


# Petition to Remove Milton Township from the Expedited Wind Area

Sarah A. McDaniel

Attorney for Petitioner Violetta Wierzbici (landowner in Milton) and  
Peter Fetchko and Warren Hillquist (residents and landowners in  
Woodstock and Milton)



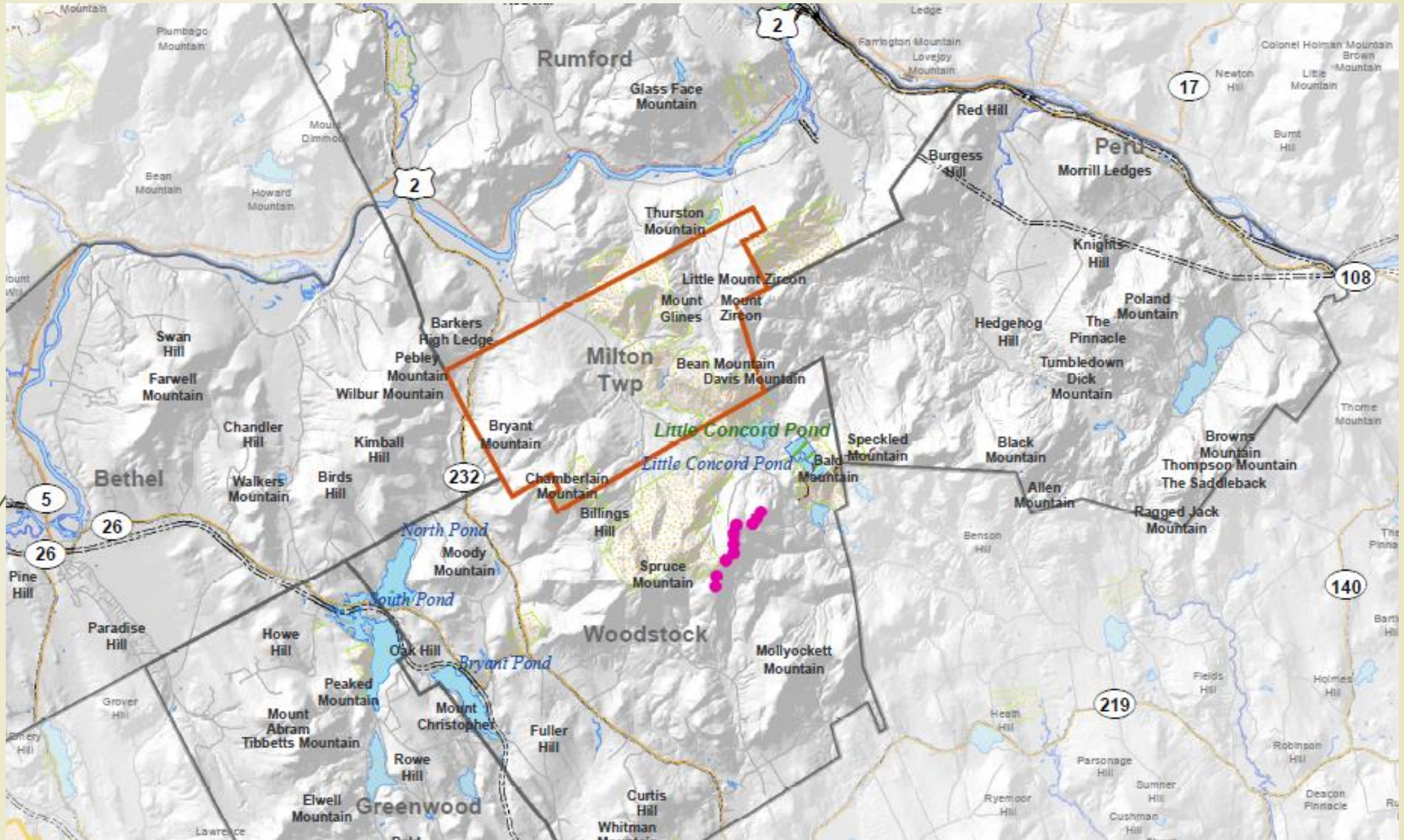
# What are we NOT doing here?

- ▶ This is NOT a development permit application.
  - ▶ This is NOT a substantive review of the hypothetical 39.6 MW project on Bryant and Chamberlain Mountains described by EverPower.
  - ▶ This is NOT a referendum on whether wind power is “good” or “bad.”
  - ▶ This is NOT a review of whether allowing wind projects in Milton is consistent with the CLUP.
  - ▶ This is NOT a comparison to other townships that may be in or out of the expedited area.
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# What ARE we doing here?

- ▶ RULEMAKING to decide ***what the default rules should be*** in all of Milton Township.
- ▶ If the Legislature's removal standards are met, the Commission shall rule that Milton Township be removed from the expedited wind area. **Wind development will be discouraged, but not prohibited there.**
- ▶ When Milton Township is removed from the expedited wind area, any proposed wind development within its borders will first need to apply for a **rezoning or re-addition of the specific project area** (not the whole township) before moving forward.






## What standards guide the Commission's rulemaking authority?

- Milton Township shall be removed from the expedited wind permitting area if **eliminating wind power as a pre-approved land use within the entire township** of Milton:
  - Will not have an **unreasonable adverse effect** on the ability of the State to produce 3,000 MW of wind power by 2020; and
  - **Is consistent** with the principal values and goals of the Comprehensive Land Use Plan.




Removing Milton will not cause an **unreasonable adverse impact** on the State's ability to reach 2,700 MW of land-based wind generation by 2020.

- ▶ Currently **927.2 MW** of wind in production or under construction state wide (LUPC summary of approved as of 6/10/16), plus **250 MW** currently pending DEP review (DEP prehearing comments 6/8/16)
- ▶ Presently **3,631 MW** wind capacity projects pending interconnection requests in northern and western Maine. (ISO prehearing comments 6/29/16)
- ▶ As of December 2014, between 4 - 9 grid-scale projects in preliminary consideration totaling **1,000 MW** of capacity (Maine Comprehensive Energy Plan Update, 2015)
- ▶ EverPower's **39.6 MW** hypothetical project is only 1.9% of the additional MW needed to reach the goal.



The State's failure to reach 2,000 MW by 2015 is not determinative.

- ▶ ***If every square foot of the expedited area was critical to meeting the goals, there would be no removal process.***
    - ▶ It was during 2015 that the Legislature expressly allowed removal of areas from the expedited permitting area, well aware that the 2015 goal had not been met. (P.L. 2015, Ch. 265)
    - ▶ Legislature used the mandatory “shall remove” language both for petitions that were not challenged and also for petitions when substantive review shows the removal standards were satisfied. 35-A M.R.S.A. §3453-A (1) (unchallenged petition), §3453-A(3) (after substantive hearing)
  - ▶ Trend towards higher-capacity turbines and larger projects makes the 2020 goal feasible. (Maine Comprehensive Energy Plan Update, 2015)
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# Removing Milton is consistent with the CLUP's **four principal values**


- ▶ Economic value of the jurisdiction is derived from working forest and farmlands.
- ▶ Diverse and abundant recreation opportunities.
- ▶ Diverse, abundant and unique high-value natural resources and features including water resources, wildlife resources and scenic resources.
- ▶ Natural character, including remoteness and the relative absence of development.






Principal Value: Economic value of the jurisdiction is derived from working forest and farmlands.

- ▶ Despite being adopted in 2010, after creation of the expedited permitting area, **production of wind energy is not a principal value** of the jurisdiction.
- ▶ Private conservation lands in Milton allow forestry while emphasizing wildlife.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this principal value.**



Principal value: Diverse and abundant recreation opportunities.

- ▶ Emphasis on *diverse* recreation opportunities includes not only the remote and pristine areas outside of the expedited area, but also **recreation in vicinity to existing population service areas**, such as greater Bethel area.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this principal value.**



Principal value: Diverse, abundant and unique high-value natural resources and features including water resources, wildlife resources and scenic resources.

- ▶ Discouraging wind development known to have fatal consequences for bats near the Milton **bat hibernaculum** is consistent with this principal value.
- ▶ Two **state endangered** and one **threatened bat species** were listed in 2015, other bat species in Maine are of **special concern**. One **federally threatened** bat species.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this principal value.**




Principal value: Natural character, including remoteness and the relative absence of development.

- ▶ Permitting wind development on Milton's ridgelines would impair the **relative absence of development** in the gateway to the greater Bethel recreation area.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this principal value.**



Removing Milton is consistent with the CLUP's **three broad goals** (all materially the same since at least 1997)

- ▶ Support management of all resources to enhance the living and working conditions of property owners and residents, to separate incompatible uses, and ensure continued availability of wildlife and other natural resource values.
- ▶ Conserve natural resources primarily for fiber and food production, outdoor recreation and wildlife habitat.
- ▶ Maintain the natural character of certain areas having significant natural values and primitive recreation opportunities.




Broad goal: Support management of all resources to enhance the living and working conditions of property owners and residents, to separate incompatible uses, and ensure continued availability of wildlife and other natural resource values.

- Milton's scenic mountain ridges form the gateway to the greater Bethel area and its tourist economy.
- The unique (1 of 3 statewide) Milton bat hibernaculum could be critical in the restoration of populations of bat species, all of which are either Endangered, Threatened or of Special Concern in Maine.
- **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this goal.**



Broad goal: Conserve natural resources primarily for fiber and food production, outdoor recreation and plant and animal habitat.

- ▶ Milton's bat hibernaculum is unique and critically important overwintering habitat for bat species in Maine, all of which are either Endangered, Threatened, or of Special Concern, with one federally Threatened.
- ▶ Energy production is not part of the broad goal.
- ▶ Forestry and wildlife conservation co-occur on private conserved lands without wind development.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this goal.**



Broad goal: Maintain the natural character of certain areas having significant natural values and primitive recreation opportunities.

- ▶ Milton's bat hibernaculum has significant wildlife habitat value to Endangered, Threatened, and Special Concern species on a statewide scale, and federally threatened.
- ▶ The greater Bethel area has a significant concentration of recreational values, and the view of Milton's mountain ridges are a major part of the scenery along the roads leading into Bethel, Newry, Rumford.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with this goal.**





# Removing Milton is consistent with the CLUP's specific development goals.

- ▶ Location of Development (Goal I.A.): **“guide the location of development ... to protect animal habitat...”**
  - ▶ Protecting Milton's bat hibernaculum is consistent.
- ▶ Land Conservation (Goal 1.G) (new development goal since 2010): **“encourage long-term conservation of select areas”** (policies recognize features of regional and local significance)
  - ▶ Respecting conservation parcels on Chamberlain Mountain is consistent.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with the CLUP's development goals.**



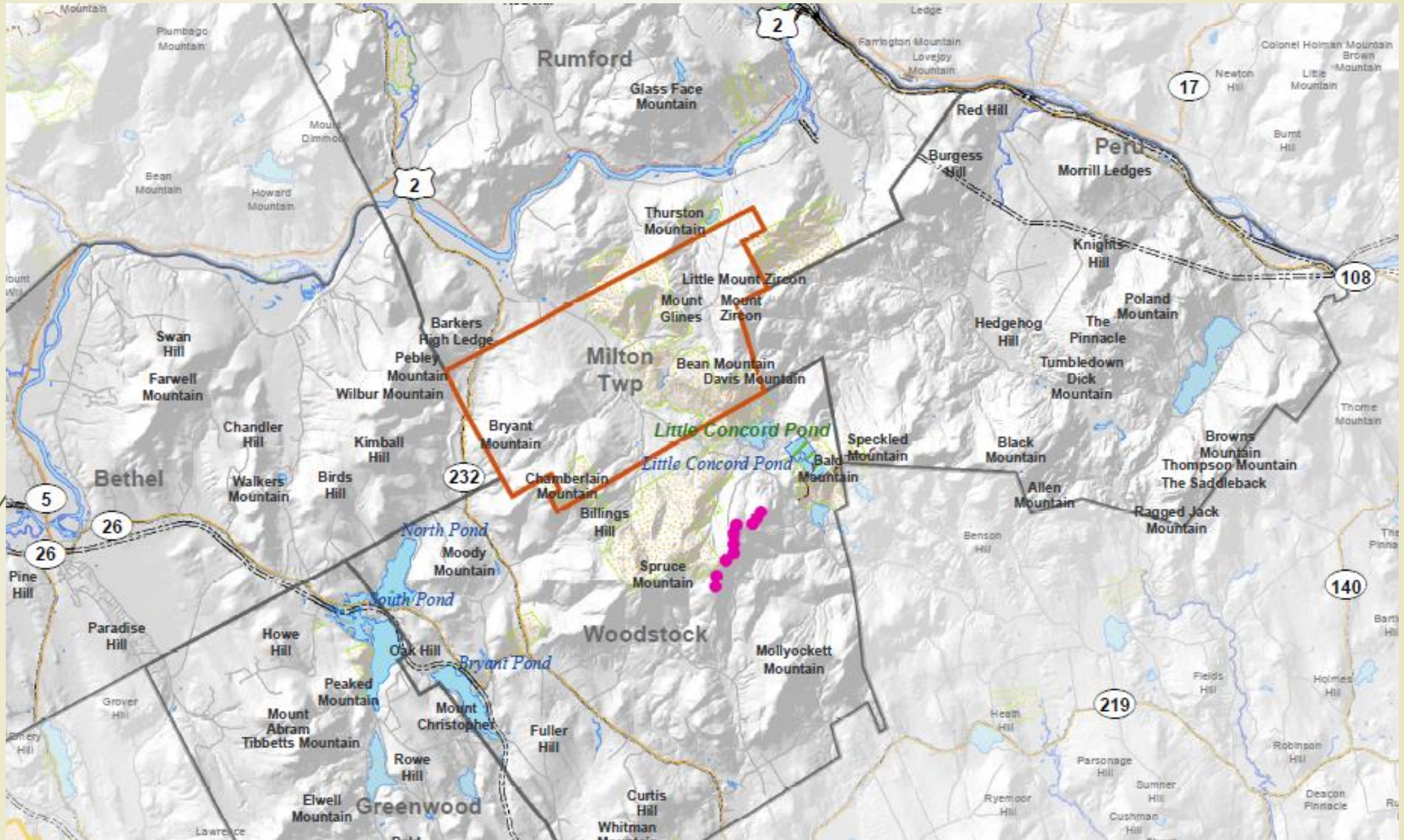
# Removing Milton is consistent with the CLUP's specific natural resource goals.

- ▶ Energy Resources (Goal II.E.): **Utilize indigenous energy resources when there are not overriding public values that require protection**
  - ▶ Protecting the unique public value of Milton's bat hibernaculum and threatened and endangered species is consistent.
- ▶ Plant & Animal Habitat Resources (Goal II.H): **Conserve and protect aesthetic, ecological, recreation, scientific, cultural, and economic values of wildlife.**
  - ▶ Protecting Milton's bat hibernaculum, the deer wintering area on Bryant Mountain, and migratory and other birds is consistent.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with the CLUP's natural resource goals.**



# Removing Milton is consistent with the CLUP's specific natural resource goals.

- ▶ Recreational Resources (Goal II.I): **Conserve natural resources that maintain the recreational environment.**
  - ▶ Protecting scenic views of Milton's ridgelines from regional water bodies and trails is consistent.
- ▶ Scenic Resources (Goal II.J): **Protect high-value scenic resources.**
  - ▶ Protecting scenic views of Milton's ridgelines on routes that are gateways to the greater Bethel area is consistent.
- ▶ **Subjecting any wind developments proposed for Milton to the rezoning or re-addition process is consistent with the CLUP's natural resource goals.**





## Specific recreational sites with notable view of the Chamberlain and Bryant Mountain ridge


- ▶ Trails on Mount Zircon, Bald Mountain, Speckled Mountain, Rumford Whitecap Mountain, Black & White Trail, Mount Will
- ▶ Commercial ski area on Mount Abrams
- ▶ Little Concord Pond State Park, Woodstock
- ▶ North Pond, South Pond & Round Pond, in Woodstock & Greenwood
- ▶ Androscoggin River Trail
- ▶ Pleasure driving for scenic views along state routes Route 26, Route 2, Route 232 and along Milton Road



The question is NOT whether **wind development in Milton** is consistent with the CLUP.

The question is whether **requiring the specific project site of wind development in Milton to first undergo rezoning or re-admission** to the expedited area is consistent with the CLUP.

The answer is a resounding YES! Milton Township shall be removed from the expedited permitting area.



**Thank you for your consideration. On behalf of Violetta Wierzbici, Peter Fetchko and Warren Hillquist, I respectfully request that you vote to find the standards for removal in 35-A M.R.S.A. § 3453-A(3) are satisfied and enact a rule removing Milton Township from the expedited permitting area.**

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My name is Peter Fetchko. I live on Billings Hill Rd. in Woodstock Maine with the love of my life, for 47 years, Francoise, <sup>and</sup> four goats, ten ducks, seven chickens and two cats, Cordon and Moxy.

We purchased our land and built a cabin, now almost twenty six years ago. At that time we had little thought of ever moving permanently to Maine. What first brought us to Maine was the attraction of the mountains, in the vicinity of the town of Bethel. We used to bring our children hiking and camping in the Wild River area and the Mahoosic Mts.. We did our shopping in Bethel, eat out occasionally and introduced our children to kayaking and canoeing in the lakes and ponds of Woodstock, Greenwood and on the Androscogin River. We would often rent canoes at the store now called the Local Hub on Round Pond and paddle our way through water lilies and pickerel weed to the greater expanse of North Pond, where at the head of the lake, are beautiful views of Bryant Mt. and Mt Chamberlain. We would picnic on the town island, known as the Rock where we would swim in waters pure and clear in an extraordinary mountain setting. *with Loons, eagles & Peregrin falcons.*

Our cabin was built by John Kimball and our mason was Neil Donovan of Bethel. We had a great Rumford fireplace, a wood stove, gas lights and beautiful, inspiring views of the surrounding mountains. In winter we at first had to hike one mile up a snow machine trail and snow shoe the last tenth of a mile to our cabin door. That was until we met our neighbor Pete Rosenberg, who was a dedicated snow mobileer and who would ferry us, our gear and our guests all the way up Billings Hill. Pete was our next great introduction to Maine. He was the first of many Mainers that made our lives safer, happier, easier and inspired us in the humanity of good neighbor policies.



Though I served in the Army, I had not had a gun of my own until another good neighbor, Herschal Abbott, gave me a 16 gage shotgun, to make up for my obvious deficiencies. Herchel hunted the land we now owned for over half a century and taught me my next important lesson. From him we learned to respect Maine's traditions of hunting, fishing and outdoor activities. Since then our land has never been marred by a no trespassing sign and has never been posted.

Our children matured as so did we and the time came to consider retirement. By then we had many more friends but there was still no winter aces. A snow mobile was the answer and Herschal Abbott would let us park at his place at the bottom of Billings Hill.

Not without a little anxiety did we move permanently to Maine in the year 2000. We added an addition to our cabin and we built a woodshed, garage, a barn and several out buildings with our own labor and the help of our friends. Paul Houseman of Albany added a solar system for electricity. We still have no line connection to the outside world, but we are happy and our electricity is a gift from the sun.

Here we are now in 2016 with winter access for the last four or five years, and on land first settled by Benjamin Frank Farrar an original signer and I quote "...for the mutual advantage of each other....." into "... a body corporate to be known as the union society of Woodstock" in 1858.

By 1880 Ledyard York now occupied the site and his cellar hole, barn foundation and massive stone walls are clearly present. They like many others are now gone but John Hunt and his son have hunted this land for far longer that we have been here and they plan to be here today to comment.

Our nearest neighbors Jerry and Nicole Bernier are volunteers for the Mahoosic Mountain Rescue. They just purchased the Russ farm, a civil war era hill farm looking up to the summit of Chamberlain Mt.. We do not know how close they or we will be to a yet undefined wind farm project. How will it affect us? We do not know. What we sadly know however is that those that have the potential of financial gain are pitted against those that just want their land to be theirs, not to be infringed upon without due process. I <sup>and most</sup> as all of my immediate neighbors have been offered substantial sums ranging from 8 to 12 thousand dollars a year for twenty years. We know also that the majority of land owners that have the greatest potential for financial gain, will not have to live in the presence of the turbines, because they are from away. Perhaps, I am lucky but my integrity and the integrity of the land I occupy, only temporarily, is more important to me.

How will the character of Bethel, Woodstock, Greenwood and Milton be affected?

It is for all of these reasons we ask you, the commissioners to be conservative and cautious for the mutual advantage of each other like the 1858 Union Society of Woodstock.

*Thank you for your service to the  
Great State of Maine!*

