Committee (PCC). The PCC recommended approval of the plan, and confirmation of the town plan and process. J. Whitman made a **motion** to approve the plan as presented, and was seconded by J. Cunningham; motion was **approved**. On the confirmation of the town plan and process J. Cunningham made a **motion**, seconded by T. Consolino; motion was **approved** by a majority vote.

Office of
BOARD OF SELECTMEN



P.O. Box 180
Grafton, Vermont 05146

Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, VT 05301

September 4, 2013

Re: Windham Town's proposed Town Plan; Comment / Objection to portions of Energy Chapter which prohibit "commercial wind energy systems"; Request for 24 VSA 4345a(18) assistance.

LETTER SENT TO WRPC 9-4-2013
READ & WINDHAM PUBLIC INPUT
3-13-2015 11
3-31-2015 11
READ & WRPC MEETING FOR PUBLIC INPUT
TEAR 11/6

Unless otherwise noted, all statutory references are to Title 24, Chapter 117, VT Statutes Annotated (See cites below #5).

Dear Commissioners of the Windham Regional Commission,

- This is a formal comment on the proposed Windham Town Plan relevant to any public hearing by the Windham Regional Commission, the purpose of which is to decide whether or not to approve the Windham Town Plan. While the Grafton Selectboard files these comments with the Windham Regional Commission for the Public Hearing on that approval so as not to miss any deadline for comment on the Windham town Plan, the Grafton Selectboard invites the Commissioners of the Windham Regional Commission to meet with the Grafton Selectboard at a public meeting in Grafton at a mutually convenient time and date to discuss this issue.
- The proposed Windham Town Plan Energy Chapter prohibits commercial wind, states that its existing zoning bylaw prohibits "commercial wind energy systems," and requires the Town to act to prohibit commercial wind in its zoning bylaws to "Expressly prohibit commercial wind systems." (See cites below #1)
- The Windham Regional Commission may approve a Town Plan when so requested by the Town and when the Town Plan meets the 4 requirements in 4350(b).
- The Windham Regional Commission should not approve the Windham Town Plan because:
 - The Windham Town Plan does not meet at least 3 of the 4 required items in §4350 necessary for approval:
 - §4350(b)(1)(A) – The proposed plan is not consistent with §4302(c)(7)
 - §4350(b)(1)(B) – Not compatible with the regional plan. (See cites below #2)
 - §4350(b)(1)(C) – Not compatible with Grafton Town Plan (See cites below #3); and

- The WTP is in violation of State law (§4413(b) Limitations on municipal bylaws), which states: "A bylaw under this chapter shall not regulate the public utility power generating plants and transmission facilities regulated under 30 VSA §248." A "commercial wind energy system" requires review and approval under 30 V.S.A. §248.
- Based on the above the WTP should not be approved without amendment to the Energy Chapter consistent with the above requirements of VT law.
- On the issue of commercial wind energy systems, the Windham Town Plan and the Grafton Town Plan contrast starkly. 24 VSA 4345a(18) (Cited in its entirety in #5, below) states, in pertinent part: "If a municipality requests the assistance of the regional planning commission in coordinating the way that its plan addresses projects of substantial regional impact with the way those projects are addressed by its neighbors' planning efforts, the regional planning commission shall convene an ad hoc working group to address the issue." A commercial wind energy system, a type of public utility power generating plant, is a project of substantial regional impact. The town of Grafton requests this 4345a(18) assistance from the Windham Regional Commission to coordinate how each neighboring Town Plan addresses commercial wind energy systems.

We have not received a notice of a Windham Regional Commission public hearing on the Windham Town Plan and presume none has yet been scheduled.

Respectfully,

Allan Sands, Chair
Grafton Selectboard

cc: Town of Windham, 5976 Windham Hill Road Windham, VT. 05359
James Voltz, Chariman, Vermont Public Service Board, 112 State Street Drawer 20 Montpelier, VT 05620-2701
Lawrence Miller, Secretary, Agency of Commerce and Community Development, 1 National Life Drive, 6th Floor, Montpelier, VT 05620