

11/14/13

Newport Representatives:

Due to a prior commitment I will be out-of town, and not be able to attend tonight's important Town meeting. If I was there, and was given an opportunity to make a position statement about your proposed wind energy ordinance, here is what I would have said...

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Tonight the Newport Town Council has a unique opportunity to set an outstanding example for the entire state, as to what real representation is all about.

The ordinance being voted on here is **absolutely not** about "*restricting industrial wind energy*" — but rather it's about *maximizing the protections for Newport citizens, the environment, and Cherry Point*.

Some concern has been expressed that providing these protections will result in the Town being sued by the developer. I'd say:

- a) should Town representatives **not** do the right thing just because some special interest doesn't like it, and threatens the Town?
- b) If the Town *doesn't* provide adequate protections they may be sued by its own citizens, so this goes both ways.

To do a top quality job at providing these protections, my recommendations are the following:

**1 - Require an Escrow Account of \$50,000 upon the developer's application.** This money would be used to pay Town expenses related to all aspects of this project. Anything unused would be returned to the developer.

**Is this defensible?** Yes, this is a very special, highly complex matter — a hundred times more involved than approving a conventional business. Further, the wind business is extraordinarily profitable, so \$50k to these people is peanuts.

**2 - Have a Property Value Guarantee.** This would compensate property owners within two (2) miles for any property value losses due this industrial development.

**Is this defensible?** Yes, the Town certainly has the authority to protect the private property rights of its citizens. Further, the wind industry claims that there won't be any such losses, so it will be hard for them to say that this is an unreasonable burden on them.

**3 - Have sufficient setbacks.** The recommended distance is one (1) mile from a residential property line to the nearest turbine.

**Is this defensible?** Yes, this is not an arbitrary distance because there is ample evidence from independent experts that this is advisable. For example, this [study](#) concluded: “there is a significant probability of adverse health effects for human beings living within 1.25 miles of wind turbines”. Some others that concur include: [two](#), [three](#), [four](#), [five](#) [page 3-4], [six](#), [seven](#) [LU-15.9], [eight](#), [nine](#), and [ten](#), etc.

**4 - Have adequate Acoustical Standards.** The recommended maximum noise allowed is 35 DB.

**Is this defensible?** Yes, as there is scientific evidence from independent PhDs who have concluded that this is an appropriate limit (e.g. [this study](#) — and note the numerous scientific references).

It should be clearly understood that there are TWO concerns here: **a)** sounds that can be heard, and **b)** low-level sounds that can *not* be heard (infrasound). Some people will find the later part strange, but the fact is that sound is actually an energy wave, and it affects you whether your ears pick it up or not.

The **World Health Organization** [states](#): “*Health effects due to low frequency components in noise are estimated to be more severe than for community noise in general.*”

It is difficult (and expensive) to do meaningful infrasound tests. The experts have conclude that doing a better job testing and limiting the sounds we can *hear*, will also effectively reduce the impact from infrasound. Put another way, the 35 DB limit protects citizens from **both** of these types of sounds.

**5 - Have reasonable Environmental Protections.** These would be rules to protect wildlife, vegetation, water resources, etc.

**Is this defensible?** Yes, the Town is within its rights to protect the environment within its jurisdiction.

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Let me try to answer three questions that may come up —

1 - *How about specific regulations regarding Cherry Point?* The Town doesn't have the authority to impose military conditions, but the fact is that the more human and environmental regulations they provide, the more they are protecting Cherry Point.

2 - *Doesn't the state have adequate rules to provide all these protections?* The short answer is an unequivocal NO.

3 - *What's the County going to do?* I am hopeful that they will upgrade their existing ordinance to also include these protections.

In conclusion, I have been very favorably impressed with the several Newport representatives that I have had the opportunity to communicate with to date. I am confident that the Town Council will see the merit in protecting its citizens, its environment, and its military neighbors.

Thank you for listening, and let me know any questions.

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physicist & environmental advocate  
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