

**APPROVED**  
**Town of Fitzwilliam**  
**Planning Board Meeting**  
**June 16, 2015**

**Members Present:** Terry Silverman, Suzanne Gray, Carlotta Pini and Nancy Carney, Selectman's representative.

**Others present:** Mr. and Mrs. Pinney, Robert Ford, Susan Silverman, Eversource representatives Laura Games, Lisa Kavarnos, Tracey Tarr, and Joe Druin

**Call to Order:** 7:05 PM

**7:00 PM Public hearing. Eversource (PSNH)** application for a conditional use permit for proposed impacts within the Wetlands Protection Overlay District, Fitzwilliam ordinance Section 127-16.1, D.4., to develop a corridor for Q166 transmission lines and install new poles in wetlands; and application for a site plan review of this corridor and existing substation.

Silverman opened the hearing, noting that the submitted site plan review application did not address the noise issue being addressed by Eversource at this time. Silverman read remarks made by the PSNH/Ambient engineer Mr. Frazer at the April 17, 2007 Planning Board meeting considering the site plan review for the substation. He quoted: "Gray asked about noise and Mr. Frazer said there will be some hum caused by the corona affect and some buzz associated with the transformers, but none of it will reach above normal background noise, except possibly at night when Route 12 traffic noise is at a minimum." Silverman said this is the reason for the Board's continuing interest in the noise issue and it will continue to be addressed by the Board.

Tracey Tarr, GZA wetlands scientist, reviewed the impacts of choosing Option 3 for the new Q166 line: 412 sf of wetlands impact, less than the other options; significantly less tree clearing needed; the tall poles will no longer be used because the line is double circuited; of the 19 poles to be used, 4 are in the WPOD buffer, 6 are in the wetlands, and 9 are outside both the buffer and wetlands; and a complete landscaping plan is included.

Lisa Kavarnos addressed the sound issues, noting that sound equipment was set up on the Pinney property, but the ISO scheduled outage had been changed and there were electrical glitches at the Pinney residence that precluded having ambient data and a timely report for the Board. The equipment is still installed at the Pinney residence and will yield data until June 26<sup>th</sup>. Eversource is meeting with the Selectmen on July 6<sup>th</sup> to report on progress regarding sound mitigation.

Gray reported that she had visited the Pinney property on a humid day this month and could hear the transformer noise clearly. Mr. Pinney noted that yesterday, the 15<sup>th</sup>, was more humid and the noise was even louder. Mr. Pinney said a friend of his who works at the substation was surprised at how loud the noise was, and he has a hearing impairment.

Ms. Kavarnos said she could not hear it today but if the equipment records the noise at more than 20 decibels they will do more remediation. She added that this was the level agreed on by the Board of Selectmen. Both Carney and Susan Silverman said the Board had never agreed on a decibel level. Silverman said there are minutes of several meetings with John Norton and Chris

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Howell regarding the noise issue and she will check those minutes. They agreed Chris had said that if it was at 20 decibels at the substation then neighbors couldn't hear it.

Mr. Ford said that they just want to be able to sleep at night with the windows open in the summer. He said he's been listening carefully and feels the level has been reduced some but at 2:30 today he could hear it over the Route 12 traffic noise, saying he shouldn't have to hear anything, but he can hear it over traffic noise and he can hear it at night. Mr. Pinney said that yesterday, the 15<sup>th</sup>, it was very windy with rain and traffic and he could still hear the humming.

Pini added, for the folks who do not live in Fitzwilliam, residents live here for the peace of the place, to hear the peepers and roosters and that to have the expectation of quiet is perfectly valid. Mr. Ford added that when he moved to Fitzwilliam, Route 12 was already there and they thought long and hard about whether they could live with the traffic noise. They decided they could, but this situation is different in that the substation required a use variance, which he said the town was enticed to grant, and the noise is fixable. Silverman said the substation changed the character of the neighborhood. He read from the March 20, 2007 Board minutes, quoting: "Silverman asked how much of the logging remains to be done. Mr. Frazer said the logging was complete but clearing still remains to be done. He plans to leave a vegetative buffer along the boundary near Route 12 and around the remaining boundaries to hide the substation from view."

Tracy Tarr said the applicant agrees and to that end, she suggested the Board include specific conditions regarding the mitigation of sound and vegetative buffer in any notice of decision.

Silverman asked about a possible encroachment near the Troy border. Ms. Tarr said this was within the National Grid right of way, adding that Eversource cannot cut in that area, but the line needs to cross over the ROW. She said the total area to be cleared is about 6,000 SF.

Silverman said he would like to minimize cutting on the Route 12 side. An abutter in that area has expressed concern about the cutting exposing his property to the north winds. Silverman added that the crossover was unexpected. Ms. Tarr said Eversource has no flexibility to go above because it is National Grid ROW.

Gray said she had walked the area in the landscape plan and found it to be very wet. She walked from the Troy side at the Fitzwilliam Welcome sign down the old Route 12, which is visible but difficult to walk with wetlands on either side, even before the recent rains. The existing vegetation is swamp vegetation like cattails and she wondered what the survival expectation is for the trees chosen for the plantings. Ms. Tarr said LandWorks chose trees that will survive with wet feet, like swamp oaks, red maple and larch. Red maple is what is there now and what makes the area so attractive in the fall.

Blais, who was unable to attend tonight's meeting, sent the following email to the Board: "I'm unable to attend tonight's meeting. Here are my thoughts on the planting plan: I took a look at the area PSNH/Eversource plans to plant in along the old Route 12 and observed standing

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water along almost the entire corridor where the proposed tree plantings would be. I don't see how the proposed plantings would survive the excessive moisture in the area. I understand that some of the trees were chosen because their habitat includes moist soil but I would suggest this area may too wet even for the proposed trees. I would further suggest that the Planning Board ask for a soil survey or a wetlands review by an independent agency chosen by the PB. The study would include appropriate vegetation for the area. Finally, the PB needs to hear a plan for planting and upkeep of proposed plantings other than placing the onus on the Selectmen's Board.” Robin Peard Blais

Mr. Pinney said we all know how fast reforestation is, and he wondered why the existing swamp maples haven't taken over if they can survive there. He asked Ms. Tarr if she had walked this area proposed for the plantings. She told the Board that she has a lot of experience in the area and has seen the wetlands, adding that the Board asked the applicant to prepare a planting plan for that location, which they did. Pini felt that they might want to seek an opinion of a forester to see if it is realistic to expect survival in that location. Gray expressed concern that the plan may fail. Ms. Kavarnos said that LandWorks did the research and decided that red maples, larch and swamp oak are best for this site.

Ms. Tarr suggested that a condition of approval might include a requirement that the applicant will maintain a proper visual vegetative buffer in that area. Silverman said he had a problem with a 3-year limit on monitoring or maintenance, adding that Eversource needs to continue monitoring and maintenance, since there is no entity in Fitzwilliam that can do it.

Ms. Kavarnos said LandWorks will monitor the planting for 3 years, and the nursery will replace any plants that did not survive after one year. She added that upper management would only agree to two years, but Eversource had one case of a three year monitoring and that was used to develop the Fitzwilliam plan limits.

Silverman suggested a condition that the area remain as a vegetated buffer at the height, density and type anticipated in the landscaping plan to reduce visual impacts. He said if climate change has an impact on these visual barriers, Eversource has to shield these plantings as was promised in the 2007 site plan review. He said the viewshed and substation screening should look like the plan into the future.

Mr. Pinney questioned the wisdom of planting in the water, saying the root structure can't develop in the water. He further wondered if matting would be used to protect the wetlands during the planting operation. Ms. Tarr noted that beaver activity changes the landscape and water levels all the time.

Mr. Ford said he had no issues with the planting but said that if there is a catastrophic event after ten years, Eversource should come back and fix it. There should be a buffer in perpetuity, barring war or terrorist event. He added that successors on this property should be bound by the conditions placed on the property.

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Gray feels that the Board are stewards for the Town and they want to preserve this town into the future, for the people who want to live here to enjoy this rural place. She added that the substation goes against the grain here in rural Fitzwilliam.

Silverman noted the low growth area around the substation itself. Gray felt this was an area where plantings would “take.” Ms. Tarr said the plan is the same as presented at the last meeting. The plan is for stabilization and blending in with existing vegetation. There are low growing plants to prevent interference with the power lines. Ms. Kavarnos said the plantings are dense to accommodate any die-off. Mr. Pinney said that if a whole section dies-off, the Town would expect it to be replaced. He added that this is poor soil, which Ms. Kavarnos said would be amended.

Silverman raised the issue of lighting around the substation, citing the April 17, 2007 Board minutes, which stated, “If work needs to be completed at night, portable lights will be brought in. The lights will be up high and shielded, aiming at the ground. Illumination should not go above one candlepower at the fence line.” He noted that the Town has a night skies ordinance. He said Eversource must take this ordinance into consideration as it further develops the mitigation plan. Carney requested that Eversource notify the Town when it plans night work so the Town can notify police and fire and the public ahead of time, using the Town Website.

Mr. Ford said he would appreciate the same approach to the sound issue as for the visual impact issues. Pini said compliance comes down to enforcement, and wondered if an annual inspection could be mandated.

Mr. Pinney and Ms. Kavarnos had a discussion about circuit breakers and planning for future projects. Ms. Kavarnos said that work had been completed in 2013 and was reported in the 2013 ISO report.

Hearing no further discussion, Silverman moved, Gray seconded and the Board voted to continue the public hearing for Eversource to Tuesday, July 21, 2015.

**8:00 PM Public hearing. Mulcahey Land and Timber, LLC** application for modification of an approved subdivision located on West Lake Road to restore the original boundary lines. The subdivision was approved indicating two small parcels on Map 11, Lot 5-4 which were to be exchanged. The modification is to remove the proposed parcels from the plan since the exchange did not occur.

The hearing began at 8:15 PM. Attorney Sam Bradley represented Mulcahey Land and Timber, LLC. He said the proposed exchange of parcels did not occur and because it is on a registered subdivision, and one of the parcels has a mortgage on it, the Mulcahey’s can’t sell lots. He asked the Board to please reverse the decision and restore the original subdivision so the lots can be offered for sale.

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The Board agreed this modification is appropriate and will research the legal way to do it.

Carney asked the Board for a volunteer to serve with Susan Silverman and Rick Brackett on an Ad Hoc Committee to steer the prime wetlands study voted on at Town Meeting. Pini nominated Robin Blais and Gray seconded the nomination. Silverman abstained. Staff will notify Blais.

Carney brought an issue to the Board's attention regarding property that belongs to the Town but property taxes on the lot have been paid by an abutter for years. The Conservation Commission had the property surveyed to put into conservancy abutting the Katie Metzger Town Forest and the issue was discovered. The town wants guidance on how to resolve this issue. They feel a boundary line adjustment is appropriate to correct the issue. Staff will research the legalities.

There was some discussion about the accessory dwelling ordinance, including the square footage allowed and the type of accessory building in which the dwelling is proposed to be located. Board members reviewed the ordinance and agreed that the combined square footage of the first and second floors of the accessory dwelling cannot exceed 800sf per town ordinance. They further agreed that this accessory dwelling can be located in the proposed new garage.

**Minutes.** The Board reviewed the June 2, 2015 meeting minutes. Gray moved, Pini seconded and the Board approved the minutes as written.

The meeting was adjourned at 8:50 PM.