



Town vs. tower

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CLARENDON — A meteorological testing tower to be erected on Susie's Peak will face continued opposition from the town of Clarendon.

The Select Board has filed documents with the state Public Service Board requesting authorities to reconsider a decision to issue a certificate of public good for Vermont Community Wind Farm to install the structure.

The company wants to erect wind turbines on Herrick Mountain in Ira and Susie's Peak in Clarendon for its proposed 80-megawatt industrial operation.

Last month, the PSB issued certificates of public good allowing the company to install a single 197-foot wind measurement tower on each mountain to collect data on wind speed, direction and other factors over a five-year period.

Clarendon officials have asked the board to reconsider the decision allowing the structure on Susie's Peak.

VCWF spokesman Jeffrey Wennberg said Tuesday that he did not expect the motion to delay construction as it did not involve an automatic stay of the certificate.

"I know we've been working on it this week," he said. "They ought to be done in the next couple weeks."

The town was not alone in its opposition to the state's ruling. Vermonters for a Clean Environment want the board to take a second look at its decision to allow the developer to erect testing towers in both towns.

The group indicated it was acting on behalf of its members in the "host towns and those around the state who are extremely concerned about state regulators' failure to hold

applicants accountable for their actions as they relate to our laws and rules of procedures."

In a motion to reconsider, VCE executive director Annette Smith questioned how the PSB could comply with its mission to ensure Vermonters would benefit from high quality public utility services when "companies such as FairPoint and Vermont Community Wind Farm are not held accountable for obvious violations of our state's laws and rules of procedures."

She indicated the public had raised "red flags" regarding FairPoint's entry into the state and wondered whether "today's problems could have been avoided if the concerns were addressed before the Verizon sale was approved."

Vermont Community Wind Farm's proposals raised concerns from members of the public regarding the company's willingness to comply with state rules and procedures, according to Smith.

She wrote the developers had provided false and misleading information to the PSB, failed to comply with a 45-day notice period with regard to construction plans for Herrick Mountain, trespassed on private property, placed bat and bird monitoring equipment on private property without landowners' consent and placed wind monitoring devices on a cell tower on Herrick Mountain without permits.

Vermonters for a Clean Environment filed extensive evidence indicating the wind measurement tower on Susie's Peak would be "unduly adverse and shocking and offensive to the members of the public who use Tinmouth Channel, a state public resource for recreational purposes," she wrote.

"The PSB has all but ignored VCE's concerns about the aesthetic impact of a manmade, nearly 200 foot tall metal tower in an otherwise pristine aesthetic environment, and one that is visible from an important public resource."

In Clarendon's motion to reconsider, town attorney William Bloomer argued the PSB "misapplied the so-called Quechee test. That test requires a two-pronged analysis, with the board first required to determine whether the proposed project will have an adverse aesthetic impact because it would not be in harmony with its surroundings."

If the answer is in the affirmative, the board should then apply the second prong to determine if the adverse impact would be "undue," according to the filing.

"The board does not seem to have analyzed the second prong of the Quechee test so presumably it believed that this project would not have an adverse impact on scenic and natural beauty," Bloomer wrote. "The town of Clarendon feels strongly that a guyed galvanized steel tower, 197 feet in height and 6 to 10 inches in diameter on a ridgeline cannot be said to be in harmony with its surroundings."

At a Select Board meeting earlier this week, chairman Michael Klopchin argued the Public Service Board had not given due consideration to municipal planning given the meteorological testing tower would violate local zoning height restrictions and would be located in an agricultural and rural residential zone.

"It's a shame we have to play ball with the state" by adopting town plans and developing regional planning tools only to have the PSB fail to consider those aspects in its decision, he said.

The chairman further noted the board was an "arbitrary board" appointed by the governor and not elected by citizens.

"The issue is the Public Service Board doesn't know the area and people here," he said.

The Clarendon Select Board further expressed an interest in appealing the PSB decision to the state's Supreme Court. Town officials indicated they would first await the board's ruling on the motion to reconsider.

Vermonters for a Clean Environment requested the PSB reconsider its approval allowing the developer to erect the temporary towers in Ira and Clarendon, and further requested Vermont Community Wind Farm be required to address public concerns before the structures were installed.