

Town Council Meeting  
September 14, 2015

TOWN COUNCIL MEETING – 7:00 PM

Present: Councilwoman Carlson, President Shibley, Councilwoman Duxbury, Councilman Laboissonniere, Councilman McGee, Interim Town Manager Robert Thibeault, Town Solicitor Nicholas Gorham.

Pledge of Allegiance  
Invocation by President Shibley  
Review of Emergency Evacuation Plan

President's Comments

President Shibley wished Town Manager Hoover all the best in his retirement announced that Finance Director Bob Thibeault will be the temporary interim town manager. The Town Council has hired the Mercer Group out of Atlanta, Georgia to perform a Town Manager search and Council will meet with them this week. In addition, a new Parks and Recreation director has been hired and he starts on September 21, 2015.

Lastly, a letter of apology has been received from Pastor Chris Baker of Knotty Oak Baptist Church. Apparently their Youth Group held their annual "shaving cream war" at Rice Field and went a little beyond their boundaries. He has spoken to his youth group and we do accept his apologies.

Approval of Town Council minutes of August 24, 2015

Councilwoman Duxbury referred to Page 8, and wherever "compliance" was talked about regarding Wood Estates sidewalks, she asked that the minutes clarify that it is "ADA compliance".

Councilman Laboissonniere referred to a typo at the top of Page 8, where he should be referred to as "*Councilman*" Laboissonniere.

Vice-President Carlson asked to amend sentence on Page 9, 5<sup>th</sup> paragraph, regarding Mr. Miozzi, that in addition to the fact that she doesn't feel he has been a good neighbor, that "*there had also been some work related problems in town with that same contractor.*"

A motion was made by Councilman McGee seconded by Councilwoman Carlson to approve minutes with corrections. All voted aye.

COUNCIL DISTRICT UPDATES

District 3 Councilman McGee had nothing new to report.

District 5 Councilwoman Duxbury commented that the Reservoir Road sidewalks are nearly complete. However, she has requested that the DPW director take a look at the striping on the road and the possibility of an extension of the light time when you are turning right onto Route 3, to try to alleviate some traffic at peak hours. Director McGee reported that he has asked the Traffic Commission to look at the timing of the light in order to extend the timing just during peak hours. The Wood Estates sidewalks have been inspected by the Governor's Commission on Disability and modifications are being made to bring them into compliance.

District 1 Councilwoman Carlson announced that even though the new recycling and trash bins have been delivered, they are not ready for use yet. Your trash will not be picked up if you are using them already. She also informed residents that the large sized bin was delivered, but if anyone finds it too big or difficult to handle, there is a smaller trash bin available; there is not a smaller recycling bin. Road repairs on Route 102 are almost complete and JH Lynch has done a terrific job with that.

District 2 Councilman Laboissonniere advised that road repairs on Route 116 began today. Hopefully they go as well and are handled in as timely a fashion as Route 102.

President Shibley, District 4, advised that the picnic table at the Middle Road/East Shore Drive right of way has been removed. Doherty's on Tiogue Avenue is still being worked on, but should be opening soon.

PUBLIC COMMENT

Robert Lawrence, 26 Darton St., acknowledged that although the picnic table was removed from the right of way, Mrs. Oneppo has placed her paddle boat where the picnic table was and now the paddle boat is in the way.

Richard Reynolds, 501 Village Green Circle, lives in a 55+ community. He doesn't feel that it is fair

that he pays the same taxes as the rest of the town, but receives no services such as snow or trash removal. Most people in there don't work and live on social security and pensions.

President Shibley then read a letter from Manager Hoover addressed to Mr. Reynolds indicating why the town cannot provide services to the Village Green Subdivision, per RIGL 44-3-1, where it is stated that all real property is subject to taxation, whether in a private subdivision or not. Mr. Reynolds disagrees and believes that under Section 24-2-10 of the General Laws, that the Council can declare this a legal road.

Marc O'Gorman, 31 Elton Street, remarked that before Manager Hoover resigned he ordered signs to be placed at the East Shore Drive rights of way. We are hoping that the signs are placed soon at all of the locations. Regarding the encroachment agreement with the owner of 83 East Shore Drive, it is still nowhere to be found in the town records. Two summers have been wasted with the illegal encroachment agreement and we hope not to make it three summers. It is a shame that the privacy fence that was on town property was removed to make the public right of way appear to be private. The public deserves a new privacy fence. The encroachment agreement should be revoked and all encroachments removed including the sprinkler system.

Stacy O'Gorman, 31 Elton Street, believes signs would be extremely helpful as to right of way locations. The Attorney General's office is asking the town to mark the boundaries on the North Road right of way. Also, thanks to John Assalone, we are soon to have a sixth right of way on East Shore Drive.

Nancy Sullivan, 6 White Oak Court, spoke regarding the ADA violations on the Wood Estates sidewalk project. She questioned the supervision of the project, how many inspections were conducted, and how it was decided that the project was complete as to the specs. She asked where the extra paving was done in exchange for the loam and seeding performed by the town. And lastly, she remarked that a stop sign in her neighborhood was initially placed on the left corner of the intersection instead of the right. That was corrected and the sign was moved to the right corner. However, the hole where the sign was removed was not filled in correctly and this morning while she walked her dog, the dog's leg fell into the hole. She stated that the hole is at Arbutus and Tallwood, could cause injury to humans and asked who supervised, verified and signed that job complete?

Carmine Oliveiri, 1320 Main St., added that on Reservoir Road, you don't put sidewalks over the sewer line and not tap into the sewer line. The line on Reservoir Road could easily sewer the high school. In January of 2015, the Council voted to purchase the Reservoir sewer line, but is currently paying a contractor to maintain the sewer system at the high school.

Councilwoman Duxbury commented that the Reservoir Road sidewalk situation is costing us money by redoing things that weren't right to begin with. Somebody needs to take a look at what is actually being done to supervise these types of projects.

## LICENSES

1. Application for Second Hand license by Trade Winds Merchants, Inc., (Jeffery Marino) at 15 Sandy Bottom Road.

Proprietor, Jeff Marino currently works from home making furniture and is trying to expand his business. He has applied to work out of a corner unit on Sandy Bottom Road next to Captain Nemo's. The second hand license will also enable him to sell used furniture. Councilwoman Duxbury asked for assurance that if he gets this license approved that he will discontinue any sales from his residence at 431 Hopkins Hill Road and will move the inventory to the new location. He agreed and plans to be into the new location by October 1.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve second hand license. All voted aye.

## CONSENT AGENDA

1. Discussion and resulting action on tax abatements and additions for August 2015

A motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve abatement and additions. All voted aye.

## RESOLUTIONS

1. Discussion and resulting action on appointing Debra Bacon to the Charter Review Commission

Councilman McGee expressed his disappointment in the way the Charter Review Commission was chosen. He does not know Debra Bacon, was not aware that she was going to be put on the committee and was not asked for input. Although the Republicans hold a majority, he feels there should be an equal amount of Democrats and Republicans on the Commission so

that it is not totally controlled by one party. Mr. McGee believes there is only one democrat on the commission.

President Shibley stated that he believes there are two democrats, two republicans and the rest are independents. Councilwoman Duxbury agrees.

A motion was made by Councilwoman Duxbury seconded by Vice-President Carlson to approve the appointment of Deborah Bacon. Vote taken: 4 Approve; Mr. McGee votes no. Motion passes.

2. Discussion and resulting action on allowing Town Manager to execute an agreement for the Program Year 2015 Community Development Block Grant

Planning Director Paul Sprague and CDBG coordinator Gail Hardink gave a presentation, explaining this annual function where each year the federal government supplies funds for low and moderate income families. At the local level it is the responsibility of the CDBG coordinator to request an application for funding. We have already had the public hearing at the Planning Commission and a rating system was established. Although each year we ask for more funding, it has actually decreased over the past 7 or 8 years due to the economy. The Planning Commission asks that you adopt this resolution and apply for the grant.

Mr. Sprague went on to read the funding request of \$620,000, which included activities such as the on site cesspool phase out, demolition of 578-582 Washington Street, an upgrade of security equipment at Coventry Housing, window replacement at Human Services/Senior Center; Cornerstone Adult Day Care and first time homebuyer assistance. These programs will help stimulate housing rehab, neighborhood revitalization and help support low/moderate income populations. All programs aim to guide the development of land and services to produce a healthful, efficient and aesthetically pleasing environment for all Town of Coventry residents.

President Shibley asked, in general, how the town makes out with the funding annually and Mr. Sprague replied that with the exception of the state's most distressed communities, Coventry does very well.

A motion was made by Councilwoman Duxbury seconded by Vice-President Carlson to approve resolution.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to place Item M "Ordinances" in front of Item L "Public Hearing" on the agenda. All voted aye.

ORDINANCES

Ordinance repealing and replacing Chapter 131, Flood Damage Prevention, Articles I & II, Sections 131-1 through 131-15 Floodplain Management Program Ordinance (First reading)

Solicitor Gorham explained that the federal government requires a revised flood management ordinance in order for the town to be eligible for flood insurance. The flood maps have been revised; the ordinance needs to be revised. It is currently the same ordinance as in 2010, except for RIDEM recommendations and changes.

Councilwoman Carlson asked about the specific changes and Town Engineer Bob Joyal responded that Johnson's Pond flow elevations will change from 249 feet to 254 feet. Solicitor Gorham added that this is a huge change, and adjusting 5 feet of elevation assumes a huge area, which means there are a lot of people who will pay a lot more for insurance. However, this is a mandate from the federal government and we don't have a choice. If we do not adopt this ordinance, there is no coverage for anyone. It will affect Johnson's Pond, Tiogue Lake and Quidnick Reservoir.

He also advised that there is not much leeway under this ordinance, or the law, to give people exceptions unless you can prove that you are higher or lower than the maps suggest you are. The ordinance appoints the Zoning Board as the board that reviews appeals.

Mr. Sprague confirmed that in order to get flood insurance, there has to be an ordinance in place and a flood plan. As this relates to someones property, if they feel the ordinance does not apply to their house, as the house itself is above the flood plain, you can possibly get an exception and you don't have to pay that greater amount of insurance. But, without the town being in the flood program, you are not entitled to any flood insurance. This is critical. What often times happens, the federal government will revisit where a home is located, FEMA could come back with a change of map if they find you are not within the flood plain. For example, the land could be in the flood plain, but the house is not. Maps are available in the Planning Office.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to advertise for public hearing. All voted aye.

## PUBLIC HEARING

### 1. Amendment to the Coventry Zoning Ordinance to allow for reasonable siting of Wind Energy Facilities

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to open public hearing. All voted Aye.

Attorney William Bernstein, who represents the Town of Coventry in this matter, gave some background of the ordinance. He was asked, since certain turbines have been permitted, to help draft an ordinance so that any new applications for turbines will have guidelines. This ordinance was put together from existing ordinances in various communities through the United States, trying to concentrate on the New England area, so that what exists in this proposed ordinance does exist somewhere in the northeast.

Councilwoman Carlson listed some proposed amendments to the ordinance:

1. Regarding the matrix at the bottom of Page 1, that everybody understands (S) special use and (N) no permitting and what areas those are;
2. Page 4, to delete from Section 1.3.2 what is redlined "*provided that any physical modifications after the effective date of the ordinance shall be subject to the permitting requirements of Section 1.6 et seq.*;
3. Page 5, to add to Section 1.5.2, "*nor shall any wind turbine be permitted on any site determined to be a historical site as defined in Town Ordinances.*"
4. Page 7, add to No. 4. "*and showing all historical sites within said boundaries.*"
5. Page 8, in 1.7.1 Fall Zone, change minimum fall zone to two hundred (200%); in 1.7.2 Noise and Sound Level, change from 10 db to 5 db (*noise levels shall not exceed a 5 db increase over ambient levels...*)
6. On page 10, Section 1.8.0 Safety Setback, to add "*and must determine if the proposal is consistent with state guidelines.*"
7. Page 12 Section 1.10.1 Remain the same; the applicant shall submit an application to Planning.

She added that she would like to see something included in the ordinance where the fire chief of the district, in this case District 1 where the current wind turbines are going up, is involved and included in the sign off. Whether or not they are the primary first responders, that fire district is going to be involved one way or the other. It would be good to have the fire chief/marshal there for inspections. This ordinance is not to prevent future construction, but is because we didn't have any ordinances or guidelines set up when this all started.

Councilman McGee is not sure how you are going to regulate the decibels, knocking this down from 10 db to 5 db. What exactly is 10 db? What is 5 db.? How do you judge? Also, if we are going to put this in an ordinance, which should have been done a long time ago, you need to take the moratorium off. You can't have both.

Attorney Bernstein replied that with regard to sound levels, each property has a different ambient sound level. The police department has a decibel meter. Generally, you get a first reading on the ambient background where the turbine is situated, then there is a baseline from which to measure. The second issue you raised is a good one, but I don't see a conflict. You can have an ordinance go into effect at the expiration of the moratorium, one doesn't affect the other.

Councilman McGee is all for approving an ordinance, but the way it is now it appears political, for example a West Greenwich council leader is getting turbines. Why should we deny another taxpayer who wants a turbine? Does it really matter if we have 11 turbines? I think that we need to get rid of the moratorium if we pass an ordinance. Councilwoman Duxbury understood that the moratorium was put in place to give us time to come up with an ordinance. The moratorium expires in one year, which will be January of 2016.

Public Comment: Ken Jackson, 2799 Harkney Hill Road, asked of the turbines that will be located in Coventry, are there any that come close to or are within the parameters of the proposed ordinance. Attorney Bernstein replied that they are.

Skip Mays, 710 Perry Hill Road, is not taking a position on this matter, but has reviewed the proposed ordinance and would like the Town Council to review his list of recommendations:

On page 7, Section 1.6.1 (5): Description of the Proposed Wind Energy Facility

On page 7, Section 1.6.1.(8): Electrical Service

On page 8, Section 1.7.1 Fall Zone: increasing the minimum from 150% to 200% for safety reasons

On Page 8, Section 1.7.2 Noise and Sound Level 10 db decrease to 5 db over ambient noise level  
Page 10, Section 1.8 – Decommissioning and abandonment  
Page 11, Section 1.9.2.(d) Local Emergency Services

Attorney Seth Handy, who represents Wind Energy introduced Michelle Carpenter, C.O.O. of Wind Energy Development. He remarked that Mark DePasquale is in Germany checking on the turbines, which are expected to be delivered in December (the foundation elements) with the rest expected in March or April for installation.

Attorney Handy's comments to the Town Council have been put in writing as requested by the Town Council and are as follows:

Thank you for all your work on the Town of Coventry's wind ordinance and for the opportunity to submit written comments. As presented at the public hearing, I provide my general comments here and attach responses to specific elements of the ordinance from Michelle Carpenter, the Chief Operating Officer for Wind Energy Development (WED). WED appreciates and honors its good history of collaboration with Coventry and hopes and expects to continue what has been a mutually beneficial relationship far into the future. The current form of the proposed zoning ordinance threatens the prospects for wind development in Coventry and getting the final form of the ordinance right is an important step toward realizing or frustrating the opportunities of an evolving, new energy economy in Coventry.

The zoning proceedings for the ten turbines in Coventry involved extensive public outreach and input and were ultimately well-deliberated and carefully decided. WED notified all of the neighbors well before each zoning proceeding and met with them to present all the detailed specifics of the projects and their anticipated impacts. As part of that, WED invited all attendees to visit its existing wind turbine in North Kingstown and many did. Although some came to the meetings with concerns that were voiced, after learning about all of the specifics, there were ultimately no objections and there was unanimous support for the zoning approvals. When neighbors learned about the technology and the project location and all of the impact analysis that had been done and the many benefits to their neighbors who were leasing property for the projects in order to afford the cost of maintaining their open properties and the communal benefits of avoiding the alternative of concentrated development that would disrupt the rural character and demand new infrastructure at public expense, they uniformly decided that these projects would have a positive impact on the community and supported and did not object to zoning approval. The zoning proceedings themselves gave careful, technical consideration to any potential impacts on the community and set well-conceived standards for potential impacts like noise and shadow flicker from the turbine blades. The zoning process was not haphazard or ill considered – it carefully weighed and addressed the impacts on neighbors and the community. WED asks Coventry to please not adopt a zoning ordinance until the Town can observe the impacts and benefits of actually having the ten, planned turbines operating in Coventry, as regulated by the existing zoning decisions.

Coventry's current comprehensive plan does not expressly address renewable energy but its goals are well served by wind projects. Most notably, the plan calls land preservation and productive, revenue-generating use of developed space. Wind projects allow the preservation of open land while generating significant revenue to the landowner and the Town. The base of a wind turbine occupies approximately .02 acres of space, allowing for the preservation and productive use of surrounding open space. The projects generate sufficient lease revenue to sustain the cost of preservation or farming use, while also providing the prospect of significant host payments that WED has proposed to pay Coventry. Coventry's decision to host wind projects has made it a leader in making all the benefits of Rhode Island's new energy economy happen.

Rhode Island's current energy supply is insecure and uneconomical. The Northeast Independent System Operator (ISO) controls our regional grid for the transmission of electricity and has observed that "The region's heavy dependence on natural-gas-fired generation to meet its electricity needs has resulted in recent operating problems." ISO NE 2013 Regional System Plan, p. 9. ISO projects that our overdependence on natural gas will become worse with the retirement of old coal and oil-fired generating plants across the region. *Id.* at p. 19. Rhode Island's residential rate for electricity has gone up from 6.9 cents per kWh in January 2013 to 10.1 cents per kWh in December 2014, including a 23% price increase in 2014. The rate increases are driven by transmission constraints on natural gas during periods of peak demand for electricity and home heating fuel (which is also predominantly natural gas and takes priority over electric generation). Given these security and cost concerns, when our State's experts (including National Grid, the Energy Council of Rhode Island and many other stakeholders) studied and proposed a new State Energy Plan, it concluded that

we need diversification through efficiency and the distributed generation of renewable energy. It called on us to "Build on Rhode Island's existing successes to pursue a renewable energy and distributed generation future" and directed the public sector to take a leadership role in making this new energy future happen. See <http://www.energy.ri.gov/energyplan/>. As part of the planning process, the RI Office of Energy Resources hired the Brattle Group to study the impact of investment in renewable energy and that study released in April 2014, concluded that "renewables yield net positive economic and environmental impacts," substantiating RI's opportunity to generate up to \$23 billion in economic output, over 1000 jobs, and \$150 million in avoided cost of air emissions through ramped up development of renewable energy.

See <http://www.energy.ri.gov/documents/DG/RI%20Brattle%20DG-REF%20Study.pdf>

OER's energy planning efforts have also included a study of the impact of wind turbines on property values in which URI studied more than 45,000 property transactions in the vicinity of wind turbines and concluded that there was no observable impact on value.

See <http://www.energy.ri.gov/documents/Onshore%20Wind/Final%20Property%20Values%20Report.pdf>.

Finally, as part of its planning, OER decided to withhold the draft wind siting guidelines that Coventry has relied on, in part, for its draft ordinance, so that they can be reconsidered and revised in accordance with the goals of the State's new energy plan. We have asked OER about the status of those revisions but were not able to get a response before these comments were due (we will update the Town's counsel if and when we get additional information on that).

For these and other reasons State policy has clearly and thoroughly supported the development of wind and other renewable energy in Rhode Island. Our Renewable Energy Standard commits the State to source 16% of our electricity from renewables by 2016 (see <http://webserver.rilin.state.ri.us/Statutes/TITLE39/39-26/INDEX.HTM>) and the new, State Energy Plan calls for 40% renewables by 2035. If that renewable energy is not made available from RI projects it will either have to be bought from elsewhere in the region or our utility (and thus our ratepayers) will have to pay penalties. Last year, the State legislature removed the program cap on net metering self-produced renewable energy and allowed all public entities to remote net meter. The Narragansett Bay Commission is net metering three wind turbines at its Fields Point facility and saving over \$1 million per year as result. West Warwick recently committed to buy three of the ten turbines under development in Coventry and expects to save \$32 million over 25 years of net metering those turbines. Coventry will also net meter electricity from one of the Coventry turbines at a fixed rate of \$.14 to \$.16 for 35 years, far below projected market rates. Last year, our legislature passed the renewable energy growth program, calling for the development of 160 megawatts of renewables in RI by 2019. See <http://webserver.rilin.state.ri.us/Statutes/TITLE39/39-26.6/INDEX.HTM>. In the interest of mitigating and responding to climate change, the General Assembly passed the Resilient RI Act, pledging our State to greenhouse gas reductions and a leadership role from the public sector. See <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-6.2/INDEX.HTM>. Renewables will be a significant part of RI's greenhouse gas mitigation strategy.

On-shore wind must play a critical role in Rhode Island's energy future. We have 776,000 acres of total space in RI, much of which is already spoken for. Given our State's commitments to energy supply diversification, renewable energy and greenhouse gas reductions, we will either have to find a place to put new projects or export our dollars to projects and jobs in other states. Solar projects consume about 7 acres of space per megawatt while the base of a wind turbine uses @ .02 acre per megawatt, with farms and open space remaining around them. Given just the Renewable Energy Growth program goal of 160 megawatts of RI renewables by 2019, that is either 1,120 acres of total solar projects or 3.2 acres of wind turbines; and RI will need much more than 160 megawatts of renewables to achieve the kind of energy diversification that will produce energy security and all the economic and environmental benefits of this new energy economy.

The ten turbines under development in Coventry represent an \$81 million investment. They generate leases worth \$12 million, that enable Coventry landowners to preserve open space and maintain existing farms. In addition to all the jobs created by this work, the turbines impact on air quality is the equivalent of taking 6204 cars off our roads. Most of the turbines will be net metered to the public sector, with major financial benefit.

All the benefits of this new energy economy come (or don't come) through decisions just like Coventry's amendments to its zoning ordinance. Please decide to give wind a fighting chance to operate in Coventry before prejudging and over-regulating its impacts. Coventry is leading Rhode Island's evolution to a new energy economy, promising great benefit to our great State -a legacy to be proud of and a future opportunity to manage and plan carefully. Thank you for your consideration. Seth H. Handy

Michelle Carpenter, 1215 Wordon Pond Road, Charlestown, comments are as follows:

Thank you for allowing me to address the Town Council. My name is Michelle Carpenter, representing Wind Energy Development, LLC ("WED").

One of the main purposes of the ordinance appears to be to allow the town oversight into the development of future projects to more reasonably protect the public health, safety and welfare. First let me note that WED is completely in agreement with this principle.

Based on this goal WED feels the approach the Town is taking with regards to the ordinance is premature. There is an existing moratorium in place until the current (10) wind turbines in development became operational. Waiting until these turbines become operation and any issues, or lack of issues becomes apparent, would be a more practical, cost effective way for the town to achieve the same objective. Allowing the Town to benefit from overseeing the entire development, construction, and most importantly operational period of the project would create a more informed ordinance and avoid some of the costly measures that are currently required.

Our concern with the ordinance, is that as drafted will significantly reduce or eliminate the potential for future wind development in the Town by WED or other wind developers. An indicative but not comprehensive list of specific issues include:

- 1.5.2 Permits Required: Existing facilities modification restrictions will cause issues for financing.
- 1.5.4 Professional Services: Without a clearly defined scope of work or limit on costs this could cause significant financial burden on future projects.
- 1.6 Application Submission Requirements: While we understand the need for the town to have the appropriate oversight into the development of wind turbines a few of these, specifically item 5 (certifications which may not be applicable) and 10 (site line representations if no buildings are nearby) are burdensome in the context of a single wind turbine.
- 1.7.1 Fall Zone: To the extent the project developer has secured permission of an adjacent property owner there is no reason to limit the fall zone to the parcel it is sited on. In addition the increase of the fall zone to 200% + 1 rotor diameter is unnecessarily restrictive. There are very few properties in Coventry that would actually be able to install a wind turbine if this were a requirement.
- 1.7.2 Noise and Sound Level: Indexing the turbine noise level to a level above ambient is problematic because ambient noise levels vary significantly. Furthermore this should be managed by the developer, not the town's independent consultant. The current proposed standard unfairly discriminates against wind turbines relative to other uses (which are not subjected to standards nearly as stringent as this; regular street traffic could easily exceed this standard) and does not properly account for the actual operating profile of wind turbines which really need to be observed and studied before imposing such draconian noise standards. The standard applied in the zoning decision for the existing turbines is much more appropriate an equitable.
- 1.7.3 Shadow Flicker: There is no way to conduct pre-application testing of shadow flicker at a site without a turbine present. Shadow flicker should reference impacts on buildings. The turbine should only be curtailed during times of flicker that impact people, homes or buildings.
- 1.8 Decommissioning and Abandonment:
  - Posting of decommissioning should be allowed through a restoration/decommissioning bond, in addition to cash. This is a common requirement for solar projects in Massachusetts.
  - If a turbine is not generating electricity but the developer is making good on lease payments and other obligations and is in the process of repairing the turbine it should not be deemed a discontinued use that allows the Town to shut it down. It could easily take more than a year for the developer to diagnose the issue, source the applicable parts, coordinate with the utility, and schedule the repair.

- Decommissioning amount should include an allowance for scrap metal recovery and be provided by the developer, subject to review and approval by the Town. Wind developers are knowledgeable in the equipment and installation techniques and should be able to develop this without reliance on a 3<sup>rd</sup> party.
- 1.9.1b. Use of Public Roads: There should be some proof that any damage to town roads was caused by the developer.
- 1.9.3 Property Marketability Study Required: The cost if this study is not justified and will prohibit wind turbine development. The Town should rely on Rhode Island's existing study – <http://www.energy.ri.gov/documents/Onshore%20Wind/Final%20Property%20Values%20Report.pdf>.
- 1.95 Taxation Provision: Taxation of electricity generated will prohibit turbine development. For purposes of financing taxes must be predictable in nature. This is typically accomplished through a PILOT or Host Agreement.
- 1.12 Definition and Purpose: Improvement Guarantees seem over-burdensome. The withholding of final building/zoning permit approval should provide the town sufficient security that all applicable conditions will be met.

With these specific concerns the drafting and implementation of an ordinance at this point feels premature. Instead the prudent path would be to keep the existing moratorium in place and draft an ordinance once the existing turbines are allowed to operate.

We look forward to working with the Town to develop our current projects and informing a wind ordinance that could serve as a model for future wind turbine development across the state.

Regards,

/s/ Michele Carpenter, COO  
Wind Energy Development

Vice-President Carlson said that as far as she knows, this is Mr. DePasquale's only project, except for his own personal turbines. Ms. Carpenter replied that there are a number of sites he is developing, but Coventry is the furthest along. Mrs. Carlson said that the proposed ordinance has guidelines and although they may not be perfect, we have to start somewhere, but I don't feel we should throw this out.

Ms. Carpenter advised that their thought process is more along the lines of why rush an ordinance? You can keep the moratorium in place, but it's really about seeing these turbines in operation and seeing what the impacts are. The proof will be when you see them in operation. Mrs. Carlson believes that first we need an ordinance in place, then can amend it if we feel we need to.

Councilman McGee thinks a lot of good points have been made and the Council should probably sit and go over some of these. We certainly need some rules and regulations. Councilman Laboissonniere agrees and thinks the project warrants further discussion and discovery.

Councilwoman Duxbury is an advocate of renewable energy and feels we have spent a great deal of time talking about the merits of renewable energy, but it seems contradictory that Wind Energy would want to keep the moratorium in place. Why is that so important to you?

Ms. Carpenter suggested keeping the moratorium in place until a better ordinance goes into place. Once the moratorium is lifted, then the ordinance would go into effect and it would be a more informed ordinance that would protect the town's interest along with other developers.

Ms. Duxbury doesn't want to take a "wait and see attitude", feels the town should be proactive, not react after the fact. She is not happy that the turbine count has grown to ten. She is not comfortable with lifting a moratorium without an ordinance in place.

Atty. Bernstein thinks excellent points have been made and suggests that the Town Council adopts an ordinance to take effect at the expiration of the moratorium, if the council sees fit. There were some very good comments by everyone that spoke.

President Shibley agrees that an ordinance is needed, but don't have to rush into it. We have to get it right. If there is a moratorium, then no more turbines can come in anyway. I know this is a concern, but I would think you have to see at least one of them up. An ordinance is necessary, but we need to make it reasonable for a small wind farm rather than price everyone out of the game before we even have one.

Councilman Laboissonniere also agrees that we need an ordinance, a lot of good points were brought up, but out of fairness to everyone, we need to get it right, not for Wind Energy but for the town and other developers.

Ken Jackson added that there is still a question as to whether the turbines are taxable or not? There are concerns with safety matters, such as a turbine throwing blades. We need tight rules and an ordinance. The person who owns the property where the turbine is located makes money; the person who lives 1000 feet away has to live with it. Regulations need to be as tight as they can, then back off as you need to.

Paul Rollins, 622 Carrs Trail, is confused as to why permission was given for ten turbines and now the Council is worried about an ordinance to regulate them. This ordinance is for the future; they already have theirs. Mr. Rollins is concerned with the visual problem, the height, the noise, property values, and the vision for the future with turbines. He didn't move to western Coventry to look at steel in the sky. Right now I look out at woods, deer and birds. You should start with a tight ordinance then see what happens. You can't just do this impulsively.

Diane Capwell, 5555 Flat River Road, advised that two turbines are going on her property. Her late husband worked on this project since 2007 with this particular developer. There are eight more turbines going on rural land in western Coventry. You will have a turbine instead of more housing, more children, more schools. A turbine helps the people pay their taxes, rather than having to sell their land, causing development. There is minimal noise from the turbines; I have stood under them, there is no noise. It is not going to bother anyone.

Scott Guthrie, 31 Maplewood Drive, thinks people in Western Coventry should go on the website, take a look at this and see how it will affect them. Mrs. Capwell couldn't have said it any better. We were at Mr. DePasquale's house last year. He runs a good program. By Mrs. Capwell keeping her property rural, it results in taxes being stabilized in the eastern end of town. You have all the time in the world to pass an ordinance, but wait until the moratorium has expired. This will give you all the time you need to get it right. Mrs. Capwell was right though, by helping her pay her taxes, my taxes remain stable. You have plenty of time to pass an ordinance, but need to get it right.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to close public hearing. All voted aye.

Councilwoman Duxbury agrees there were very good comments tonight, things that need to be looked into. I'm still having difficulty getting my head around why all of a sudden we want to keep the moratorium, but I believe I would like to see the suggestions on paper, consider those of Mr. Handy and Ms. Carpenter as well as Mr. Mays. I don't want to see this drawn out a long time. Mr. Laboissonniere agrees and added that it also gives us time to consult with Mr. Bernstein.

Councilman McGee suggested that Wind Energy is a part of our discussions, since we are considering their comments and input. They have brought up some good points. Vice-President Carlson feels that it is good enough having their comments on paper.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to table ordinance. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to adjourn meeting. All voted aye.

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Town Clerk