

STATE OF ILLINOIS)
)SS
COUNTY OF LEE)

In the Matter of the Petition

of

GSG Repower Wind Farm

Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 12th day
of May, A.D., 2022,
before the Lee County
Zoning Board of Appeals

Present:

Glen Hughes
Craig Buhrow
Rex Meyer
Mike Pratt
Bruce Forster, Chairman

Alice Henkel, Alternative Energy Coordinator
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

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1 JUDGE SLAVIN: Well, good evening, Ladies
2 and Gentlemen, on Petition Number 21-P-1591, GSG
3 Wind, LLC's, request for a Special Use Permit to
4 construct a wind energy conversion system within
5 Lee Center, Sublette and West Brooklyn Townships
6 here in Lee County.

7 For those of you who want to be
8 participating with us on Zoom and somehow are
9 hearing this without being able to get onto the
10 Zoom platform, the meeting ID, the Zoom meeting
11 ID, is 915-3923-9154. The password is 209840.

12 If you don't want to or can't get on Zoom
13 but you still want to be able to, while not
14 participate, at least watch the proceeding this
15 evening, you can do so on YouTube. In order to
16 do that, in your search -- well, go to the
17 youtube.com website. In the search bar, type
18 "Lee County IL," I-L, for Illinois, "Zoning
19 Board of Appeals." Don't be concerned with
20 upper- or lower-case letters. Find the session
21 date you want, which is presumably today, which
22 is May 12th, click on it and you should be
23 seeing us.

24 Speaking of seeing us, if any of you are

1 wondering why some of us are dressed a little
2 differently tonight, Ms. Duffy notified us all
3 that the air conditioning in the Old Lee County
4 Courthouse was being either worked on or
5 replaced, and at the time she called it was
6 85 degrees in her office here on the third
7 floor. So her email message said, Dress
8 appropriately. If you look around the room, you
9 can see what everybody -- what all the different
10 people think are appropriate.

11 If you have any questions about the
12 technical stuff I explained, you may call
13 Ms. Duffy's hotline, 815.973.3449.

14 All right. I note, for purposes of data
15 collection, the presence of the Chair of the
16 ZBA, Mr. Forster; its Vice Chair, Mr. Buhrow;
17 Mr. Hughes is present; Mr. Pratt is present;
18 Mr. Meyer is present. Ms. Duffy is present.
19 Ms. Henkel is present. Mr. Boonstra is present.
20 Mr. Barry, for the Petitioner, is present, along
21 with, it looks like, two representatives of the
22 Petitioner. Jonathan, with IT, is present,
23 Callie, the court reporter, and himself. I see
24 one, two, I think, Interested Parties in person.

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 That makes 16 folks here in person.

2 On Zoom, we have one Interested Party, and
3 I guess that's it. So on Zoom we have one
4 Interested Party. Making a total attendance
5 tonight at 17.

6 All right. When we left off, Mr. Barry,
7 you wanted to present some more evidence, and
8 you certainly may do so.

9 MR. BARRY: Thank you.

10 Without further delay, I would like to
11 call Ms. Abigail Buchta to the stand.

12 (Abigail Buchta was duly sworn.)

13 JUDGE SLAVIN: All right. Now, the first
14 advice to the witness is, you have to
15 practically swallow this microphone. And I mean
16 it. You've got to get right up next to it.

17 MR. BARRY: Thank you, Judge.

18 JUDGE SLAVIN: You may inquire.

19 ABIGAIL BUCHTA,
20 having been duly sworn, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BARRY:

24 Q. Could you please state your name for the record

1 and spell it.

2 A. Abigail Buchta, A-B-I-G-A-I-L, B-U-C-H-T-A.

3 Q. And could you please tell us a little bit about
4 your background, Ms. Buchta?

5 A. Next slide, please.

6 I'm a senior consultant at Sargent & Lundy
7 as part of Sargent & Lundy's consulting group.
8 I'm responsible for providing technical
9 oversight and management over renewable energy
10 projects.

11 JUDGE SLAVIN: Do me a favor, and the
12 court reporter. Everybody has a different way
13 of speaking. You are going kind of fast.

14 THE WITNESS: Understood.

15 JUDGE SLAVIN: It's easy to do. It's not
16 personal.

17 A. I have a bachelor's of science in architectural
18 engineering with a structural focus from
19 Milwaukee School of Engineering. I have been
20 with Sargent & Lundy for approximately 12 years,
21 and I have been a licensed P.E. in the state of
22 Illinois since 2013.

23 Q. And can you tell us what P.E. stands for,
24 please?

1 A. Professional engineer.

2 Q. Thank you.

3 So you have experience preparing or
4 overseeing the preparation and analyzing
5 decommissioning plans for wind energy products;
6 is that correct?

7 A. Yes. I have been involved in the analysis
8 of -- supervising the analysis of two of them,
9 and our team at S&L has performed an additional
10 four, including a total of three in Illinois.

11 Q. Did you supervise the preparation of the
12 independent engineering analysis for
13 deconstructing the wind turbines at the GSG
14 Project on the current wind turbines?

15 A. Yes.

16 Q. And did the analysis evaluate the proposed
17 deconstruction techniques for the GSG repower or
18 the proposed GSG repower?

19 A. Yes. We considered both the tilt-fell method
20 and the modified tilt-fell method, or energetic
21 felling, approaches.

22 Q. And obviously we see that you have a PowerPoint
23 presentation. So I guess I'd ask you at this
24 point if you could walk us through some of those

1 slides when it comes to describing the methods
2 you just referred to.

3 A. Understood.

4 The tilt-fell method includes a series of
5 cuts at the tower base to facilitate felling via
6 a cable attached to the top, which is then
7 attached to a vehicle down on the ground that
8 pulls the tower over. The hinges are cut such
9 that the tower remains stable until the cable is
10 pulled.

11 And our analysis included a computer model
12 of the tower, considering critical
13 considerations to ensure stability, and we
14 determined the maximum tension required in the
15 cable to pull over the tower and the maximum
16 wind speed at which the operation can safely
17 take those.

18 MR. BARRY: Next slide, please.

19 A. We also analyzed the modified tilt-fell method,
20 which is also called energetic felling. It
21 involves a series of cuts at the tower base
22 similar to the modified tilt-fell, but instead
23 of pulling it over with a long tower you install
24 targeted charges to use as the catalyst to fell

1 the turbine.

2 The benefits to this type of felling is
3 that no large crane is required, it's rather
4 fast compared to the other methods, and it is
5 safer for the crew.

6 The downsides include the blast effects
7 and the noise, which we'll discuss.

8 Q. (By Mr. Barry:) Now, you referenced the noise
9 on the slide there. Did you examine how the
10 sound emissions from the energetic felling
11 method might affect nearby structures?

12 A. Yes. We evaluated the sound emissions expected
13 from the size of the charges that are typically
14 used. We considered a distance of a thousand
15 feet, at which the level -- the sound level will
16 have dissipated to below 140 decibels, which is
17 similar to fireworks.

18 There is an internationally safe limit for
19 an impulse noise, meaning a one-time event
20 rather than a sustained one, and this falls
21 within that limit.

22 And we'd like to note that the Illinois
23 Pollution Control Code does not restrict noise
24 received from Class C Agricultural areas, and

1 the noise from construction is also exempt.

2 Q. Thank you.

3 And did you -- did your evaluation include
4 analysis or assessment of the impact on the
5 energetic felling method -- I guess both methods
6 on nearby structures?

7 A. Yes. The ground vibration from the event --
8 from the decommissioning will occur from the
9 inside of the nacelle and the tower blades on
10 the ground. We quantified the ground vibration
11 and recommend that approximately 1100 feet be
12 maintained when possible from the impact --
13 point of impact to the closest structures.

14 In review of the map of the project, it is
15 possible to orient most of the turbines so they
16 are within that -- so residential structures are
17 outside of that buffer zone. There are two
18 locations that are inside that range and,
19 however, they are expected to have a minimum
20 fell distance of 875 feet; meaning, that's the
21 minimum distance the nacelle would fall from the
22 structure.

23 And our analysis in and of itself is
24 inherently conservative; meaning, that the

1 threshold that we are considering is based on
2 old, historic buildings, which would be -- would
3 have -- there would be a greater impact from --
4 or potential impact from these vibrations. And
5 we also consider a 5 percent probability of that
6 occurring, a threshold of this occurring;
7 meaning, potential paint cracking or other very,
8 very minor cosmetic issues. So there's a very
9 low probability of any damage to the structures.

10 Q. And I think you mentioned that there were two
11 residences within 1100 feet. Are both of those
12 residences in Lee County or is one in LaSalle
13 County?

14 A. One is outside of Lee County.

15 Q. And so for the residence in Lee County that's
16 less than 1100 feet, is that residence, in your
17 opinion, an old structure?

18 A. No.

19 Q. And is that because -- when was that residence
20 constructed, as far as you're aware?

21 A. As far as I'm aware, it was constructed in
22 1999.

23 Q. Okay. So, again, the concerns you would have
24 are primarily about -- relating to the paint

1 chipping and cracking, those primarily relate to
2 old structures and not more modern homes,
3 correct?

4 A. That's correct. And, again, there's a
5 5 percent -- less than a 5 percent chance of
6 that occurring.

7 Q. So a very small chance of even that happening,
8 even if the residence is less than 1100,
9 correct?

10 A. Correct.

11 Q. Is there -- the slide mentions the orientation
12 of the felling. Is there a way to direct the
13 felling of the machine in such a way as to
14 further minimize any potential impact on the
15 structures?

16 A. Yes. As a part of the decommissioning, the
17 direction of the turbine is -- the turbines are
18 cut such that the turbines will fell in a
19 specific direction. The cable is pulled in a
20 specific direction. The charges are set such
21 that the tower falls in a specific direction.

22 Q. And in your report do you recommend that the
23 towers be felled away from the residences or
24 structures?

1 A. Yes. Any structures close to the 1100, the
2 towers should be felled such that that distance
3 is maximized.

4 Q. And is there a way to try to orient the blades
5 and the nacelle when the tower is fell to reduce
6 the -- to further reduce the impact when it hits
7 the ground?

8 A. Yes. So we -- our analysis considers the
9 nacelle, the top section of the tower, and the
10 blades hitting the ground at the exact, same
11 time. Our recommendation is that the nacelle be
12 oriented perpendicular to the ground such that
13 the blades will hit first, and that will help
14 dampen the impact of the nacelle and the tower.
15 So each component hits at a separate instance,
16 and that vibration is dampened.

17 Q. Is that because the blades are able to absorb
18 some of the impact before it hits the ground?

19 A. Yes.

20 Q. Okay. Now, I think this is kind of cool, but
21 the next two slides are videos that show the
22 energetic felling method; is that correct?

23 A. That's correct.

24 Q. And so at this point I'll let you just direct

1 our intrepid IT director over there to start the
2 video whenever you're ready?

3 A. Okay. Go ahead and play.

4 (Video was shown.)

5 A. So you'll observe, there's going to be a --
6 that's the detonation occurring, and then
7 shortly after you'll see the tower leaning and
8 falling.

9 I'm going to note, I just discussed the
10 blades hitting first and the nacelle running
11 perpendicular. Other sites have been
12 decommissioned with more of a nose-dive
13 condition, in which the nacelle's nose hits the
14 ground first. That is not the recommended use
15 in this case. It causes more impact to the
16 field and you have to dig the nacelle out.

17 Q. So I call it a face plant technique but -- or
18 orientation. But I think you said the
19 orientation that's shown in the video here, it
20 essentially leaves a bigger dip, correct?

21 A. That's correct.

22 Q. And do you want to run it again?

23 A. Yeah, we can have it run one more time and then
24 we'll go to the next one.

1 (Video was shown).

2 A. If you watch really closely, you'll see the
3 blade, the lower blade, hit first before the
4 nacelle does and it kind of crumbles.

5 THE WITNESS: You can go to the next
6 video. You can advance this one to
7 approximately 20 seconds.

8 IT TECHNICIAN: Where?

9 THE WITNESS: 20.

10 IT TECHNICIAN: It's frozen.

11 JUDGE SLAVIN: All right. Close it and
12 give it a minute.

13 Q. (By Mr. Barry:) While we're waiting, where do
14 these -- do you know which project this video is
15 associated with?

16 A. Crescent Ridge.

17 Q. And that's in Bureau County, correct?

18 A. I believe so.

19 JUDGE SLAVIN: I'm sure everybody
20 understands technical difficulties. It's all a
21 part of our daily lives.

22 (Video was shown).

23 A. So the other one, you see the cloud and then it
24 falls.

1 MR. BARRY: Maybe show it one more time,
2 please.

3 (Video was shown.)

4 Q. (By Mr. Barry:) And is there a way you can
5 describe -- as I said, I call it the face plant
6 method orientation. But in that instance, can
7 you describe how the other orientation, the
8 90-degree orientation, would be different
9 compared to that video?

10 A. Yes.

11 THE WITNESS: So can you just show the
12 first screen of the video again?

13 A. The way that the turbine is, the nacelle would
14 be turned such that the blades would impact the
15 ground first, and it would be turned 90 degrees.
16 The blades would impact first and they would
17 absorb the amount of the impact prior to the
18 nacelle hitting the ground.

19 Q. So instead of the front cone of the nacelle
20 going straight into the ground and causing that
21 divot, instead the blades would hit first and
22 the side of the nacelle would hit the ground,
23 correct?

24 A. That's correct. And the blades will not stick

1 out of the ground. They will be kind of
2 crumbled, crushed underneath the weight of the
3 rest of the tower.

4 MR. BARRY: Judge, that's all the
5 questions I have for the witness.

6 JUDGE SLAVIN: Very good. Thank you.
7 Mr. Boonstra?

8 STATE'S ATTORNEY BOONSTRA: No questions.
9 Thank you.

10 JUDGE SLAVIN: Ms. Henkel?

11 EXAMINATION

12 BY MS. HENKEL:

13 Q. The -- I'm sorry. Your slides show -- your
14 slide, and I'm not sure which page, I don't have
15 a copy, but it referenced three residences
16 within 1100 feet within the 1100-foot range.
17 Could you please clarify that?

18 A. Yes. Sorry. The third residence within
19 1100 feet, the felling distance is 1,086 feet.
20 It is very close to the 1100 feet, so I didn't
21 discuss that in detail. The other two were
22 closer.

23 Q. Okay. If this method is used and you use
24 explosives and damage does occur to any of the

1 residences, do you know if the company is going
2 to correct those damages?

3 A. That is outside of my scope.

4 Q. Okay. What kind of damage to the ground would
5 occur with this type of felling?

6 A. There will be disturbance, but as discussed,
7 the nose dive method, you have to dig out the
8 nacelle and you have to -- you won't have to
9 disturb a lot more of the ground in that
10 particular method.

11 Q. And then what kind of debris is left behind?

12 A. That is outside of my scope.

13 MS. HENKEL: Nothing further.

14 JUDGE SLAVIN: Ms. Duffy?

15 EXAMINATION

16 BY MS. DUFFY:

17 Q. Are you aware of any underground pipelines
18 within the footprint of the farm?

19 A. I'm not aware of any.

20 Q. And you said when the blades fall, it --
21 they're crumbled and crushed?

22 A. Yes.

23 Q. The blades aren't made of fiberglass?

24 A. I believe so, yes.

1 Q. Would that be more splinters instead of
2 crumbled?

3 A. That word could be used.

4 MS. DUFFY: That's all. Thank you.

5 JUDGE SLAVIN: Mr. Forster?

6 MR. FORSTER: Just a quick question.

7 EXAMINATION

8 BY MR. FORSTER:

9 Q. Are you there on any of the days when this is
10 done?

11 A. I have not been.

12 MR. FORSTER: Have not been, okay. That's
13 all.

14 JUDGE SLAVIN: Mr. Hughes?

15 MR. HUGHES: Yeah.

16 EXAMINATION

17 BY MR. HUGHES:

18 Q. First question, you said there's three --
19 there's three residences, one is definitely in
20 Lee County. Is that other one that's kind of
21 borderline, is that in Lee County or is that
22 LaSalle County?

23 A. I don't recall.

24 Q. Okay. Next question is, of that one or two

1 there in Lee County, are they participating
2 residences, participating landowners, or
3 nonparticipating landowners?

4 A. That is -- that is outside my scope. I'm
5 sorry.

6 Q. You said the sound is similar to fireworks.
7 Are you talking the impact -- the sound from the
8 charge or from the impact to the ground?

9 A. From the charge.

10 Q. From the charge.

11 And how many -- you said this is -- the
12 energized fell method is the faster method?

13 A. That is correct.

14 Q. How many would you expect to be going off in
15 the course of a day?

16 A. That would depend on the demolition team.

17 Q. Do you have a guesstimate?

18 A. I do not.

19 Q. The ground shock, what would you compare
20 that -- I mean, that impact, do you draw some
21 comparison to what that would be -- that ground
22 shock would be like in -- within that thousand-
23 foot area?

24 A. I -- I'm not sure of the comparison. I do know

1 that the criteria that are considered, they
2 consider these -- these vibrations as
3 continuous. That's what the criteria that
4 they're utilizing is based on, the continuous
5 vibration. And this is not, and it's still less
6 than that criteria in all but two of those
7 places.

8 So I don't have a good comparison, but it
9 is not -- I don't have any comparison, sorry.

10 Q. The -- and you may not be able to answer this
11 because it was done separately from your study,
12 but the decommissioning plan that's proposed for
13 the new turbines is basically going to be to cut
14 them up -- you know, drop them in sections, cut
15 them up, apparently to salvage materials.

16 Would that be your assumption?

17 A. That is another method that can be used.

18 Q. I assume -- I'm going to assume that's
19 substantially slower than what you're proposing
20 in either of these two methods?

21 A. Yes. It is slower, and it is more dangerous
22 for the people doing the work.

23 Q. Okay. The cut-fell method -- and, again, you
24 weren't sure how many they would be doing the

1 demolition -- the cut-fell versus the energetic
2 fell. Is there a comparison to how much per
3 turbine?

4 A. For the traditional tilt and fell, they have to
5 bring in a crane to put -- to attach the cable
6 to the top of the structure. So it will take
7 more time to perform.

8 Q. Any idea?

9 A. I'm not sure of the schedule.

10 MR. HUGHES: Okay. I think that's all my
11 questions.

12 JUDGE SLAVIN: Mr. Buhrow.

13 MR. BUHROW: Yes. We have --

14 MS. DUFFY: Can't hear you. Got fans
15 going.

16 MR. BUHROW: Anyway --

17 JUDGE SLAVIN: No, not good enough.

18 EXAMINATION

19 BY MR. BUHROW:

20 Q. Anyway, is there any idea -- so you're not
21 saving any salvageable material by dropping
22 these in this method? Is that what I
23 understand?

24 JUDGE SLAVIN: You're voice is trailing

1 off. I couldn't hear you either.

2 Q. (By Mr. Buhrow:) Is there any -- in these two
3 methods, are you salvaging any materials for
4 scrap?

5 A. That is outside my scope.

6 Q. Is there some reason that you use -- that
7 situation where you're taking them down a piece
8 at a time, is there a reason why you don't take
9 the blades off and take the nacelle off
10 separately? What's the reason that they don't
11 take them apart?

12 A. In this case, it is the time and the safety of
13 the demolition process.

14 MR. BUHROW: All right. Thank you.

15 JUDGE SLAVIN: Mr. Meyer?

16 EXAMINATION

17 BY MR. MEYER:

18 Q. If it's safer and saves time, why don't we
19 decommission the newer ones the same way?

20 A. It is my understanding that they would like to
21 predict a higher cost up front such that
22 they're -- it's a conservative consideration.

23 MR. MEYER: No other questions.

24 JUDGE SLAVIN: Mr. Pratt?

EXAMINATION

BY MR. PRATT:

Q. So on your video, you showed both of them nose down. Why did they do them that way, if you're saying the other way is the better way?

A. It can depend on the project. I have seen other ones where they were unable to turn the turbines for one reason or another, and that limited how they were able to bring them down. I am not sure the reasoning for these ones being down.

Q. So is there an assurance that they won't do them that way on this project?

A. That -- the assurance is outside of my scope. Our recommendation is that they fell the turbines the other way.

Q. Do the landowners have any say in how this is done?

A. That is also outside my scope.

Q. My concern is, when they go down, do you know how much is left in the ground when they go through the process of digging that out that the farmer has to deal with?

A. I don't know.

1 JUDGE SLAVIN: That's not a question.

2 MR. PRATT: Well, I said, does she have
3 any knowledge of that?

4 JUDGE SLAVIN: Okay.

5 A. I'm sorry, that was outside the scope of our
6 analysis.

7 Q. (By Mr. Pratt:) When you first talked about
8 the tilt and fell method, you mentioned the wind
9 being a concern.

10 Wind is not a concern with the energetic
11 fell?

12 A. It is, and we do take that into consideration.
13 There are also limitations on that.

14 MR. PRATT: No further questions.

15 EXAMINATION

16 BY JUDGE SLAVIN:

17 Q. And just so the record is clear, because I
18 didn't hear you exactly say it, your analysis
19 that you performed was for the existing towers;
20 is that correct?

21 A. That's correct.

22 Q. Real quick. Do you have any idea of the
23 decibel level when the tower actually hits the
24 ground, either on the tilt-fell or energetic

1 method?

2 A. I do not. We considered the decibel level of
3 the blast to be more conservative.

4 JUDGE SLAVIN: Okay. All right.
5 Interested Parties, I'll start in the room,
6 questions of this witness?

7 It's a new day, so name.

8 MS. KITRAL: Lorraine Kitral, 2180
9 Richardson Road, Amboy.

10 EXAMINATION

11 BY MS. KITRAL:

12 Q. Is there going to be a problem --

13 JUDGE SLAVIN: You're going to have to --
14 you're even farther away, so get right -- like
15 you're kissing the microphone.

16 MR. HUGHES: The fans are affecting it.

17 Q. (By Ms. Kitral:) Is there going to be a
18 problem with the fiberglass shreds just being
19 blown around in the air?

20 A. The limitations on the wind for the project
21 should help reduce that, but ultimately that is
22 outside the scope of our analysis.

23 Q. Do you have any idea how far it would travel if
24 it was an 11-mile-an-hour wind?

1 A. I do not. I'm sorry.

2 Q. And then when you go to take them down, I'm
3 assuming oil or any kind of toxic materials will
4 be out of the turbines when they're falling?

5 A. So the scope of this analysis was for the
6 felling of the -- the physical impact of the
7 turbines. The mechanical components was outside
8 the scope of this discussion.

9 Q. So is it possible that as they fall they might
10 burst open and release stuff?

11 A. That's outside of our scope.

12 MS. KITRAL: Okay.

13 JUDGE SLAVIN: Is that it?

14 MS. KITRAL: Yes.

15 JUDGE SLAVIN: Any other folks in the
16 room?

17 (No verbal response.)

18 JUDGE SLAVIN: Okay. Turning to Zoom,
19 questions from the Zoomer, instead of Boomer.

20 MS. MAUCH: Yes, please. This is Mary
21 Mauch.

22 EXAMINATION

23 BY MS. MAUCH:

24 Q. Are you aware of, or is it in the scope of your

1 analysis, the impact on any wells or the water
2 table? Were wells or the water table included
3 in your analysis?

4 A. The wells and the water table were not included
5 in the analysis.

6 Q. Okay. Did you research if there were any
7 pipelines in the area? You weren't aware of
8 any. Did you actually research if there were
9 pipelines in those zones?

10 A. They were not considered in the analysis.

11 Q. In other words, they weren't researched? So
12 it's not that there are no pipelines --

13 JUDGE SLAVIN: Well, let her answer the
14 question.

15 MS. MAUCH: Okay. I'm trying to clarify.
16 Sorry.

17 A. They were not included in the scope.

18 Q. (By Ms. Mauch:) Okay. The plume of dirt in
19 the video sort of indicated that it digs quite
20 deeply into the dirt. How deep do you actually
21 clean up this -- the fragments?

22 A. That's also outside the scope of this analysis.

23 Q. Okay. And then the zones that you would fell
24 these wind turbines in, you indicated that they

1 would be felled in different directions, but did
2 you consider that that may be felling into
3 nonparticipating fields or you might have to use
4 adjacent fields for attaching cables? And was
5 that considered?

6 A. The primary focus of those recommendations were
7 based on the distances of the residences and
8 other nearby structures.

9 Q. So was that distance calculated all -- around
10 in all directions or -- depending on wind or
11 something of the sort, I'm just thinking that it
12 can't all be just three homes?

13 A. Can you repeat the last few words.

14 Q. I'm not quite sure -- I'm not quite sure how to
15 phrase it, and I can't read it in front of me.
16 So when you considered the felling, you named
17 three homes that were in the zone. Was that
18 inclusive in a full radius from the wind turbine
19 or was it only in optimal sort of directions?

20 A. That was based on the recommended direction at
21 the location where the nacelle would impact.

22 Q. Okay. So the recommended directions then don't
23 require any adjacent nonparticipating farmland
24 to be used; is that correct?

1 A. That was outside the scope of this analysis.

2 MS. MAUCH: Okay. Thank you very much.

3 JUDGE SLAVIN: Thank you.

4 Mr. Barry, any followup?

5 MR. BARRY: A couple quick follow-up
6 questions.

7 REDIRECT EXAMINATION

8 BY MR. BARRY:

9 Q. The first one is, you talked about three
10 different techniques, two of which were
11 discussed in your analysis and the third was
12 brought up by the Board. Those techniques are
13 the energetic felling method, which we saw
14 videos about; the tilt-fell method; and then
15 what would you call the third method that was
16 discussed?

17 A. I believe sometimes it's called a reverse
18 build.

19 Q. Thank you.

20 Which one -- with respect to the reverse
21 build, does it have -- you said it was the least
22 safe of the three techniques, is that correct,
23 when it comes to the workers?

24 A. That's correct.

1 Q. And which technique of the three has the
2 greatest overall impact on the land, the
3 farmland or the soil? And I don't mean -- you
4 know, we have seen the videos that show the
5 impact from the turbine falling, but which
6 technique has the greater overall impact on a
7 landowner's property?

8 A. That would also be the reverse build.

9 Q. And is that because it involves significantly
10 higher uses of cranes?

11 A. That's correct. There would be a lot more
12 equipment on site for a longer period of time.

13 Q. And those cranes are really heavy, right?

14 A. Correct.

15 Q. And you said that the evaluation as to whether
16 pipelines are in the ground near the turbines
17 and whether there are any water sources or wells
18 near the turbines was outside the scope of your
19 report, correct?

20 A. Yes.

21 Q. But isn't it also true that on Page 20 of the
22 report it states, and I quote, In general,
23 felling should be away from any relatively close
24 structures and avoid buried structures or

1 operating wells, end quote?

2 A. That's correct.

3 Q. So that's in your report analysis. So with
4 respect to the wells, the recommendation in the
5 report is to avoid them, correct?

6 A. Correct.

7 Q. And so you mentioned earlier that it's the job
8 of the, I'll call it, felling contractor to
9 determine and manage the felling if the
10 technique is approved; is that right?

11 A. That's correct.

12 Q. And so it would be their job to determine
13 whether there are wells or pipelines in the
14 ground; is that right?

15 A. That's correct.

16 MR. BARRY: Thanks. That's all I have.

17 JUDGE SLAVIN: All right. Thank you. You
18 may step down.

19 I will mark the witness's presentation as
20 Petitioner's Number 5, and it is admitted.

21 (Petitioner's Exhibit Number 5
22 marked for identification and
23 admitted into evidence.)

24 JUDGE SLAVIN: You may proceed. Anything

1 further?

2 MR. BARRY: Yes. I'd like to re-call
3 Mr. Carter Wells briefly as a witness.

4 JUDGE SLAVIN: New day, Mr. Carter --
5 Mr. Wells.

6 (Carter Wells was duly sworn.)

7 JUDGE SLAVIN: Thank you.

8 MR. BARRY: I'll remind you to speak
9 closely to the microphone.

10 CARTER WELLS,
11 having been duly sworn, was examined and
12 testified as follows:

13 REDIRECT EXAMINATION

14 BY MR. BARRY:

15 Q. And if you can, remind us your name.

16 A. Carter Wells, C-A-R-T-E-R, W-E-L-L-S.

17 Q. Could you also remind us who your employer is?

18 A. Leeward Renewable Energy.

19 Q. And can you remind us what your position of
20 employment is and your relationship with the GSG
21 Wind Farm?

22 A. So I'm a chief -- sorry. Senior development
23 associate, and I'm the lead developer of the GSG
24 Wind Farm for the repower.

1 Q. Thank you.

2 Mr. Wells, can you clarify what the
3 Applicant or Petitioner is requesting with
4 respect to the deconstruction of the existing
5 GSG wind turbines and other equipment?

6 A. As part of this Special Use Permit application,
7 the Applicant is requesting to allow for the
8 deconstruction of 19 wind turbines currently
9 sited in Lee County as part of the GSG Wind
10 Project.

11 Q. And is that request also laid out in portions
12 of the permit application?

13 A. It is, yes. I believe -- well, I know that the
14 permit application requests the allowance to
15 deconstruct the turbines, the 19 turbines
16 currently in Lee County, and I believe
17 Section 1.5 of the application is a construction
18 timeline for what that decommissioning looks
19 like with respect to the construction of the
20 wind turbines.

21 Q. Thank you.

22 What plan will the project or Applicant
23 follow for purposes of decommissioning the
24 existing turbines and other equipment?

1 A. So the Applicant, GSG, is requesting to
2 decommission the existing turbines in accordance
3 with the decommissioning analysis that Sargent &
4 Lundy created for these 19 existing turbines,
5 and the Applicant is committing to submitting
6 the decommissioning plan for the existing
7 turbines to the County prior to any issuance of
8 building permits for the project, which would
9 allow the -- you know, the decommissioning plan
10 to be submitted to the County and then the
11 permits before the building permit applications
12 would be issued.

13 Q. So as with the other decommissioning plan for
14 the future turbines, if you will, would this
15 decommissioning plan you just referenced allow
16 the County Zoning Officer or Zoning
17 Administrator and the County engineer to review
18 and approve that plan?

19 A. That's correct, yes.

20 Q. Mr. Wells, there were some questions asked of
21 Ms. Buchta about debris and cleanup if the
22 techniques that Sargent & Lundy recommend were
23 followed.

24 Who would be responsible for cleaning up

1 the debris once a turbine was felled?

2 A. So the Applicant, GSG, will be responsible for
3 cleaning up any debris that would be generated
4 from decommissioning of the existing turbines.
5 So there would be crews following, you know, the
6 decommissioning crew to clean up any debris that
7 would be left there on the property, and the
8 Applicant also has committed to, you know,
9 addressing any damage to nearby structures that
10 is caused from the felling of the existing
11 turbines.

12 Q. And with respect to the cleaning up of the
13 debris, what's the basis for that obligation, if
14 you're aware?

15 A. So we have an obligation in the leases, the
16 easements that we sign with the participating
17 landowners to, you know, clean up any debris
18 that would be left on the property and to, you
19 know, leave the land in the existing condition
20 so that we need to correct any sort of impact
21 that we have on the land through
22 decommissioning, construction or operation of
23 the project.

24 Q. And is it your understanding that there would

1 also be an obligation to clean up the debris and
2 restore the soil under the AIMA that the project
3 has entered into with the Illinois Department of
4 Agriculture?

5 A. Yes, that's correct.

6 Q. Okay. Last couple questions here.

7 I want to ask you a question about a
8 parcel identification -- excuse me, a particular
9 piece of land, a parcel with the parcel ID
10 number of 19-22-05-400-011. And just as a
11 preview, this particular parcel that's assigned
12 to this number has a wind turbine and an access
13 road on it.

14 Can you tell us a little bit about that
15 parcel, please?

16 A. Yes. So this specific parcel, the way that the
17 County addresses, you know, the parcel, so when
18 an access road and wind turbine is installed on
19 a parcel, the County splits out a separate
20 parcel to contain the access road and the
21 turbine pad. So the parcel that you referenced
22 the parcel number for is a parcel that contains
23 an access road and a turbine pad for a wind
24 turbine that is not part of GSG Wind Project.

1 Q. So did the Applicant intend to include that
2 parcel as part of this application?

3 A. So that parcel identification number was not
4 meant to be included in our petition for Special
5 Use. That parcel is part of a 60-acre parcel
6 that is adjacent to the substation that the
7 project connects into. So we have an easement
8 on the greater 60-acre parcel -- if you can
9 imagine a box, 60 acres -- and then the turbine
10 road and pad parcel that you referenced the
11 number for is essentially a cut-out of that
12 60-acre parcel.

13 So the Applicant does not have land
14 control over that parcel. We, therefore -- you
15 know, it's not necessary to include it as part
16 of the project.

17 Q. So since that parcel, and, again, it's number
18 19-22-05-400--011, was inadvertently included in
19 the application, to the extent it's required or
20 applicable, would you seek to amend the
21 application to exclude that parcel?

22 A. Yes.

23 Q. All right. Let's talk about the larger parcel
24 of which that other parcel is a part, and that

1 Parcel ID -- and I think you referenced it as a
2 60-acre parcel, correct?

3 A. Correct, yes.

4 Q. That Parcel ID Number is 19-22-05-400-013,
5 correct?

6 A. That sounds correct, yes.

7 Q. What is the nature of the land control that the
8 Applicant has over that larger parcel?

9 A. So this larger 60-acre parcel is adjacent to
10 the ComEd substation that the project connects
11 into. So the Applicant has an easement over a
12 portion of that parcel. I believe it is a
13 33-foot-wide strip of land that stretches, you
14 know, northeast from Tower Road connecting, I
15 believe it goes just about 500 feet to the ComEd
16 substation.

17 And the purpose of this easement is to
18 allow for the electrical collection cable that
19 comes from the turbines, connects into the
20 substation. So that easement is to allow for
21 the collection cable to reach the substation on
22 the said 60-acre parcel. So that the land
23 control that the Applicant has over that parcel
24 is limited to this 33- -- I believe it's a

1 33-foot-wide strip of land that stretches about
2 500 feet from the north side of Tower Road to
3 the ComEd substation.

4 Q. And is that easement along the southern edge of
5 the 60-acre parcel?

6 A. It is, yes. It starts, you know, on the
7 southern edge of the property, and from Tower
8 Road extends to the northwest about 500 feet to
9 the ComEd substation.

10 Q. So the reality is, of the 60 acres, you're just
11 using a little sliver on the southern part; is
12 that correct?

13 A. That's correct, yes.

14 Q. So for purposes of the permit application, you
15 really just need permission -- you really just
16 need the permit to cover that 500-foot strip
17 that -- over which the project has land control
18 over, correct?

19 A. That's correct, yes.

20 MR. BARRY: That's all I have, Judge.

21 JUDGE SLAVIN: Mr. Boonstra?

22 MR. BOONSTRA: No, sir. Thank you.

23 JUDGE SLAVIN: Ms. Henkel?

24 MS. HENKEL: None.

1 JUDGE SLAVIN: Ms. Duffy?

2 MS. DUFFY: No.

3 JUDGE SLAVIN: Mr. Forster?

4 MR. FORSTER: No.

5 JUDGE SLAVIN: Mr. Hughes?

6 MR. HUGHES: Yes.

7 EXAMINATION

8 BY MR. HUGHES:

9 Q. You heard mentioned previously there was at
10 least one, possibly two, of those properties
11 that were within 1100 feet. Those being in Lee
12 County, do you know if they're participating or
13 not participating?

14 A. Those are -- the residences that are within the
15 1100-foot radius are participating residences.

16 MR. HUGHES: Okay. Thank you.

17 JUDGE SLAVIN: Mr. Buhrow?

18 MR. BUHROW: Yes.

19 EXAMINATION

20 BY MR. BUHROW:

21 Q. The 60-acre parcel that you're talking about
22 recently, who is the land titled to? Who's the
23 owner of this parcel?

24 A. I believe the land is owned by Shawn Leffelman,

1 but it could be under his father's name, which
2 is Gene.

3 MR. BUHROW: Okay. Thank you.

4 JUDGE SLAVIN: Mr. Meyer?

5 MR. MEYER: No.

6 JUDGE SLAVIN: Mr. Pratt?

7 EXAMINATION

8 BY MR. PRATT:

9 Q. Do you know if the leaseholder that you're
10 leasing from, do they have any say in the fell
11 method or in the cleanup?

12 A. To my knowledge, the leases don't specify a
13 method of decommissioning. But in the lease, we
14 are obligated to remove the project
15 infrastructure. You know, within the
16 requirements of the Ordinance and AIMA, we're
17 required to decommission the project at the end
18 of its life.

19 MR. PRATT: No further questions.

20 JUDGE SLAVIN: All right. I have got one
21 quick one.

22 EXAMINATION

23 BY JUDGE SLAVIN:

24 Q. The easement that you're talking about on the

1 bigger parcel -- and I think I know the answer
2 to this, but just so we're clear -- is that an
3 underground or would someone -- some people call
4 it air rights? Is the cable underground or is
5 it above ground?

6 A. The cable is underground for the large majority
7 of the roughly 500-foot easement. The cable
8 does come out of the ground just before the
9 substation in order to connect into the
10 infrastructure, which is, you know, suspended in
11 the area of the substation. So the only time
12 that the cable is out of the ground is a short
13 transition distance between the underground
14 cable and the substation infrastructure.

15 Q. All right. Thank you.

16 Is the parcel, the bigger parcel
17 19-22-05-400-013, is that included in your
18 application?

19 A. It is, yes.

20 JUDGE SLAVIN: Okay. All right.
21 Interested Parties?

22 Yes, ma'am.

23 EXAMINATION

24 BY MS. KITRAL:

1 Q. How is it decided which turbines are going to
2 not be replaced?

3 JUDGE SLAVIN: Did you hear the question?
4 I'm sorry, could you just pull the
5 microphone a little closer?

6 MS. KITRAL: Oh.

7 JUDGE SLAVIN: It could be my hearing.

8 Q. (By Ms. Kitral:) How is it decided on which
9 turbines will not be replaced?

10 A. So there are a lot of factors that go into, you
11 know, deciding, I guess you could say, which
12 turbines to be replaced. The way that the
13 Applicant has gone about making that decision is
14 not necessarily taking one turbine and deciding
15 whether or not to replace that specific turbine.
16 What we do is, you know, we're decommissioning
17 the 19 turbines that are in Lee County, and
18 we're doing our best to ensure that, you know,
19 participating landowners who you know want to
20 continue to participate in the project, want to
21 have turbines, are able to continue to
22 participate. So when we remove a turbine,
23 decommission a turbine on the property, we do
24 everything we can to replace that turbine to

1 ensure that the landowner can, you know,
2 continue participating in the project.

3 Q. Is it possible that if the -- replace -- if
4 you're going to replace the turbine for that
5 property owner, is it possible to have it moved
6 to a different location?

7 A. So with respect to placement of the turbines,
8 you know, we have to comply with the setbacks
9 that are described in the Ordinance, and so that
10 is our guidance, you know, along with other
11 factors, including environmental factors, you
12 know, like I mentioned the other night, trying
13 to avoid communication paths. So there are a
14 lot of factors that go into the ultimate
15 placement of turbines. So it's not as simple as
16 just moving the turbines to any location.
17 There's a lot of thought that goes into
18 selecting the new turbine locations.

19 MS. KITRAL: Okay. Thank you.

20 JUDGE SLAVIN: Zoomers?

21 MS. MAUCH: Yes, please.

22 JUDGE SLAVIN: Sure.

23 EXAMINATION

24 BY MS. MAUCH:

1 Q. Quick question. I heard a lot of numbers of
2 512 nonparticipating residents. How many are --
3 how many more are participating landowners? We
4 have 512 nonparticipating residents. How many
5 are participating residents?

6 A. So I believe the 512 number that you're
7 referencing is from the noise and shadow flicker
8 models that were created for the project. To my
9 knowledge, that 512 number is not only
10 nonparticipating landowners; that is 512
11 residences within proximity to the project that
12 were close enough to potentially have, you know,
13 a noise or shadow flicker effect.

14 You know, as you can see if you look at
15 the studies, a large majority of those 512
16 residences were not affected, but when an
17 engineer sets up a model, they draw a box around
18 the project, and that box encompasses 512
19 residences that they feel is the study. So
20 that's where that number comes from. It's not a
21 count of nonparticipating residences.

22 Q. Okay. Thank you.

23 Are participating landowners allowed, per
24 their agreements, to actually bring concerns to

1 this meeting or have they signed away or signed
2 a nondisclosure form that says they can't bring
3 any concerns?

4 A. I'm not sure I totally understand the question.
5 Could you repeat that?

6 Q. Are participating landowners allowed, per the
7 agreements they signed, are they allowed to come
8 to this meeting or voice their concerns?

9 A. Yes. To my knowledge, participating landowners
10 are allowed to come to the meetings, yes.

11 JUDGE SLAVIN: Is that it?

12 MS. MAUCH: Thank you.

13 JUDGE SLAVIN: Thank you.

14 Any followup?

15 MR. BARRY: No, thank you.

16 JUDGE SLAVIN: You may sit down. Thank
17 you.

18 Anything further, Mr. Barry?

19 MR. BARRY: No. I think that concludes
20 the evidence that --

21 JUDGE SLAVIN: Well, no, I already called
22 for people in the room.

23 MS. PAPIECH: He had a question about what
24 she asked.

1 JUDGE SLAVIN: I asked for people in the
2 room. Okay, I'm not going to go ahead -- that's
3 why I asked for people in the room.

4 You've got to go to a mic that's on and
5 that's got a red light.

6 MR. PAPIECH: On your testimony on the --

7 JUDGE SLAVIN: Get a little closer,
8 please. It really is hard.

9 MR. BARRY: Can we ask him to say his
10 name, please?

11 JUDGE SLAVIN: I'm getting there.

12 State your name and where you either live
13 or work or own property in relation to the
14 proposed footprint of this project.

15 MR. PAPIECH: Bruce Papiech,
16 P-A-P-I-E-C-H, (unintelligible).

17 COURT REPORTER: I can't hear him.

18 JUDGE SLAVIN: I don't -- I'm sorry, most
19 of that --

20 MR. PAPIECH: GSG 3 --

21 JUDGE SLAVIN: You have to -- I know it's
22 hard.

23 MR. PAPIECH: 1771 Sublette Road,
24 Sublette, Illinois.

EXAMINATION

BY MR. PAPIECH:

Q. We have the turbine that was in question here, the pin number. We have control over the entire 60 acres, plus the acreage on the other --

JUDGE SLAVIN: You're telling -- if you have got a question, just ask him a question.

Q. (By Mr. PapiECH:) The exclusion of that and limiting down to 33 feet, if we're doing any zoning changes, you did not mention the maintenance building across Tower Road, to the south side of Tower Road.

JUDGE SLAVIN: Now you're telling -- I'm not trying to be difficult, but you're not under oath. Now is the time to ask a question.

MR. PAPIECH: Do I reserve it for later, when I have a presentation at the end?

JUDGE SLAVIN: Well, yeah. Now's the time to ask questions.

MR. PAPIECH: That's fine. Then I'll reserve.

JUDGE SLAVIN: You don't have to reserve anything. Do you have any questions of this witness?

1 Q. (By Mr. Papiech:) Now, are you going to put
2 into your paperwork that you're limiting the
3 zoning to the dimensions of the easement?

4 A. So it's my understanding that, you know, the
5 Applicant only has the ability to install
6 infrastructure and operate this project on the
7 property that it has land control over. So as
8 far as the Applicant is concerned, the only land
9 control we have on the said 60-acre parcel is a
10 33-foot-wide strip of land that stretches, I
11 believe, roughly 500 feet from the north side of
12 Tower Road and then running northwest towards
13 the ComEd substation for the use of, you know,
14 area collection line. But that is the -- to my
15 knowledge, that is the extent of land control
16 that the Applicant has over this parcel.

17 So we are bound by our rights in land
18 control.

19 Q. My question is, that's what you're saying, but
20 in the application it says it's requesting a
21 zoning change over the entire. So how is that
22 going to be worded and set out?

23 A. So I'm not totally sure, you know, the process
24 and method used to limit that, but, you know, in

1 the petition you have to create a list of every
2 parcel that you're requesting a Special Use for.
3 The only way to do that is to use the parcel's
4 identification number. So we listed the
5 parcel's identification number in the petition
6 because we do have land control over a small
7 portion of that parcel, and that is the portion
8 of property in which the project, GSG Wind Farm,
9 will have.

10 MR. PAPIECH: Okay. Thank you.

11 JUDGE SLAVIN: Okay. Any followup now,
12 Mr. Barry?

13 MR. BARRY: No, thank you.

14 JUDGE SLAVIN: Okay. You may step down.
15 Thanks.

16 All right. Mr. Barry, anything further?

17 MR. BARRY: No further witnesses. I think
18 that concludes the Petitioner's presentation of
19 evidence for this report on the SUP application.

20 JUDGE SLAVIN: Okay. Very good.

21 That will leave us with any Interested
22 Parties' evidence. It's almost break time, and
23 I'm going to make use of a few minutes to try
24 and schedule a few more sessions which will take

1 up fact-finding.

2 As a preliminary, I will note that
3 Ms. Duffy and I spent probably 35 minutes before
4 the hearing trying to find dates where the
5 courtroom and where staff were available.
6 Because of the time of year, vacations,
7 seminars, it was very difficult; some conflicts
8 with various people. So -- and I haven't even
9 polled the ZBA yet.

10 I will start with -- everybody get out
11 their diaries, please.

12 (A discussion was held off
13 the record.)

14 (A recess was taken at 7:07 p.m.
15 and proceedings resumed at
16 7:23 p.m.)

17 JUDGE SLAVIN: All righty, Ladies and
18 Gentlemen.

19 Interested Parties in the room who want to
20 testify. I saw his hand first, gentleman in the
21 blue. Apparently not.

22 I remind Interested Parties -- I know
23 you're not all legal professionals, you're not
24 in front of the Zoning Board all the time --

1 this is just the time for testimony. Just the
2 time for testimony.

3 All right. Sir, you want to step on up?
4 Raise your right hand, please.

5 BRUCE PAPIECH,
6 being first duly sworn, testified as follows:

7 JUDGE SLAVIN: Have a seat, please.

8 I will help you get started. Like I have
9 been encouraging all witnesses, and I think you
10 learned a little bit from asking questions,
11 you've got to get right next to that microphone.

12 Would you state your name, please.

13 MR. PAPIECH: Bruce Papiech.

14 JUDGE SLAVIN: And with regard to the
15 proposed -- the footprint of the -- this
16 proposed repower project --

17 MS. DUFFY: Judge, did you swear him in?

18 JUDGE SLAVIN: I did.

19 MS. DUFFY: Sorry, we didn't hear him.

20 JUDGE SLAVIN: Just a minute. Just a
21 minute.

22 Callie, did I swear him in?

23 COURT REPORTER: You did.

24 MS. HENKEL: Sorry.

1 JUDGE SLAVIN: That's all right. I'm
2 quite open to saying I forgot something.

3 Would you state where you either live, own
4 property or reside in relation to the footprint
5 of this proposed repower project?

6 MR. PAPIECH: We own property at 1973
7 Tower Road in Sublette, which has a transmission
8 easement through it, we have the Adam Wind
9 Turbine, which is adjacent to the easement
10 that's on the Leffelman property, and we have
11 site control over the entire acreage of the
12 Leffelmans' for the wind turbine.

13 JUDGE SLAVIN: So you own property either
14 in or adjacent to the proposed project?

15 MR. PAPIECH: Yes.

16 JUDGE SLAVIN: Of course, I'm not sure
17 what you want to testify to. Sticking to facts
18 -- because I always remind Interested Parties,
19 it's a tough -- this is the time to say that the
20 light was green, not red like they said. These
21 are fact times. The time for speeches will be
22 coming.

23 So go ahead.

24 MR. PAPIECH: On the 1973 Tower Road,

1 which is our maintenance building for our two
2 wind turbines, we were asked --

3 JUDGE SLAVIN: So you have wind turbines
4 on your property?

5 MR. PAPIECH: In the area, on the
6 Leffelman property.

7 JUDGE SLAVIN: So they're not your wind
8 turbines? So the maintenance shed next to some
9 wind turbines?

10 MR. PAPIECH: It's the maintenance
11 building for the two wind turbines.

12 JUDGE SLAVIN: Okay. I see.

13 MR. PAPIECH: They have a transmission
14 easement, 50-foot wide, from the north side of
15 Tower Road south 50 feet coming through to where
16 they angle towards the substation. And this
17 was, again, in their presentation, asked for
18 rezoning over the whole property versus just the
19 50-foot easement.

20 JUDGE SLAVIN: Well, first of all, let's
21 make some -- I haven't heard any evidence about
22 any rezoning. So -- but I have a preliminary
23 question.

24 Are you saying the maintenance building is

1 on your property?

2 MR. PAPIECH: Yes.

3 JUDGE SLAVIN: Okay. And it's their
4 maintenance building?

5 MR. PAPIECH: No, it is our maintenance
6 building.

7 JUDGE SLAVIN: It is your maintenance
8 building. But it has, somewhere near to it, an
9 easement along the southern edge of your
10 property; is that right?

11 MR. PAPIECH: Yes.

12 JUDGE SLAVIN: Okay. Go ahead.

13 MR. PAPIECH: The map that I included in
14 the packet --

15 JUDGE SLAVIN: What map is that? This
16 thing you handed to me?

17 MR. PAPIECH: Yes.

18 JUDGE SLAVIN: Okay. I will mark that as
19 IP, which stands for Interested Party, Number 1.

20 (IP Exhibit Number 1 marked for
21 identification.)

22 JUDGE SLAVIN: Go ahead.

23 MR. PAPIECH: The -- you can see on the
24 map where it says Tower Road and U.S. 52. The

1 triangle, that's where they meet. On the south
2 side of Tower Road is where the maintenance
3 building is. It's a 1-acre parcel, cut off from
4 other acres that we have sold. And it has the
5 easement on the south side of Tower Road.

6 The parcel goes to the north side of Tower
7 Road. So 50 feet from the north side of Tower
8 Road south, where they have their collection
9 cable running through it.

10 In their exhibit, Petition for Special
11 Use, it was the property there for changing it
12 from AG-1 to Special Use. We have our own
13 Special Use on that property, and they only have
14 control over the 50 feet, not the entire
15 acreage.

16 The other concern is that the easement
17 that they testified about being 33 feet along --
18 I have made a mark on the map with pen as to
19 where the easement is approximately. That is
20 where the 33-foot-wide easement is.

21 In the packet as well, we have our wind
22 easement for that property which shows us having
23 wind control over the entire parcel on either
24 side of 52, with the exception of what is

1 excepted out, which is between Green Wing and 52
2 on the south side of 52. That's another
3 residence.

4 Where -- we're looking at just, we do not
5 want the zoning to change on our property, where
6 it was requested in their petition --

7 JUDGE SLAVIN: Nobody's -- I'll tell you,
8 nobody's requesting any zoning changes.

9 MR. PAPIECH: That's what it states on
10 this paper, Petition for Special Use. So in my
11 discussions with them, this was supposed to be
12 handled; it was not handled.

13 And we can look at it later, but I was --
14 these are properties that we control, we have
15 the land control of it through wind easements,
16 turbine easements, and they only have
17 transmission easements, which is underground.

18 What I am referring to, as far as their
19 request, was in Item 1, reading from the
20 petition for Special Use:

21 The petition has site control and
22 landowner permission to file a petition for
23 Special Use Permit on the entirety or portions
24 of the following listed parcels: Participating

1 landowners, which are described in Exhibit A.
2 Parcel identification numbers for each
3 participating parcel are as follows.

4 And it lists them, but it does not
5 differentiate in these two parcels that it is
6 doing it for a partial area, not the full area,
7 and that's what we are concerned about.

8 JUDGE SLAVIN: Just tell me when you're
9 finished. I just can't ask any questions.

10 MR. PAPIECH: All right. Finished.

11 JUDGE SLAVIN: All right. Questions.

12 Mr. Boonstra?

13 STATE'S ATTORNEY BOONSTRA: None. Thank
14 you.

15 JUDGE SLAVIN: Ms. Duffy?

16 MS. DUFFY: No, thank you.

17 JUDGE SLAVIN: Mr. Hughes?

18 MR. HUGHES: No questions.

19 JUDGE SLAVIN: Mr. Buhrow?

20 MR. BUHROW: No questions.

21 JUDGE SLAVIN: Mr. Meyer?

22 MR. MEYER: No questions.

23 JUDGE SLAVIN: Mr. Pratt?

24 MR. PRATT: No questions.

1 JUDGE SLAVIN: Mr. Barry?

2 MR. BARRY: No questions.

3 JUDGE SLAVIN: You may step down. Thank
4 you.

5 Somebody else, Interested Parties?

6 MS. DUFFY: Interested Party on Zoom.

7 JUDGE SLAVIN: Interested Parties in the
8 room, anybody else?

9 Yup, that's what I thought. Come on up.

10 MS. DUFFY: Cross-examination?

11 JUDGE SLAVIN: Oh, I'm sorry. Do you have
12 any questions of the gentleman that was on the
13 stand?

14 MS. KITRAL: I don't.

15 JUDGE SLAVIN: Yeah, you do, right?
16 Teasing or not?

17 MS. PAPIECH: Well, yeah, clarification.

18 JUDGE SLAVIN: Fair enough.

19 Thank you, Dee. I know what you meant
20 now.

21 Okay. You're still under oath.

22 You can't ask him marital questions.

23 MR. FORSTER: But he's under oath.

24 MS. PAPIECH: My name is Joyce Papiech,

1 and we were the original developers of --

2 JUDGE SLAVIN: You're telling things.

3 Just ask him questions.

4 EXAMINATION

5 BY MS. PAPIECH:

6 Q. For clarification, is the turbine on that
7 property a part of the GSG project or is it your
8 turbine under a separate entity?

9 A. It is our turbine under a separate entity. It
10 is not part of GSG.

11 Q. And so that was also the parcel that they
12 referred to earlier as the 19-22-05-400-001?

13 A. -011, yes.

14 Q. -011.

15 And your concern is this is turbines that
16 have been up for quite a while, and you didn't
17 want any new zoning to change the turbine that
18 is there?

19 A. Correct.

20 MS. PAPIECH: That's all.

21 JUDGE SLAVIN: Okay. On Zoom, Interested
22 Parties --

23 MS. MAUCH: No, thank you.

24 JUDGE SLAVIN: -- questions of this

1 witness?

2 MS. MAUCH: No, thank you.

3 JUDGE SLAVIN: Okay. Now you can step
4 down. I apologize.

5 Other Interested Parties want to testify
6 in the room? Come on up.

7 LORRAINE KITRAL,
8 being first duly sworn, testified as follows:

9 JUDGE SLAVIN: Okay. Have a seat.

10 And, again, I know you have already
11 identified yourself, but now that you're on the
12 witness stand, would you please state your name.

13 MS. KITRAL: Lorraine Kitral.

14 JUDGE SLAVIN: And, Lorraine, state again,
15 with regard to the footprint of the proposed
16 development, where do you live, reside or own
17 property relative to the project.

18 MS. KITRAL: I live at 2180 Richardson
19 Road, which is roughly maybe 18 feet (sic) from
20 the windmill -- let's see --

21 JUDGE SLAVIN: Wind turbine, you mean.

22 MS. KITRAL: -- one of the ones on
23 Burkhardt Road.

24 JUDGE SLAVIN: Okay. 18 feet?

1 MS. KITRAL: No. I'm sorry. 1800.

2 JUDGE SLAVIN: 1800, okay.

3 MS. KITRAL: Sorry. About that.

4 JUDGE SLAVIN: No, that's all right.

5 Would you then -- let's see. You handed
6 me a sheet with one, two, three -- about five
7 pages, pieces of paper, maybe six.

8 MS. KITRAL: Yes.

9 JUDGE SLAVIN: I will mark that IP
10 Number 2.

11 (IP Exhibit Number 2 marked for
12 identification.)

13 JUDGE SLAVIN: And maybe you want to start
14 by telling us what these pages represent.

15 MS. KITRAL: It has to do with the
16 appraisal of -- well, with the appraisal that
17 was submitted. The appraisers stated that there
18 would be no impact on properties that were
19 roughly within 1800, 2,000 feet of the
20 windmills. I went through all of the addresses
21 that he had and took the ones that had small
22 acreage, because I have a little bit over
23 5 acres, whatever you want to call it, home,
24 farm, whatever. Horses, that type of thing.

1 So when I went through, if you look at
2 Page 1, the first page, the properties lost
3 quite a bit of money when they were resold.
4 That's a concern to me. That's actually a huge
5 concern. I'm old, I'm going to move at some
6 point, and I would like to get a fair value for
7 my property.

8 So, of course, I would request that they
9 don't replace the windmill that's directly in
10 front of my house.

11 I am nervous.

12 All right. So we have these properties.
13 One of the properties that the assessor said
14 that he was going to get back to was the
15 965 Bingham Road in Paw Paw that dropped roughly
16 70,000 in order to sell.

17 On Page 2 and 3, he said it was an
18 anomaly. And, granted, there are a lot of
19 turbines around there, but there are a couple
20 also that I looked up that had multiple
21 turbines, such as 1055 County Line, which sold
22 probably about \$70,000 less than it
23 originally -- the original price.

24 There's a -- okay. Beth Einsele has a

1 statement -- okay. First off, on Page 2 there's
2 comparable properties, and it tells you exactly
3 how long it took for those properties to sell.

4 JUDGE SLAVIN: I don't have a Page 2,
5 unless you're -- unless mine are out of order.

6 MS. KITRAL: This.

7 JUDGE SLAVIN: Okay. Thank you.

8 MS. KITRAL: So comparable properties.
9 The only difference is the windmills/the
10 turbines that were around it. Beth Einsele made
11 a statement in which she says, This one major
12 factor remains the most influential difference
13 of all the property features.

14 And then on Page 3, on the bottom, last
15 paragraph, she gives a statement -- and Beth
16 Einsele is a very well-known realtor out in the
17 Paw Paw area. She's been -- probably 30, 40
18 years.

19 She says: As a member of a local realtor
20 board, I had an opportunity to show the parcel
21 during the market period. On three occasions,
22 respective buyers were not willing to consider
23 this home for purchase due to the following
24 objections: noise from the turbines, flashing

1 lights during the night, and having animals,
2 horses, small livestock, affected by the noise
3 and the lights. The buyers selected other
4 properties 5 to 10 miles from the wind turbine
5 farm which provided more privacy and a more
6 quiet environment for animals and family
7 members.

8 MR. BARRY: Judge, can I ask for -- I
9 didn't quite understand the source of that
10 statement. Is that in the materials here?

11 JUDGE SLAVIN: I was just letting her
12 testify. So you can certainly cross-examine
13 her.

14 MR. BARRY: Oh, okay. I'm sorry.

15 JUDGE SLAVIN: That's all right.

16 MS. KITRAL: Okay. So turbines do affect
17 small-acreage properties because most people,
18 when you're buying a 5-acre parcel out in the
19 country, you're trying to get away from people,
20 structures, industry, the whole thing like that.
21 And that is going to affect properties.

22 Bingham Road took three years to sell.
23 That's considered a property loss in itself,
24 just having the time that it can't be sold

1 within the 90 days or whatever.

2 So let's see here. On Page 4, which was
3 taken directly out of the assessor's
4 testimony -- or his reports, he's got -- his
5 second paragraph says that -- this is for the
6 little subdivision that's out in Paw Paw that --
7 let's see, the Brook Meadow Subdivision, and he
8 said those properties sold, no problem, and they
9 aren't in view of a turbine. So there's no --
10 turbines don't make people buy properties.

11 But if you look at the distance of all of
12 those turbines, there's nothing closer than
13 4,000 feet. The only one is the 965 Bingham
14 Road.

15 So I would like to have that turbine
16 directly in front of me not replaced, since they
17 are going to get rid of three turbines, and that
18 would be one that I would like to not have,
19 because I need to get full market value for my
20 property.

21 Now, I have found that there's multiple
22 ways to do that. There's such a thing as a
23 property value guarantee that a lot of the
24 turbine companies -- well, they were signing

1 MS. DUFFY: No.

2 JUDGE SLAVIN: Mr. Forster?

3 MR. FORSTER: Nothing.

4 JUDGE SLAVIN: Mr. Hughes?

5 MR. HUGHES: Yes.

6 EXAMINATION

7 BY MR. HUGHES:

8 Q. I'm looking at some of the timing differences
9 on these properties. You said you are a
10 realtor, correct?

11 A. No, I am not a realtor. No, no.

12 Q. Is that --

13 A. No. Beth Einsele is.

14 Q. A statement by somebody that you're providing
15 it?

16 A. Yeah.

17 Q. Okay. All right.

18 MR. HUGHES: No, I'm going to -- never
19 mind. I'm going to pass.

20 JUDGE SLAVIN: Mr. Buhrow?

21 EXAMINATION

22 BY MR. BUHROW:

23 Q. I have got a little bit more on that --

24 JUDGE SLAVIN: Craig, you have got to put

1 it right on top of your nose pad.

2 Q. (By Mr. Buhrow:) Anyway, the dates on those,
3 there's two different things going on. I don't
4 know if Beth Einsele mentioned both of them.
5 One was the windmills in '07, and the other one
6 was real estate prices in '08/'09.

7 I guess, did she mention the other
8 possibility of the softer values after '08/'09?

9 JUDGE SLAVIN: I didn't hear the question.
10 I don't know if she did.

11 A. No, I don't --

12 Q. (By Mr. Buhrow:) The realtor didn't mention
13 that the '08/'09 crash in the real estate market
14 really hurt values nationwide at that time?
15 There's two things going on in those dates --

16 JUDGE SLAVIN: One question at a time.
17 Not trying to be difficult, but she can only
18 answer one at a time.

19 A. Not that I am aware of. I got this off of the
20 internet.

21 MR. BUHROW: All right. Thank you.

22 JUDGE SLAVIN: Mr. Meyer?

23 MR. MEYER: No questions.

24 JUDGE SLAVIN: Mr. Pratt?

1 MR. PRATT: No questions.

2 JUDGE SLAVIN: Mr. Barry?

3 MR. BARRY: Yes. A couple quick
4 questions.

5 EXAMINATION

6 BY MR. BARRY:

7 Q. Just to confirm, you are not a licensed real
8 estate broker in the state of Illinois?

9 A. No.

10 Q. Are you a licensed appraiser in the state of
11 Illinois?

12 A. No.

13 Q. And did you actually speak to any of the real
14 estate brokers that are referred to or discussed
15 in your materials?

16 A. No.

17 Q. So I think you just said that you pulled this
18 information off the internet?

19 A. Correct.

20 MR. BARRY: Thank you.

21 A. Off the internet and off of your appraiser's
22 report.

23 One more thing. Sorry.

24 JUDGE SLAVIN: No.

1 MS. KITRAL: I can't?

2 JUDGE SLAVIN: You might be able to but --

3 MS. KITRAL: Okay.

4 EXAMINATION

5 BY MR. SLAVIN:

6 Q. So Beth Einsele or Einsele (different
7 pronunciation) --

8 A. Einsele.

9 Q. -- Einsele, this is something off the internet
10 from her?

11 A. It came with -- it shows the parcel -- I have
12 actually --

13 Q. Just, that's a yes or no.

14 A. Oh. Yes, it came off the internet.

15 JUDGE SLAVIN: Okay. All right. You want
16 to say something else?

17 MR. BARRY: I just wanted -- for the
18 record, I just want to object --

19 JUDGE SLAVIN: No, no. I was talking to
20 her.

21 MR. BARRY: Oh. I am sorry.

22 JUDGE SLAVIN: That's okay. She wanted to
23 follow up with something.

24 MS. KITRAL: I was just going to say, on

1 Page 8 -- or Page 6, it's testimony from Michael
2 McCann, who's an assessor. He actually did
3 testimony in Lee County in 2012 about property
4 values. He's very confident that it will
5 affect -- the turbines do affect property sales.

6 That's all.

7 JUDGE SLAVIN: You said Exhibit 6 is his
8 testimony. Would you agree that that's not
9 testimony, that's an article off the internet
10 from Michael McCann?

11 MS. KITRAL: Well, submitting my written
12 testimony as a professional appraiser.

13 JUDGE SLAVIN: Do you know if he was under
14 oath when he wrote this?

15 MS. KITRAL: No. I have no idea. I
16 was --

17 JUDGE SLAVIN: Interested Parties,
18 questions of this witness in the room? Either
19 of you?

20 (No verbal response.)

21 JUDGE SLAVIN: Interested parties on Zoom,
22 questions of this witness?

23 MS. MAUCH: Yes, please.

24 JUDGE SLAVIN: Yup.

EXAMINATION

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BY MS. MAUCH:

Q. First is, are you a nonparticipating resident?
And did you have any say with the wind turbines
going up around you?

A. I had no say, and I am a nonparticipating
resident.

Q. Do you have the disposable income to go out and
hire an expert on real estate appraisal?

A. Not really. I would like to sell my house.

Q. Yeah, and would you buy a house in the
footprint of an industrial wind plant?

A. Oh, absolutely not. When I found my property,
it was bare land, and I just fell in love with
it because it's a beautiful piece of property.
If you look to the north, it's just beautiful.
If you look to the south, you see a lot of
windmills; not so pretty.

Q. Are you aware of any owners or developers of
Leeward, LLC, that live within the footprint of
the wind plant?

A. No, I am not.

Q. Are you aware of any Lee County leadership,
councilmen, Board members, that live within the

1 footprint?

2 A. No, I am not.

3 Q. Do you see a lot of new houses going up within
4 the footprint?

5 A. No. No.

6 Q. Any? Have you seen any?

7 A. I don't see any new houses going up in any of
8 the surrounding land turbine spots in Bureau
9 County and -- no, I don't see any new houses
10 being built.

11 MS. MAUCH: Thank you very much.

12 JUDGE SLAVIN: Is that it then?

13 MS. MAUCH: That's it.

14 JUDGE SLAVIN: Okay. Thank you. You may
15 step down.

16 All right. Let's see, any other people --
17 Interested Parties in the room want to testify?
18 Raise your hand or forever hold your peace.

19 (No verbal response.)

20 JUDGE SLAVIN: Okay. On Zoom, the only
21 Zoomer, do you wish to testify?

22 MS. MAUCH: I'm not prepared. I wasn't
23 aware that there would be testimony tonight, so
24 I guess I have to pass. Thank you.

1 JUDGE SLAVIN: As I explained in the
2 opening remarks, yeah, this is it. But thank
3 you. I hope you understand.

4 MS. MAUCH: Thank you. I do.

5 JUDGE SLAVIN: All right. Closing
6 statements/closing comments/public
7 comments/closing arguments. Call it what you
8 will.

9 Mr. Barry?

10 MR. BARRY: Yes. Thank you.

11 So per its permit application materials
12 and testimony and evidence submitted at this
13 hearing, the Applicant submits that it's
14 demonstrated it has met the standards required
15 for granting a Special Use Permit for both
16 deconstructing and repowering the GSG Wind
17 Project.

18 I'll quickly review some of the evidence.
19 Under the contents of the permit application
20 itself, it shows that -- including all the
21 exhibits, shows that the project has met the
22 Wind Ordinance standards for purposes of what's
23 necessary to be included in an SUP application.

24 In terms of setbacks, we talked a little

1 bit about this and Mr. Wells discussed the
2 setbacks and the record shows that, in the end,
3 in Lee County there will be fewer wind turbines
4 if the project is repowered and the, at least
5 average, setbacks from -- of those wind turbines
6 to nonparticipating landowners will be increased
7 quite a bit.

8 We heard testimony from the wildlife
9 expert that the U.S. Fish and Wildlife Service
10 has been consulted, as well as the Department of
11 Natural Resources. And, as he testified and as
12 the materials in the permit application
13 demonstrate, the project will substantially
14 comply with the recommendations provided by IDNR
15 to the County.

16 Since we just discussed it, I'll continue
17 discussion about property values. We heard from
18 the Petitioner's property value expert,
19 Dr. Peter Poletti. As a reminder, Dr. Poletti
20 is an elected -- I believe he's an elected
21 township official in Illinois. He has an NAI
22 designation from the Appraisal Institute, which
23 is the highest designation available. And his
24 report shows, and he testified, that there is no

1 statistically significant impact on property
2 values, one way or another, from his examination
3 of existing -- of many sales, actual sales,
4 around existing wind farms in Illinois.

5 So let's look at that data. It's in the
6 report. He looked at over 200 sales, actual
7 sales, of homes, around the Twin Groves Phases 1
8 and 2 Wind Project in McLean County. And,
9 again, after examining those sales and after
10 putting them through his statistical analysis
11 and the formulas that are identified in his
12 report, he concluded that there is no
13 statistically significant measurable impact on
14 surrounding property values due to their
15 location near a wind project.

16 And, again, over -- the data is in the
17 report. They are actual sales of homes. And
18 he -- I don't know if they're in this report,
19 but in previous reports he had looked at some
20 data from the early 2000 -- or mid- to the late
21 2000s, but he more recently examined additional
22 data during the period of 2015 through 2017, so
23 much more recent data, and they show the same
24 thing: no statistically significant impact.

1 He also looked at actual sales data,
2 over -- I believe it's over a hundred sales,
3 near the Mendota Hills Wind Project in Lee
4 County, and again same conclusion: no
5 measurable statistical difference in sales
6 prices compared to projects located in proximity
7 to wind -- houses located in proximity to wind
8 projects versus those not located in proximity
9 to wind projects.

10 And on this Bingham Road house that's come
11 up previously by one of the Interested Parties,
12 and she discussed it this evening and it's
13 included in her materials, you know, again,
14 there's -- that house was on the market for a
15 period of time, but as a reminder, as
16 Dr. Poletti testified, he concluded that that
17 house was overpriced when it was first put on
18 the market. If you recall, he testified that
19 the builder of that house was trying to market
20 it essentially to people in the Chicago area, in
21 the Fox River Valley.

22 And then, most importantly, if you look at
23 Page 51 of his report, he identified four or
24 five other comparable houses that sold, very

1 similar in size to that Bingham Road house, that
2 are not located near a wind project, and they
3 all sold for about the same price. In fact, the
4 average square foot price compared to the
5 Bingham Road house was, like, 15 cents per
6 square-foot difference.

7 So it's just a completely de minimus
8 difference in price, which, again, further
9 supports his conclusion that there's just no
10 impact. And if there's no impact on that house
11 where the, you know, turbines are located much
12 more closely than the turbines will be located
13 in the -- if this repower is approved and
14 constructed, then there's unlikely to be an
15 impact on other houses.

16 One other thing to point out with respect
17 to property values. I understand the concerns
18 of some of the Interested Parties, but the
19 reality is, the GSG Wind Project has been
20 operating for 15 years. We're not talking about
21 a situation where a new project is going to come
22 in where there's been nothing here. It's been
23 operating for 15 years, and it will continue to
24 operate for some time, at least, if there is no

1 repower. But if there is a repower, you'll
2 have, again, fewer turbines and they will be
3 further away from the houses, or at least for
4 the nonparticipating houses, on average.

5 So -- and I think there was a comment made
6 about no new subdivisions being built. I
7 believe Dr. Poletti testified that he's observed
8 new construction of a subdivision that's
9 located -- I don't remember how far away he said
10 it was from the GSG Wind Project, but it's
11 within a forested area. He said there was
12 some -- I believe he testified that there was
13 some pretty expensive houses, 3-, \$400,000
14 houses that are being built there.

15 So I would just say, again, he's an
16 expert. He's testified, as he said, at a number
17 of wind and solar projects in Illinois. He's
18 testified at other types of projects. And read
19 the data for yourself. He's not just doing
20 comparables. He's looking at actual sales data
21 and calculating statistical results based on
22 statistical formulas. And he just -- in the
23 end, when you crunch that data, there's no
24 measurable impact.

1 So we also heard about shadow flicker.
2 The expert testified that the project will
3 comply. There was, I think, one house that was
4 above the 30-hour limit. I think Mr. Wells
5 testified that that homeowner will -- has signed
6 a waiver. But if that's not effective and
7 there's more than 30 hours, then the project
8 will have an obligation to curtail the turbine
9 so that the 30-hour limit is met.

10 We talked about -- we had an expert from
11 Burns & McDonnell who discussed the sound study.
12 Again, he testified that the project will comply
13 with the Illinois Pollution Control Board Rules.
14 For some of the turbines, they may have to
15 operate in noise reduction operation mode at
16 night. But to that extent that that's required,
17 in the end the project will be required to
18 comply with the Rules at all times and the model
19 shows that it will.

20 And then we talked about two different
21 types of decommissioning. The decommissioning
22 plan for the new project was discussed and
23 submitted by Ms. Rose, and the project is
24 required under the Ordinance to submit an

1 updated plan once the final design and turbine
2 locations -- turbine model and locations are
3 selected, and that will be submitted for
4 approval by the Zoning Officer and the County
5 engineer.

6 And then with the decommissioning of the
7 existing project, we heard Ms. Buchta talk about
8 tonight the two recommended methods, and
9 Mr. Wells testified that the project will submit
10 another decommissioning plan to make it clear
11 that it will comply with the study that was
12 performed by Ms. Buchta's engineering firm,
13 Sargent & Lundy. And so that will be submitted,
14 as Mr. Wells indicated, in advance of the
15 building -- issuance of the building permits for
16 the construction of the repower.

17 And just a couple additional points about
18 this issue with the easement. I think the judge
19 covered this. The Applicant is not seeking to
20 rezone any of the parcels of the project. It --
21 the Applicant is simply seeking to make it clear
22 that it has an easement and it's -- and that
23 easement is limited in nature, that -- the fact
24 of the matter is, that when you submit a permit

1 application for a wind project, you have to
2 identify the -- each parcel by its parcel ID
3 number. There's not a mechanism for identifying
4 a portion of the parcel, but the reality is that
5 if the permit is granted -- and I don't know if
6 you heard the gentleman's testimony. He said
7 that the Applicant submits parcels or portions
8 of parcels. Well, for that particular parcel
9 that was under discussion, it's just a portion
10 that represents the easement that the Applicant
11 has over a 500-foot strip over a piece of
12 property, and I think this other property was
13 brought up as well.

14 So the permit would only be good and
15 applicable to those portions of the parcel that
16 the Applicant has land control over. So, again,
17 it's -- I think it's probably also for notice --
18 for public notice purposes that you're required
19 to identify the entirety of a particular parcel,
20 but there's not a good way to split it up. But
21 the reality is, they can't put any
22 infrastructure on any part of a parcel over
23 which they don't have permission or land
24 control.

In Totidem Verbis, LLC (ITV)
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In Totidem Verbis, LLC (ITV)

1 So -- and just as an aside, I mean, I'm
2 sure you'll agree that this is not a forum --
3 that this hearing is not a forum for determining
4 who has legal rights over which parcel. I mean,
5 these are documents that are recorded with the
6 County Recorder's Office, and, you know, the
7 Applicant submits that it's got the -- it has
8 permission to use the parcels that are included
9 in the application. And to the extent that it's
10 determined it does not, well, then it can't put
11 infrastructure on those parcels. I mean, it's
12 pretty -- mind you, pretty simple.

13 So the last thing I want to cover is just
14 as a reminder that the Applicant in the permit
15 application materials has two Variance requests.
16 Both of those Variance requests have been sort
17 of pre-approved, or at least they have the
18 consent of the Illinois Department of
19 Agriculture through the amendment to the AIMA.
20 And one of -- I think we talked about possibly
21 dividing them into two different requests.

22 The first one is to allow the project to
23 reuse existing cables that are less than 5 feet
24 deep, and because -- it's important because the

1 landowners, we have heard, that they would
2 rather leave those in place and reuse them, if
3 possible, versus pulling them out and
4 potentially damaging their field tile.

5 And then the second request is to leave --
6 seeking a Variance for permission to leave the
7 cables in place that aren't removed -- or
8 reused, excuse me, even though they're less
9 than, I think, 4 or 5 feet deep, under the
10 Ordinance.

11 So I just want -- as a reminder, wanted
12 to -- or just wanted to remind the Board that
13 that Variance -- that Variance request or those
14 Variance requests are part of the application.

15 So in closing, I want to thank the Board
16 and everyone, the Judge, Callie, the State's
17 Attorney, the Zoning officials. Especially
18 tonight, given the lack of air conditioning,
19 thank you for your time and effort put into
20 this. I know it's a -- it can be a thankless
21 task and also a lot of work. But just in
22 summary, I -- oh, I also want to thank the IT
23 director for the help with the projection.

24 But in summary, I would like to just,

1 again, on behalf of the Applicant, submit that
2 the petition, the application and materials and
3 the evidence that was submitted at these
4 hearings demonstrate that the project has
5 complied with and will comply with the Lee
6 County Zoning Code provisions that apply to the
7 project, and to request that the ZBA award a
8 Variance -- or Variances as requested.

9 Again, thank you for your time.

10 JUDGE SLAVIN: All right. Public comment
11 from any Interested Parties in the room?

12 Yes. Now is the time. And, remember, I'm
13 not saying you'll do it or not, but now is the
14 time to tell the Board what you think they
15 should or shouldn't do, and why you think they
16 should or shouldn't do it. That's why it's
17 called closing statements or closing arguments.

18 However, the caution is, you can't bring
19 up new evidence because you're not under oath
20 and you're not subject to cross-examination. So
21 you have to make your comments from the evidence
22 that has been produced or, as the jury
23 instructions in a courtroom goes, or reasonable
24 inferences therefrom.

1 So go ahead.

2 MS. KITRAL: Okay. On the assessor's
3 reports, if you go to the big book and go to
4 Page 21 of the assessor's reports, he states:
5 The target boundary distance from the turbine
6 area, depending upon the above-stated criteria,
7 but generally ranging from about one mile to one
8 and a half miles.

9 That was for the Twin Groves Wind Farm in
10 McLean County.

11 Then the next page states: An analysis
12 was prepared for single-family residential
13 property sales. The available sample of
14 agricultural property sales and small
15 residential tract sales was too small to commit
16 a meaningful comparison.

17 So his assessment doesn't -- you know, I
18 would love to have a turbine three-quarters of a
19 mile away from me. That would be fine. One and
20 a half miles, that's fine too, because I don't
21 think that will affect property values. But
22 when they're 1500 feet, 2,000 feet, that becomes
23 a problem.

24 That's all I have.

1 JUDGE SLAVIN: Thank you. And I applaud
2 you for sticking to the evidence that was
3 produced. Thank you.

4 Any other Interested Party want to make
5 arguments? In the room, first of all.

6 (No verbal response.)

7 JUDGE SLAVIN: All right. Out of the room
8 there's only one Zoomer. Would you like to make
9 any public comment?

10 MS. MAUCH: Yes, please. I haven't had a
11 chance to totally formulate. I'll do my best.

12 Is there ever a chance to ask the Board
13 members about the past experience of --

14 JUDGE SLAVIN: No. The same as you can't
15 ask a jury in a jury trial questions. Nope.

16 MS. MAUCH: All right.

17 It's my understanding that it's standard
18 industry practice for participating landowners
19 to sign nondisclosure forms or gag orders.
20 Unless this project is unusual, then we have
21 participating landowners that maybe didn't have
22 a voice.

23 There's not the testimony -- who pays for
24 the testimony or the experts to actually analyze

1 the data presented by this company?

2 Those are my statements. These are
3 outstanding questions.

4 And the land evaluation, the home
5 devaluation, in my experience wouldn't --

6 JUDGE SLAVIN: Now you're testifying.

7 MS. MAUCH: Okay. I'll leave it at that.
8 Thank you.

9 JUDGE SLAVIN: Is that -- I'm sorry, I
10 thought you were taking a breath.

11 MR. HUGHES: No, she said she would leave
12 it at that.

13 MS. MAUCH: No, sorry, I don't know how to
14 phrase that.

15 JUDGE SLAVIN: Okay. Thank you very much.

16 All right. Well, that concludes the
17 Phase 1 of the ZBA hearings, the taking of
18 evidence, and closing arguments and public
19 comments.

20 So I will now recess for the next stage,
21 which is the Zoning Board of Appeals
22 fact-finding and recommendation sessions. That
23 usually takes two nights.

24 For those unfamiliar with the process, and

1 I think there are a couple people that may not
2 have been here when I gave my opening remarks,
3 please, please, these practically-volunteer five
4 gentlemen act as fact-finders, not unlike a jury
5 in a courtroom. They have been asked not to
6 have any ex parte conversations or take any
7 comments from folks outside of this hearing
8 process. Please -- they're your neighbors,
9 they're your friends, your fellow citizens of
10 Lee County. Please, please respect their
11 integrity, what they're trying to do, for all
12 the citizens of Lee County here, and avoid --
13 even though you might have a desire, avoid
14 trying to contact them, whether verbally or in
15 writing.

16 They have been asked, if you do do so,
17 just to please say, I'm sorry, I can't talk
18 about something that's under consideration by
19 the ZBA.

20 With that, I will recess for fact-finding
21 and recommendations -- let me make sure I get
22 the right date -- the next one will be Thursday,
23 June 16th, 7 o'clock --

24 Right, gentlemen? We do the summers at 7.

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-- 7 o'clock, here at the Third Floor
Hearing Room -- hopefully it will be cooler then
-- at the Old Lee County Courthouse.

The anticipated or available next date
would be Monday, June 20th --

COURT REPORTER: Judge, the 27th.

JUDGE SLAVIN: 27th, right. Yeah, June
16th and available is June 27. But for sure
we'll recess until June 16th, 7 o'clock, Third
Floor Lee County Courthouse.

Have a good month, everybody.

(The hearing was recessed at
9:11 p.m.)

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Now on this 12th day of May, A.D., 2022, I do
signify that the foregoing testimony was given
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,
Zoning Enforcement Officer

Callie S. Bodmer

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