STATE OF RHODE ISLAND
OFFICE OF ENERGY RESOURCES

Monday, February 22, 2016
7:00 - 8:30 PM
Warwick Public Library, Large Conference Room
600 Sandy Lane, Warwick, RI 02889

Meeting Minutes:

Meeting started at 7:05PM

Danny Musher, Chief Program Development, RI Office of Energy Resources (OER), introduced the meeting.

Becca Trietch, Chief Program Development, OER, facilitated a round robin introduction.

Ms. Trietch gave an overview of the proposed terrestrial, large-scale wind siting guidelines with a PowerPoint presentation (the presentation is now available at the following URL: http://www.energy.ri.gov/renewable/landwind/)

Questions/Comments Received

Mr. Andrew Teitz asked about the second tier of the recommended permitting system. He asked if only one objector could prohibit a project. Ms. Trietch explained that the second tier is only meant to be used if a project doesn't meeting the impact requirements of the first tier. If the second tier, as written, is used, then one objector could prevent a project.

Mr. Barry Wenskowicz asked if the two tier permitting structure allowed for abatement. Ms. Trietch assured him it did.

Mr. Henry Boeniger, Wind Energy Development, asked if cities and towns were required to adopt these guidelines. In particular, he wanted to know if there was anything that prohibited municipalities from prohibiting wind development. Ms. Trietch explained that these guidelines are only recommendations and are meant to serve as a reference for municipalities interested in creating wind siting ordinances. No municipalities are required to adopt these guidelines.

Mr. Wenskowicz questioned why recommendations would require a permitting process. Ms. Trietch clarified that the permitting process is also a recommendation. Specifically, if a wind development fails any of the recommended guidelines OER is recommending that there be a second tier in a permitting process to allow for more flexibility in the siting standards.

Mr. Andrew Teitz believes there is a flaw in the recommended two tiered permitting system. He explained that there is a constitutional standard that allows a remonstrance procedure to be used for liquor licenses. He believes this same procedure cannot be applied to wind developments. In addition, he disagrees with the idea that only one person should be able to reject a project. Instead, he suggests that a body like a zoning board make the final call. In response, Ms. Trietch clarified the goal of the recommended two-tier system. She explained that a proposed development, if it met the tier 1 siting standards, would be permitted without a vote. The vote/remonstrance procedure is only meant to add

flexibility to the standards. She stated that OER will review the use of the term “special use permit” as it may not be the appropriate phrase for the recommended two tiered system.

Ms. Hannah Morini, Wind Energy Development, commented that towns may have different processes for obtaining a special use permit. She explained that some towns require that developers go through Zoning and Planning while other only require a Zoning review. In addition, Ms. Morini asked for clarification on the Option 1 noise standard. Specifically she wondered why a turbine would need to be shut down for compliance testing. Ms. Trietch explained that if the area is in compliance (i.e. below the maximum noise level) the turbine would not need to be turned off. But, if the noise measurement showed a sound level above the allowed limit, the wind turbine would need to be turned off in order to insure that the turbine was the cause of the above-limit sound. There is the possibility that another noise source was causing the above-limit sound levels.

Mr. Charlie Brown, RI Department of Environmental Management, commented that habitat loss be mentioned in the environmental impacts section. Ms. Trietch explained that the document only dives into environmental impacts specific/unique to wind turbine development. The document recommends that municipalities follow normal permitting/environmental requirements in addition to the recommended standards for any wind developments. These processes usually consider issues such as land clearing and water management.

Mr. Brown also commented that sentences such as, “the costs of monitoring should be weighed against usefulness of the collected data” seem like a way out for developers. He reiterated that there is a lack of environmental data and the collecting of this data would be extremely helpful. He also mentioned that the sentence describing the site characterization visit does not identify who the “expert” is or who pays him/her.

Mr. Kevin Maloney commented that the definition of “affected properties” should be better defined in the document with respect to the two-tiered permitting process.

Mr. John Hays asked if shadow flicker would vary with the landscape/topology of a property. Ms. Trietch explained that yes, topology, structures and objects between the turbine and the observer can reduce shadow flicker impacts.

Ms. Morini commented that the document should appropriately acknowledge the potential benefits of habitat preservation from wind turbine developments that can occur where residents have a choice between wind and residential development.

Mr. Brown asked if Ms. Morini had any studies to demonstrate habitat preservation. Ms. Morini stated that she had spoken with ornithologists at the University of Rhode Island.

Mr. Henry Boeniger thanked OER for putting the proposed guidelines together. He then commented that he would like to see the legislature support renewable energy more aggressively.

Mr. Skip Mays, a Coventry resident, thanked OER for coming up with the proposed document though he mentioned it took longer than he would have liked. In addition, he asked how often the document will be reviewed and updated to reflect technology and other changes. He also questioned two items: how often icing can occur in Rhode Island and the effects of wind development on property values. He encouraged OER to review the data on these issues.

Mr. Harry Chase, Portsmouth resident, suggested that OER work with the Town of Portsmouth to better understand permitting and technical processes. He explained that Portsmouth has learned a lot of lessons with respect to wind turbines.

Ms. Trietch adjourned the meeting.