

How to fight a developer



This document describes how to fight a developer who wants to create a nuisance in your neighborhood. I provide several anecdotes from my own experiences. The special issues for people with environmental disabilities are covered.

Keywords: activism, developer, projects, environmental illness, chemical sensitivity, electrical sensitivity

The developer

A developer can be a local guy who wants to turn his land into a shooting range, or it can be a company that installs chemical plants, cell towers, wind farms or other projects that are a nuisance to the neighbors. They may drive people with environmental disabilities from their homes.

Lots of money is at stake for the developer, so there is a big incentive to work the system to get what they want. The first thing you need to understand is that the system is stacked against you, it is not an even playing field.

It takes a certain type of personality to be a developer, just as it does to work on Wall Street, in pharmaceuticals, or other areas where the pay can be high for people who can set aside any moral scruples. Appealing to their humanity will be futile.

Developers are quite aware that they may face resistance and have a tool box of shenanigans to discourage the opposition. A common tool is to delay public disclosure as long as possible to give the neighbors little time to get organized. Don't be surprised if you only have a few days to get ready for a public hearing.

There are even people who specialize in doing the legwork to push through the permits for projects that are not welcomed by those who will be living next to it. Obviously, if they show any leniency, they will not get more jobs.

Meanwhile, there is constant lobbying of politicians to weaken regulations and carve out exemptions, to prevent the affected people from having any say.

A collection of true stories about developer shenanigans is in the appendix to this document.

Learn the permit process

In most cases a developer will need to get a zoning variance (special use permit) from the local jurisdiction. In the United States that would be the County if in a rural area, and otherwise it will be the city administration.

It is imperative that you know how that system works so you can oppose the project. Otherwise, you may be muzzled by various technicalities (example: some places will only allow you to speak if you've signed your name on a speaker's list before the meeting).

If there is time, try to attend a hearing in the jurisdiction before your issue is on the agenda. That way you'll know more about the process and how they conduct their business. Second-best is to talk to someone who has been there already, or watch a recording of a hearing, if that is available on their website.

A sample permit process

This section describes how the permit process runs in some jurisdictions. It is likely similar in yours, but there may be important differences.

In some areas, a developer is required to hold a public meeting to inform the residents about the project. This is to be held prior to the formal application process. You may first hear about such a meeting after the fact, as the developer MUCH prefers that people don't notice there is such a meeting. The meeting can be quite pro forma.

Many jurisdictions do not require such a meeting.

When the permit application is to be considered by the planning & zoning commission, there should be more publicity.

There may be a small sign posted on the property where the project is going to be. There may be letters sent to the owners of the properties immediately bordering the project property. There may also be a very brief mention in the local newspaper, and it should be listed on the agenda for the next meeting of the local zoning board.

The notifications should list when and where the project is to be considered for a permit.

The local planning & zoning commission (or whatever name they use) will hold a hearing. At the hearing the project will be presented to the commissioners (who are not elected and typically have day-jobs).

Typically, the project will be summarized by the board's own staff, along with whatever comments they may have. The developer may then do a more sales-like presentation.

Crucially, they should allow anyone to speak for or against the project. You can speak freely, but for a limited time. If there are several people who wish to speak, you may only be allowed 3 minutes. If you are alone, you may get 10 minutes. You will probably only be allowed to speak once. It is not a dialog.

Once everybody have been heard, the commissioners will talk and say what they think. They may ask the developer some questions. They are NOT likely to ask the protesters anything. Then they will vote on it. They have three choices:

- Approval
- Denial
- Tabling

If they approve it, the application will go to the elected officials for consideration (see later). If they deny it, the project is dead, though it can be resubmitted later on.

Getting a project denied at the first hearing is really tough, especially in a pro-development area.

Tabling it is when they are not sure. They want to think about it, get more input. This is probably the best you can hope for at the first hearing. It buys you time to get more organized and to work the system. More on “tabling” later.

If they table it, there will be a second hearing, which is just like the first hearing. You start over. If you can produce new evidence or otherwise convince the officials to table the project once again, they might. This will put a lot of pressure on the developer to make concessions.

Once the application is approved by the planning & zoning board, it will be considered by the elected officials (called “aldermen,” “commissioners,” “supervisors,” “councillors” or whatever).

There will likely also be an attorney present whose job is to protect the elected officials from lawsuits, and to provide them with legal advice. This attorney does not serve the people.

The hearing by the elected officials will be much like at the planning & zoning board. The meeting will also do various other kinds of official business, most of it quite trivial.

The project will be presented as if nobody has ever heard of it. The officials can choose to approve, deny or table it. The difference is that if they approve the application, then you have lost.

Getting the project tabled

When a project is tabled, it is in limbo. It cannot move forward until it is reconsidered again by the same group that tabled it.

A commission will table a project if they are not sure what to do – they want to think about it, perhaps seek more information. They can also table a project until the developer can come back with more information or otherwise meet some requirement. Tabling means you get a second chance to make your case.

It is possible for a project to be tabled indefinitely (that is how we won against one developer).

A project can also be tabled for a long time if the officials see there is some activity on resolving the issues.

A tabled project buys you time to get organized and work the system. People who were too disillusioned to do anything to help may come around now it looks like you have some traction. Tabling also gives the developer time to do lobbying, perhaps by bringing in an “expert” to convince them your complaints are without merit.

To work towards the project being tabled you need to make the officials unsure what to do. Besides bringing in a lot of people to protest, it also helps to highlight any and all uncertainties. Did the developer do due diligence? Is there a need for an environmental impact report? Were the notifications of the neighbors sent out in time? Can the project be modified so it is less obnoxious? Anything that can make the project look half-baked or otherwise uncertain it should proceed can be useful.

Politicians use delay tactics all the time. Typically it is by asking for more information.

Tabling the project can also be used by the officials to see if the opposition to the project is serious. How many protestors will show up for a second hearing? If few show up the next hearing, they take that as consent.

Issues to object about

The officials will not be able to really understand that environmental pollution (fumes, noise, vibration, wireless radiation, strobe lights, etc.) can really drive you out of your home and that finding another safe home is difficult. By all means, tell them about it, but don’t solely rely on that.

You need to give them issues they can comprehend, especially when the project is exempt from health effects (see later). Some issues to bring up:

- Loss of property value
- Ugliness (height, appearance)
- Increased traffic
- Smells
- Noise

- Flood lights
- Flashing lights

There is a concept of homeowners having a right to “quietly enjoy their own property.”

Property values are big in America. You can make a case that the project will make the neighborhood unattractive to move to, so the existing owners see the value of their homes go down. That is often much more important than health issues, in the eyes of elected officials.

Consider making the point that a non-toxic house cost more to build than a regular one, and if you are forced to move out you may not be able to sell it to someone with MCS. Regular people won't pay the premium price of a non-toxic house.

Preparing for the hearing

It can be helpful to have a meeting of the protesters before each hearing. Here you can discuss what people will be saying, though be careful to make it clear that people can say what they like. Some coordination can prevent that people all say the same things. It can work well if each speaker focuses on just one or two points. Important points should be mentioned by multiple people, to make sure they really “sink in.”

People who are not used to speaking publicly may need reassurance. Simply meeting and discussing the hearing can help these people.

Consider handing out a one-page list of talking points people can choose from if they like.

Monitor their website

It is only for the first hearing there will be a public notification. For all further hearings, you will have to find out yourself by monitoring their website for upcoming meeting agendas. They will likely be posted a week or two before a hearing.

The hearings are usually on a fixed schedule, say every other Tuesday at 6 pm. Knowing the schedule makes it easier to monitor the website.

The planning & zoning agenda will be listed separately from the elected officials' agenda.

Working behind the scenes

The developer may work behind the scenes to promote the project, you should do similar.

The way to do that is to get a meeting with the planning & zoning staff. Staff, not the officials on the board, who are typically only there during board meetings and would resent people contacting them.

Try to meet with the planning & zoning staff as soon as possible; even before the first hearing if you can.

The object of this meeting is to get details about the project, as the official notification will be extremely brief. The staff may show you drawings and other materials, which really should be made public. You will be better informed and thus better able to raise questions of all sorts.

Specifically ask the staffer to list all the ways the project does NOT conform to current zoning, i.e. the reasons why a zoning change or variance is needed. Those are all things you can use to challenge the project. The purpose of zoning is to protect the neighbors, and this project is asking for an exemption.

The second purpose of this meeting is to create an informal connection that can be helpful in many ways. Make sure they understand why you oppose the project. Unless you hire a lawyer, a cordial relationship with the staff may be your most important tool.

The staff is not political, their job is to be neutral and inform the officials. But if they have sympathies for the little guy, they can help in small and informal ways. They can raise questions, and they can provide informal communication with the developer.

Remember, the developer is likely to do the very same thing.

If you manage to get the project tabled, and you have new questions, you can ask for another meeting with the planning & zoning staff. Just don't take too much of their time.

Through these informal contacts you may get the developer to do some concessions, i.e. changes to the project to make it less terrible.

Talking to the elected official

Once the project passed the zoning board, you can try to get a meeting with your elected official. Focus on the one elected from your voting district, as the other officials will likely take their cues from the official in whose district the project is located. But if you can meet any of the others, that can help too. If you get no response, try again, that shows you are serious.

The purpose here is to brief the official ahead of the public hearing to seed the ground. You will get much more time than at the formal hearing, where you may only get three minutes. Here you may get up to an hour, especially if you schedule the appointment.

Again, the developer may be doing the same unofficial contacting.

Concessions

You can ask the developer for concessions. You can still oppose the project, while at the same time talk concessions. You can do this through the staff, or you can ask at a hearing, but you'll be pressed for time at a hearing and they can more easily ignore you there. Remember, the hearing is not really a dialog.

There are many types of concessions, depending on the project. If it is a tower of sorts, you may ask it to be further away from the property line (or in another location).

If it is a tall tower, it will be equipped with an aircraft warning light. Developers like to put obnoxious white strobe lights there. You'll probably like the soft-blinking red lights a lot better.

Other concessions you could ask for are to reduce noise, such as by erecting a noise wall, or change the location of generators, air conditioners, etc.

If there will be outdoor lighting, you could ask for lights that won't be a glare nuisance.

Do not wait asking for concessions. Once the project is approved, the developer has no reason at all to do these things. They do not make changes voluntarily. Verbal promises are meaningless.

A common tactic is that the developer says it is not possible to make any concessions, as they have already signed contracts with the contractors. They do

this even before they have the building permit as an intimidation tactic. It really is to their peril that they prematurely sign any contracts, it is not your problem they did. Contracts can be cancelled, changed, and renegotiated. Changes are so common in construction. Besides, they may be lying.

Talking at the hearing

The officials can look so powerful and important as they sit up there on the dais. Don't let them intimidate you. They are just ordinary people who like that job.

In a rural county, their credentials can be very unimpressive. The people I've seen included cattle ranchers, a goat rancher, and several realtors.

One of the elected officials was clearly aware that the protestors were highly educated. He made a point to say how proud he was that he did NOT go to college and how overrated he thought college was.

The goat rancher once told a very longwinded story about his goats. The only point was that the goats didn't mind grazing next to wind turbines, therefore wind turbines couldn't be a problem for the next-door neighbors either.

When you speak to them, be friendly and deferential (they do hold power), but not fawning. Use normal words, don't try to dazzle them with your understanding of physics or whatever. People in power do not like to be reminded of their shortcomings.

They will understand concepts like setback distances, but anything more technical (such as noise decibels) they are unlikely to understand. If people don't understand what you say, they will assume it is of no importance.

What you say is important, but equally important is how you present it. Their decisions are political, any science and kindness is strictly optional.

Look presentable and act friendly, this is a salesjob, a political salesjob, it is not a lecture hall.

Pictures and maps are helpful. Make them large enough so they can see them from their seats. Check if there is some sort of stand for this, if not bring one yourself or ask a friend to hold it for you. Or make copies to hand them (you'll likely have to give them to a clerk, do NOT try to hand them directly).

We have a detailed article about how to speak publicly, it is available through the link at the bottom.

Handouts

You may want to put together a package of materials to hand to each official. Giving people something physical to browse through makes it more likely they'll actually read some of it. If you submit it electronically, it may just be a staffer who looks at it.

Be brief, they are not likely to read a lengthy statement. If you provide scientific articles, they can be longer, especially if they have an abstract or summary at the front. They may not read a scientific report, but just the fact they see there is one may help.

Don't give them a big stack. They will not look at anything at all then.

Short memory

If you get a second hearing, you basically have to repeat all your main arguments. A lot of other things will have passed the official's desks between the hearings, so they will have forgotten a lot, especially things they do not really comprehend.

What NOT to do

Never accuse them of taking bribes. That will not endear you to them, even if it is true. Lots of shady things happen in American politics, they just don't call it bribes, even though money is involved. They make their own rules, and there are all sorts of creative ways to grease the wheels. But don't talk about it.

Also, never threaten anyone. That includes threaten with sabotage of the installed project. Don't even allude to it, however tempting it can be. If something does happen, you know who the police will visit first. And, again, it doesn't endear you to those who hold the power.

Show of strength

Politicians respect strength. If it is just you showing up alone at a hearing, you are not getting much traction. If you show up with ten people, they will pay much more attention. The more people who show up, the more seriously they will listen.

You must actively recruit people to come, by any means you can. You need to show up in force at every hearing. If you don't, they'll assume the issue has cooled, that people are no longer committed, and they'll act accordingly.

Boots on the ground counts. It shows people are upset enough to drive there and spend hours of their time sitting on a bench.

Politicians know very well that it takes very little effort, very little commitment, to sign a petition. Petitions are worthless, unless you can muster a very large number of signatures.

Personal letters are better, but not by much. They'll be read by one staffer who will just report how many letters they got. That's all. Make the letters brief.

Again, warm bodies in the chamber is what counts. I was once talking to some staffers when a politician entered. All he wanted to know was how many people showed up.

A day or two before each hearing, you should call each person who may come to remind them. People forget, people's interest wanes, a personal phone call can make the difference.

If the developer attacks your credibility

The developer may trot out some "expert" who states there are no health problems. "Experts" with fancy credentials are available to be flown anywhere needed, but they are costly, so a developer may only do that for higher-stakes hearings, such as when making rules and ordinances.

The "expert" will be allowed to speak at length, while you won't. At least the "expert" will likely speak before the public speaks. But you won't know in advance of this, so it is difficult to rebut.

Consider having one person with internet access designated to handle such an eventuality. Do a search on the "expert's" name to look for conflicts of interest, any prior such presentations, and what their current and prior affiliations are.

Be aware that many supposedly "independent" research institutes are dependent on industry funding, such as the Monell Center and the Electric Power Research Institute in the United States.

You may be able to paint the "expert" as a hired gun.

You may also point out the overwhelming evidence that scientific studies paid for by special interests tend to say what they want it to say. The tobacco and pharmaceutical industries are especially prone, and there are four studies showing it for the telecom and electric power industries.

Alerting the neighbors

It can be helpful to alert your neighbors to get as many to show up at the hearing as possible. But you probably do not have much time.

Put together a one-page flyer that briefly explains the project and why people should care. Include the information about the upcoming hearing with the suggestion that they show up to let their voices be heard.

A picture of a similar project can be helpful. Some people even made a composite image showing how the project will look when built.

Rapidly distribute the flyer, such as by:

- Sticking it in people's front doors
- Posting laminated flyers on sticks in visible places
- Posting on community bulletin boards
- Handing it to drivers stopping at intersections
- Handing them out at flea markets
- Handing out in front of post office or grocery store

In America, it is illegal stuffing flyers in mailboxes, or even taping one to the front of your own mailbox.

Issues that may appeal to non-EI neighbors include

- Lower property values
- Noise
- Smells or dust
- Increased traffic
- Use of ground water

The issues will depend on the project and where it is located. Water usage is a big problem in the American West. Property values are important too.

Get organized

Your fight against the developer will be more effective if you create some sort of organization. The officials will pay more attention to a spokesperson for an organization than to a collection of individuals. An organization is also helpful to motivate people to stay in the fight, and to remind them to show up for each of the hearings. Without an organization, people are more likely to give up and drop out.

It doesn't need to be anything fancy at all. An ad-hoc organization is quite sufficient in most cases. It will only exist as long as needed for fighting the developer. It is probably not necessary to set up a formal organization with by-laws, officers, etc.

Call a meeting of people as soon as possible, preferably before the first hearing. Discuss the issue and make sure everybody is heard. It will then be clear who will be the more active people and who will prefer to be more passive supporters.

The more active people (sometimes just one person) can then agree on who does the tasks, such as monitoring the agenda websites, calling the supporters before each hearing, etc.

Be openminded about who may be your allies. People who look at the world very differently may join in the fight.

One group I was not involved with was fighting a feedlot for cattle. To their surprise, a pig farm fought it too, fearing airborne diseases infecting their pigs. They had a lot more political pull, so the feedlot project died.

Since environmental illnesses are controversial, it can support your legitimacy if you can get regular healthy people to show up at the hearings. That can be family, friends, doctors, clergy, neighbors. If you are just a few people who are affected, bringing in such supporters can really help.

Hiring an attorney

If you hire an attorney, that really shows your commitment to win. The officials will show you a lot more respect. It is like a poker game. They don't know if you are also willing to take them to court.

An attorney is really mostly a skilled negotiator rather than their image of throwing lawsuits in all directions. But the fact they can do lawsuits does get people's attention.

They may allow the lawyer more time to talk than they will you. They may even ask the lawyer questions. The lawyer will get a lot more respect from them.

A good lawyer may be able to negotiate concessions you won't be able to get on your own. It may even scare the developer enough to cancel the project, rather than fighting in court (but don't bet on it).

The downside is the cost. In the United States you're looking at something like \$5,000 to \$10,000 for the attorney to be briefed by you on the issue, some legal research and then sit through a few hearings. I've done it once, it didn't change the outcome, but it was worth a lot to see how the tone of the politicians changed once he took the podium!

You can save a lot of money if the lawyer just sends a letter with legal arguments against the project. It helps, but not as much as a lawyer there in person. The other side will know you can't afford a lawsuit.

A lawyer should not charge anything for an initial consultation. You may learn a lot from just that.

You'd want a lawyer who does this kind of work. To find one, look for a referral service, or call some local law office and ask for a suggestion.

If you can't find a lawyer with expertise in your state, you could hire one in another state to help. But it will be more limited as they may not be licenced in your state. It is possible to have a local attorney who is briefed by the out-of-state attorney.

Reports from the developer

If the developer presents any sort of report, scrutinise it very carefully. It is very likely that the developer paid for that report, and there are firms specializing in making reports for these purposes.

These firms are supposedly "independent," but they are not. If they do not consistently produce reports that please the industry sector they serve, then they will get no business. If you need convincing, read the book *Doubt is their product* by David Michaels.

The report will probably not directly lie, but it will likely be selective in what it says.

I have personally seen one report that stated there would be no impact on a household located just 500 feet (175 meters) from a giant wind turbine. Another such report stated that insomnia caused by noise was not a health effect. And one that stated a new cell tower was necessary at that location because there was a coverage gap, but it very conveniently *forgot* that two new towers had already been approved a few miles away. All the towers were for the same cell phone carrier, and one upcoming tower would be on a hill with direct line-of-sight to the claimed gap. Our own testing found cell phones worked just fine there already.

The officials are unlikely to actually read these reports. Instead, they will probably simply defer to “the professionals.” Officials are also unlikely to comprehend there is such science-for-hire. After all, most politicians think that somehow the gifts they get from developers do not influence their decisions.

It is your job to educate the officials about the deceptions in these reports, and hopefully convince them to discount such tainted evidence.

The developer is aware of this and may try to prevent you from seeing the report in advance.

If you can’t see the report before a hearing, you can try to demand they table the issue to give you time to scrutinize the report. If they do not respect your opinion (very common) they probably won’t agree. (A lawyer is better for such a request.)

Much better is to work the system so you see the report in advance. The officials’ staff will probably see it beforehand. You can try to ask them to forward you a copy. Or ask whoever receives such materials (typically a secretary). If you know the elected officials have asked the developer for some sort of report, then get to work on finding out how you can get a copy. Do not assume it will be posted on their website (some places do, some don’t).

You may have to file a Freedom Of Information Act (FOIA) request.

Once you have the report, try to make a written response and submit it before the next hearing. That is better than just criticizing it from the podium – you should do both.

The local press

Local politicians are likely to read the local press to keep up on what people are thinking (especially about them). It could be helpful if there is a sympathetic article about your issue.

Before you talk to a journalist, check whether this particular media treats all people with respect or not. Small local papers usually do. In America, larger media often focus on controversies and tend not to be sympathetic towards people with environmental illnesses. Unsympathetic coverage can give your elected officials license to ignore you.

We have a detailed article about talking to the media, it is available through the link at the bottom.

Special issues for the environmentally disabled

It can be tough for people with chemical or electrical sensitivities to show up for a hearing. And the officials will not understand that at all, so you do not get extra credit for effort.

They will not understand your disability. Remember, most doctors don't understand it either. So it is hard for them to comprehend what the proposed project will do to you, since it is so far outside their own experience. Regular folks don't even understand much what it means to live with the more obvious and accepted disabilities.

Many people think disabled people are mostly wimps who complain too much and are looking for free handouts. Some think that a disability is a personal failing that should not involve other people. They may even deeply resent what they see as "special treatment," such as wheelchair ramps and accessible bathrooms. (Never mind that rich people get special treatments all the time, including developers who routinely ask for exemptions from laws that apply to everybody else.)

When the Americans with Disabilities Act passed Congress in 1990, a lot of the lawmakers had war veterans in wheelchairs in mind.

Don't get surprised if the officials essentially ignore what you say regarding any disability.

For one project, we wanted red warning lights instead of the white strobe lights that can induce seizures. We got no traction on that, until a new tower was erected close to the County building. It had the strobe lights on. Then the officials understood, as they didn't like them either.

Accommodating the environmentally ill

They are supposed to accommodate people with all disabilities, so you can appear at the hearing in person, but that usually does not go very far.

You can try to be patched in remotely through a telephone or video link. They may or may not agree to that, if they are not used to doing so. Even if they do, you will be at a big disadvantage both in terms of presenting your case and in sensing the mood of the room. Personal appearance is much more effective.

If you do it by video, make sure you look presentable on the screen, and that the background also looks okay.

If you go in person, you can try to stay out in the hallway, and listen through the open door (prop it open with a chair). If someone objects, state there is a disability issue and you can't be inside.

You can also wait outside the building and have someone get you when it is your turn to speak.

In one case we talked to the secretary who agreed to let the disabled person be the first speaker, and to give a two-minute warning time to get into the building. That way he could walk right into the room, up to the podium, and then right back out again. It worked very well.

Wear a respirator if you need to, but take it off when you speak. You're only allowed to speak for a few minutes and the adrenaline will carry you through. Make sure you are well fed, it helps too.

One person who was too sick to go paid a handyman to go and read up a letter he wrote.

We have used all the above methods, and they worked reasonably well.

Exemptions

Developers love to be exempt from regulations, so they do not have to adhere to laws that apply to everyone else.

As of this writing, developers of Bitcoin (blockchain) data centers are underway to be exempt from the already very lenient noise laws in Texas. The cooling systems

for the operations can be very loud, driving the unfortunate neighbors from their homes. Less-noisy cooling systems are available, but they cost more.

An example of existing laws in Arizona and Texas is that pig farms and other smelly operations may not be a nuisance to the neighbors. But only a state inspector can determine there is a smell, and the inspector must give 24 hours notice before taking a sniff, even outside the fence. In practice, that means there is no recourse against the polluter, and the pig farms can be smelled many miles away.

There are other exemptions protecting pig farms and mining operations in various states.

The federal Telecommunications Act of 1996 section 704 forbids any jurisdiction to reject or hinder the erection of a transmission tower based on the health effects from the radiation. This is a federal law, so it covers all parts of the United States. It has caused trouble in several places.

If you are opposing a project covered by an exemption law, you need to understand it ties the hands of the local officials. No matter what evidence you present, they cannot act on it.

The way around the exemptions is to object on other grounds, such as its height, its ugliness (spoiled view), traffic it may generate, and other nuisances. If it is close to a landmark building, that can be used to challenge the project. The project may impact the property values (MUCH more important than people's health!). Be creative.

You still want to tell the officials about the health effects. Even though they can't officially base their decisions on that, it can still help them be more sympathetic towards your other complaints. Trial lawyers use this tactic with juries.

It's a lot of work

It is a lot of unpaid work to defend your home. It is work for the developer too, the difference is that it is paid very well and that is a great motivator too.

If you want to win, you need to go in with the attitude that you'll do what it takes, even though it can seem overwhelming.

Appendix: developer shenanigans

Developers can use a variety of shenanigans to further their aims. These examples are from projects I was directly or indirectly involved in.

It takes time to get an effective protest organized. The developers know this, so they try to keep the affected people in the dark as long as possible.

One developer bought a large tract of land that was zoned for residences. He was a major political donor and had no problem getting it rezoned for a shopping mall. The law stipulated that the neighbors must be notified of a pending zoning change, but he simply “forgot” to do that. We the neighbors first found out about it when ten bulldozers showed up one morning. By the time a judge heard the complaint, the walls of the buildings were already partway up. The judge refused to stop the project or exact any penalty. All that came out of it was the developer had to erect a noise wall and refrain from installing floodlights pointing at the next-door apartment buildings.

In another case, the developer did send out the letters, but they arrived just three days before the hearing at the planning & zoning commission. At the hearing the chairperson stated their rule on notifying the neighbors didn’t specify how far in advance they had to be sent, so our request to reschedule the hearing was rejected.

In yet another case, it was required that developers hold open meetings before they even apply for a permit. The developer stationed an agent next to a row of rural mailboxes close to the future project site. The agent stayed there for two hours, chatting with anyone who happened to come by. There were no signs and no notices in local media. That was their “public meeting.”

In response to our complaints that a windfarm next door would be detrimental to us from the noise and vibrations (infrasound), the developer invited the elected officials to a one-day seminar in a town a hundred miles away. Here they were dined in style while flown-in experts assured them there were no problems. Our side did not get this level of attention. When we hired a noise expert, he was only allowed to talk to the staff, not any elected official.

The same developer also produced a report written by a group of physicians (hired by them) that stated insomnia induced by noise is not a health concern.

When the planning & zoning staff supported our complaints of not being heard, they asked the developer to organize a public forum. The developer then set up a hall with booths where the public could talk to the developer’s employees. It did not allow for a public discourse where people could hear each other.

The developer noticed that the audience at each hearing was thoroughly against them. No one in the audience took their side. To counter that, they tried to pack the room with their own employees, which they brought in by bus (it might have worked if it wasn't so obvious when their chartered bus arrived).

One of the officials visited a farmer in another state who had a windfarm on his property. The trip was apparently arranged by the developer. Predictably, the farmer said he had no problems with the turbines and was happy for the money he was paid for having them on his property. No need to visit anyone who did not volunteer to live next to a wind turbine.

Another windfarm developer (not a professional) didn't think the County should regulate him, so he erected a 190 foot (60 meter) meteorological tower without asking for a permit. The tower measured wind speeds. When the neighbors complained the County issued him a permit after the fact, and no penalty for breaking the law.

In the same county, a man opened a bar in a residential neighborhood, without a permit. When the neighbors complained about the noise and traffic at night, the county "solved" the problem by issuing the man a zoning variance that made the bar legal. Again, no penalty.

About the author

I have been involved in opposing five different projects, and an observer of another one. Two projects involved multiple developers and the battles both lasted more than a year. We were able to kill two projects, two were built with concessions, while two projects faltered for other reasons.

More information

More articles about activism in service of the environmental illness community on www.eiwellspring.org/activist.html.