State of New Hampshire Site Evaluation Committee
Docket Number 2014-05
Antrim Wind Energy, LLC Petition for Rehearing

Non-Abutting Group of Intervenors Concluding Statements

INTRODUCTION

Richard Block, Loranne Carey Block, Charles Levesque, Robert Cleland, Annie Law, and Elsa Voelcker, consolidated as the Non-Abutting Group of Intervenors, ask that the Site Evaluation Committee please read and consider the following arguments in favor of denying the Antrim Wind Petition for Jurisdiction.

THE PROJECT

Antrim Wind ("Petitioner") argues that their project has materially changed. In reality, the removal of Turbine #10 and the minor height reduction of Turbine #9 do not constitute a significant physical change, therefore the project is substantially similar to the one rejected by the SEC in 2013. Other changes had been previously discussed by the Committee. In his testimony, Mr. Kenworthy admitted that other than the elimination of the road segment between Turbines #9 and #10, the entire infrastructure is virtually identical to the 2012 project proposal.

VISUAL IMPACT

The Petitioner contends that the modifications they have made to their original project are enough to result in a significant diminution of its visual impact, thereby asserting that the project is materially changed due to this alleged reduction. To this end, they have submitted the visual assessment work of David Raphael of LandWorks. From the onset, it is clear that Mr. Raphael has a

predisposed view of the aesthetic value of the entire area, "these resources do not have characteristics that are unique to this region, or possess highly sensitive visual qualities that preclude the addition of an array of wind turbines within their viewshed" (Visual Assessment Page 2), and particularly of Willard Pond, "The pond itself is not unlike many small ponds throughout this region… Willard Pond can aptly be characterized as a pleasant, man-made pond" (Visual Assessment Page 121). Despite the fact that the Committee in 2012 established that the project would have an unreasonable visual effect on at least a dozen resources, and especially to the Willard Pond-de Pierrefeu Wildlife Sanctuary, and would be totally out of scale and proportion in the region, Mr. Raphael concluded the Committee's findings were wrong.

It must be noted that the Petitioner's claimed change in impact does not result from the elimination of one turbine and the height reduction of another, but instead represents an alteration of perspective and methodology. This shift in methodology of how the assessment was done, along with various unexplained anomalies in the maps and resulting simulations, leads to their allegation of little or no visual impact.

METHODOLOGY

The Petitioner claims that now there would be no scenic resources to be affected, thus the project would have no negative aesthetic impacts. The methodology in David Raphael's Visual Assessment is that his rating systems have been set up to systematically eliminate all resources. Initially 290 scenic resources are identified, however on the very next page, 260 of those are summarily dismissed as not worthy of further study. The remaining 30 dwindle to 10 a few pages later and the final 10 are put through a rating scale set up in such a way that no resource, no matter how valuable or sensitive, could achieve a "High" rating since that rating level is set off the scale ("Number of Turbines Potentially Visible", Page 81 of the Assessment.) In this criterion, since a "High" rating can only be achieved where 16

or more turbines are visible, with only 9 turbines in this project there can only be a maximum rating of "Moderate" no matter how dominant the turbines are.

Furthermore, in the final tally rating system footnoted on Page 85, an overall "High" rating can only be earned when a "High" has been given in every one of six criteria. It becomes apparent that by setting up a scale which has an unachievable top end, Mr. Raphael has given himself the ability to eliminate every resource he started with, automatically assuring his negligible visual impact finding.

QUANTIFICATION

Visual impact, by nature and definition, is a subjective, human experience. It can not be objectively quantified with any scientific constants. There are no instruments to objectively measure or quantify specific units. Any attempt to assign a numeric impact value in a Visual Assessment is a paradox because any system established to objectively quantify and try to assign numbers to a human experience must be set up using arbitrary subjective (not objective) standards, each assessor applying his own.

PHOTOSIMULATIONS

When creating photosimulations of a proposed project, the artist has complete control over the appearance of the final image. The choices of how near or far, how clear or hazy, what the orientation of the view will be, how much to contrast from the background image, the angle and size of blades, are decisions made by the renderer. The computer can not arbitrarily apply characteristics to a simulation. The artist may not claim that any part of the final image is out of his control. Good practices for accuracy and veracity, as Jean Vissering stated while testifying, would dictate using photographs taken on the best days possible, whereas Mr. Raphael consistently has used base photos in his simulations that were taken on hazy and cloudy days.

With over a year of work on the Visual Assessment, Mr. Raphael certainly had ample opportunity to take base photos on a clear day. One example is the set of photographs he used to compare the "Visual Ratios" between the Lempster turbines as viewed from May Pond and the proposed Antrim turbines as viewed from Willard Pond (see Exhibit AWE 20). Interestingly, he took the May Pond photograph on a clear day and the turbines are highly visible against the blue sky. But Mr. Raphael chose to use a cloudy day photograph of Willard Pond for his simulation of the Antrim project, and then fade the superimposed turbines into the overcast sky making them almost invisible. This minimization of the view of the proposed turbines by having them appear hazy and/or using very low contrast in the photosimulations included in the Visual Assessment and Mr. Raphael's Pre-Filed Testimony is applied consistently throughout.

BLADE VISIBILITY

A drastic change in Mr. Raphael's methodology from that of Saratoga Associates is his determination of turbine visibility by using only the hub height data and ignoring the significant presence of a moving rotor span of over 370 feet since he claims that the 186-foot blades are "not typically visible" (Visual Assessment Page 10). When viewed from distances of one-half to two or three miles, rotating blades are as dominant or more so than the motionless towers and hubs. This is clearly visible in the Sheffield, Vermont project (see Page 19 in the Visual Assessment) where the turbines (75 feet shorter than those proposed for Antrim) are seen in relatively close proximity for several miles while traveling down Interstate 91. The blades appear as visually wide as the towers, and due to their movement are what first draws the eye.

VIEWSHED MAPS

Mr. Raphael considers his final viewshed map as "the most reasonable approach to potential visibility" (Visual Assessment Page 10). However, since he is considering only about two-thirds of the turbine height and has summarily eliminated "private commercial business and residences... historic sites and resources" (Page 6) and all "areas that are forested" (Page 9), his viewshed map becomes highly inaccurate. Areas on Saratoga Associates' map that had 9 to 10 turbines visible, such as from parts of Windsor Mountain to the north of Tuttle Hill, should not now have zero visibility. He has identified numerous locations in the area where he claims no turbine visibility, yet common sense dictates that these 489 foot towers will be clearly seen. Since Turbines #1 through #8 remain essentially unchanged, there would be no difference in the visibility of the project from areas to the north and east. Additionally, any location that had a clear view of the Met Tower when it was standing on Tuttle Hill would obviously have an even clearer view of the 2½ times taller turbines.

INTEGRITY OF SCALE

Numbers shouldn't lie, yet they can be presented in ways that distort the facts. Data scales can be manipulated to over-emphasize or to minimize the apparent differences depending on what impression one wants to communicate. Mr. Raphael's Visual Assessment has a recurring pattern of data skewing in order to minimize the apparent visual effect of the project. Two clear examples are AWE Exhibits 19 and 20, the "Visual Ratio Comparisons" which compare the visibility of the Lempster turbines from May Pond to that of the proposed Antrim turbines from both Gregg Lake and Willard Pond. In both sets of pictures, Mr. Raphael claims that the "photos are scaled to represent comparable central angles of view" and clearly states the approximate distance of the turbines from the viewer is identical in each pair of photos. However, the proposed Antrim turbines would be 489 feet tall and

the Lempster turbines are 396 feet. Taller objects should appear taller than shorter objects when viewed from the same distance. However, Mr. Raphael has made the Antrim turbines appear exactly the same size as the Lempster turbines. If these images were accurate, the Antrim turbines, in each of the two simulated pictures, should be 123% taller than they appear; there is no integrity of scale between the simulations and the actual photographs. These inaccurate images are misleading to the viewer and, along with the questionable viewshed map and repeated minimized simulation photos, cast doubt on the veracity of the entire Visual Assessment.

TOWN'S ARGUMENTS

Antrim has a comprehensive Master Plan that has historically had significant time and thought committed to its creation and revision. It also has a thorough Zoning Ordinance along with all the requisite boards and procedures. During Testimonies, the Petitioner and Town of Antrim officials agreed that the Town did not need development-specific ordinances in order to address large-scale industrial proposals. It is not possible to claim the Town is unable to address a developer's application for variances and site plan reviews.

The chance that there may be appeals or challenges to town Zoning Board or Planning Board decisions has no value as a reason to request the SEC take jurisdiction. The appeal process is inherent in the structure of the governing system established by the State of New Hampshire in order to assure checks and balances and provide a counter to any possible biases in town boards. Antrim Wind should not be exempt from the same process that any other developer must follow.

CONCLUSION

Based on the questionable veracity of Antrim Wind's Visual Assessment and therefore its inability to demonstrate that the revised project proposal has significant changes, and the Town of Antrim's capability of handling potential large-

scale development proposals, the Non-Abutting Group of Intervenors asks the Committee to deny the Applicant's Petition for Jurisdiction.

Respectfully submitted this 17th day of July, 2015 by the Non-Abutting Group of Intervenors, through their spokesperson,

_____

Richard Block