

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 6, 2015

Members Present: Terry Silverman, Robin Blais, Suzanne Gray, Mac Landy, Tom Parker, Carlotta Pini and Nancy Carney, Selectmen's Rep.

Others present: Members of the public.

Call to Order: 7:05 PM

7:00 PM Public hearing continued. PSNH application for a conditional use permit to develop a new transmission corridor and install new poles in wetlands.

The PSNH presentation included Tracy Tarr, GZA Engineering, Lisa Kavarnos, PSNH Project Manager, Joe Drewen, Overhead Transmission Line engineer with Power Engineers, Laura Games, PSNH Permitting Specialist, Laurel Boivin, PSNH Community and Public Relations, and David Raphael, LandWorks in Vermont, prepared the Landscape and Aesthetics Review and Analysis presentation.

PSNH brought three options for line placement for the Board to consider, describing option 2 as one they consider win-win, meeting goals of both parties.

Mr. Drewen's presentation reviewed the three options with graphics of how the corridor will look in the three different scenarios.

Option one is the original plan with the Q166 line centered in the new corridor, 50 feet from the edge of the new ROW.

Option 2 - the Q166 line is offset 100 feet to the edge of the new ROW. In this option, the Q166 line would be the farthest from Route 12.

Option three - relocates the Q166 line east into an existing ROW with the 379 transmission line and is double circuited with it. This option they described as not really viable since double circuiting does not provide the reliability called for in the ISO-NE 10-year plan.

David Raphael, a former professor at Middlebury College and principal in LandWorks in VT, was hired by PSNH to conduct a visual and aesthetic review and analysis of the landscape environment in which the project is proposed. His PowerPoint presentation showed the visual impact of the three options and the analysis included the impact of the options on the community's sensibilities.

LandWorks and PSNH looked at ways to mitigate impacts. Mr. Raphael described the goal to fit in the environment rather than fight it. Factors include effects on abutters, the importance of the site visually, public vantage points and sensitive resources impacted. They examined views from the top of Gap Mountain and NH Route 12, which they noted is not designated a scenic road by the state. They noted the duration of the view traveling north on Route 12 is between 5 and 9 seconds, traveling the speed limit. Additional plantings were suggested as a means of mitigating the perception of lines and poles. They said the substation itself is generally out of view from the road, but additional plantings could be added for the driveway. Mr. Rafael said even modest plantings can soften visual impact. He added the weathered poles PSNH uses also diminish the visual impact.

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 6, 2015

Mr. Raphael pointed out that Route 12 has industrial/commercial land uses along its length and the visibility of the poles/line/substation is limited and of short duration. He added that there is a historical precedent for this particular use of the site.

The presentation included visuals of the existing PSNH and National Grid power lines and poles and a simulation of the new proposed Q166 lines, adding that poles and lines are an everyday occurrence in our visual landscape. It was mentioned that the proposed work would create additional habitat and wildlife corridors.

Pini asked about the height of the 379 poles in option 3. She added that this is where “Fall” happens in Fitzwilliam and she does not want to see maple trees disappear from the site.

Ms. Tarr described option 1 as having a 436 square foot impact on the buffer; option 2 as having a 356 square foot impact because tree clearing will be reduced as will wetland impacts; Ms. Kavarnos said option 3 does not maintain reliability and since the Board asked to see this option they included it, but it goes against the goals of the project.

Silverman asked about reliability – does this mean lightning strikes or trees falling. Mr. Drewen described a situation where shorter trees (50 or 60 feet tall) could fall and disrupt service, adding that power lines are above that height, but the conductor is at that height. Mr. Rafael said ice storms have a potential to disrupt service over the length of the lines.

Ms. Tarr noted that in option 3, the 379 towers are lower but the Q166 lines are higher than option 2. A member of the public asked if she understood correctly that if the poles are lower the cutting of trees increases and if the poles are higher, less tree cutting is necessary. PSNH responded that the width of the corridor is independent of the height of poles. Carney said regardless of tree cutting, when the poles are higher, there is more associated noise.

Silverman said that at the last meeting the issue of the proposed natural gas pipeline was raised and PSNH denied any knowledge of it. However, pipeline representatives describe the proposed route as being co-located in the PSNH and National Grid corridors. Silverman asked if PSNH has a 10 year build-out plan that includes the proposed pipeline. He said he would like to see a site plan review conducted that includes all future build-out plans, rather than this piecemeal approach, since the substation was a nonconforming use allowed by variance. Ms. Kavarnos noted that the substation property has room for expansion.

Pini said PSNH was before the town a few years ago for the substation and met with town resistance, describing it as hideous, she wanted to know what else is on the plan down the road.

A member of the public asked if PSNH reserves the right to lease space on their poles. Ms. Kavarnos replied no, PSNH does not allow any co-location, including cell antennas or any other utility.

Gray said she is interested in preserving view sheds and saving trees, which the PSNH new corridor proposal and the proposed pipeline corridor project will change the view shed further. She said she can see the PSNH substation facility, corridors and lines from her home on Upper Troy Road and from many other places in

APPROVED
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Planning Board Meeting
January 6, 2015

Fitzwilliam, not only from Route 12. She added that if the pipeline project comes through it changes the situation. Ms. Kavarnos responded that PSNH easements do not provide for co-location; Kinder Morgan would have to acquire their own easements.

Mr. Durmer, a resident, said the PSNH corridor project is now tied to the proposed Kinder Morgan pipeline project and he feels the town should not proceed until there is a better understanding of the pipeline project. He said the pipeline has added so many variables that to go ahead with the PSNH project is folly. Ms. Kavarnos said she only knows what is public knowledge and according to her research 2018 is the date of service for the pipeline. A member of the public suggested that PSNH join the town in stopping the pipeline.

Ms. Boivin noted that the easements PSNH has are with individual land owners and the pipeline will have to acquire their easements the same way. She said there is no agreement between the two companies vis a vis the Kinder Morgan claim to co-locate in the PSNH right of way. She described the energy industry as being “wide open.”

Dana Pinney, resident and abutter to the PSNH project, pointed out where the proposed PSNH corridor may run and where the proposed pipeline may run, noting that most of the trees on his land would be cleared for these two corridors, removing any sound buffer they provide. He asked questions about the effect on the pipeline of the electrical grounding grid under the substation.

Mr. Drewen said the distance electricity travel underground depends on the types of soil it runs through. Ledge resists electrical flow but wet sandy soil is less resistant. Without a soils and fault analysis it is hard to tell.

In response to a question about 10 year plans, Ms. Kavarnos said the PSNH plan is part of the current ISO-NE 10-year plan to increase reliability of the electrical grid, which is in its 5th year. She said they are just starting to look at the next stage.

Silverman asked about the impact on the power load of the closing of the Vernon VT nuclear power plant, Entergy (Vermont Yankee).

Ms. Hogan, a resident, said that if the pipeline and the PSNH corridors are adjacent the buffer will be further reduced. Ms. Tarr noted that option 2 reduces PSNH clearing, as the Planning Board requested.

Susan Silverman asked if the easements PSNH has are restricted to transmission lines, structures and maintenance; that nothing else is allowed in the easement.

Pini said she'd like to continue the public hearing and agreed that a site plan review (SPR) is necessary. Ms. Tarr asked if the site plan review was for the substation, because if so, there is an approved site plan that could be modified, or if the SPR is for the lines/corridor.

Pini asked if all abutters to the proposed new power line corridor were noticed – they were. Pini said that without a SPR the Board is limited to consideration of only wetland impacts. Pini moved, Blais seconded and the Board voted to proceed with a site plan review for options 2 and 3. Parker and Carney abstained.

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 6, 2015

PSNH responded that there is a 10 year plan, they have no control of over changes to that plan in the future. They can only show what is there and what they plan now.

PSNH noted they had applied for a waiver of site plan review and asked if the Board had decided to deny that request. Ms. Tarr noted that conditions could be placed on any permit issued. Ms. Tarr said PSNH has not received any response to the waiver request. Silverman said it was still under consideration. Ms. Boivin said that the site plan review request implies a ruling. There was some discussion about the clumsiness of the process. Silverman added that he wants to see what is there now and what will happen next.

Pini read the points made in the PSNH letter requesting the waiver. Ms. Tarr noted PSNH had come before the Board for a preliminary consultation in September 2014 and PSNH has responded to all requests made by the Board since then.

Pini moved, Gray seconded and the Board voted to deny the waiver request. (Parker and Carney abstained).

A member of the public asked if PSNH could go to the Board of Adjustment (ZBA) to appeal this ruling. The Planning Board has statutory authority to waive its own regulations. The ZBA is authorized to provide relief from burdensome zoning ordinances.

[The PowerPoint is available for the public to review – contact the land use office to make arrangements.]

7:30 PM Public hearing. To consider three proposed ordinances for 2015: amending the Blasting Ordinance, Chapter 110-5; amending the Livestock Ordinance, Chapter 127-8, adding new paragraph (f) Roosters; and a new General Noise Ordinance. (See hearing notice for full text.) Review a petitioned article entitled “Fowl Keeping Ordinance.”

Silverman opened the hearing with “Let’s talk roosters.” Mr. Chase began by wondering why the Board thinks the town needs a noise ordinance. Silverman said the Board is trying to get at industrial noise and has effectively tabled the general noise article proposed initially. Several people questioned why the noise article was in the Land Use article in the Fitzwilliam newsletter if it’s been tabled. Gray noted that articles are due to the newsletter by the 15th of the month and the last hearing was on the 16th of December. The article in the January issue refers to the proposed ordinances discussed and revised on the 16th.

Silverman returned to the rooster amendment proposed by the Planning Board. [This is not the same as the petitioned article.]

(f) Roosters. The keeping of roosters whether as part of a commercial agricultural use or a home-based agricultural use is permitted; however, in order to ensure that the right to peace and privacy of neighbors and abutters, roosters must be kept from dawn to dusk within a fully-enclosed structure designed to minimize noise.

A member of the public expressed her concern about the meaning of “enclosed structure designed to minimize noise.” She felt a definition was needed so the ordinance could be enforced. Mr. Thomas, a resident, noted that the enclosure he built is fully insulated with fiberglass and is fitted with light reducing shutters, but it apparently

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 6, 2015

is not enough to muffle the noise. He did not believe sound reduction could be accomplished without engineering assistance. Several other members of the public noted that roosters crow in the dark and at any time during the day or night. Landy noted that making it dark, does not change rooster behavior.

Pini moved, Blais seconded and the Board voted to remove the phrase “designed to minimize noise.” Blais moved, Landy seconded and the Board voted to recommend this article as revised. (Carney abstained)

Mr. LaValley, who drafted and submitted the petitioned article, stated that there is a need to compromise for all, noting that the police are not on duty at night for enforcement. He said his renters want a peaceful resolution to the problem. Mr. LaValley noted that the rooster noise has generated complaints from four areas in town, not just in the Village. He quoted Ordinance 127-8 F., the Livestock ordinance, and wondered why the Selectmen have not enforced it.

Mr. Chase quoted Ordinance 127-8 F.2., regarding the prior use of the property for agricultural operations.

Gray and Blais both commented on the many times the Board has dealt with the issue of livestock keeping. Pini felt that the motion on the floor and seconded, requiring a “fully enclosed structure” is sufficient. Blais called the question and the Board voted to remove the phrase “designed to minimize noise.” (Parker and Carney abstained)

A member of the public asked if the Board had decided whether or not to recommend the petitioned article. Silverman noted that Mr. LaValley was on his property before the neighborhood rooster, and commended Mr. LaValley for offering a solution to a problem he saw in town. Pini said it would be confusing if the Board were to recommend two different articles. Blais moved, Landy seconded and the Board voted to not recommend the petitioned article. (Carney abstained)

The Board reviewed two new options for a noise ordinance suggested by consultant Carol Ogilvie. The first would add the word noise to an existing ordinance, and the second would continue to develop a stand-alone noise ordinance. The Board selected option 1, which would add the word ‘noise’ to Article III. However, upon reading the proposed passage (actually in Article II, Section 127-13) the word noise is already there. Silverman said this will give the Board the support it needs to deal with industrial noise.

A. The Board reviewed new language to be added to the Blasting Ordinance, in addition to the proposed language already considered by the Board and vetted in a public hearing. The new language states, “*In no case shall any blasting be allowed to take place within any wetland so designated by the Town of Fitzwilliam Land Use Ordinances.*” To be added to Chapter 110, Blasting Ordinance, Section 110-4 as new paragraph B.

The following amendments were vetted at the previous public hearing and not changed; the Board has already voted to bring them forward to the warrant. *Section 110-5 “Blasting for agricultural purposes, such as clearing fields, are not exempt from the permitting process, except as described in § 110-4, A above; however, the Blasting Administrator may, after a site visit to the subject location, waive certain application requirements and standards, upon a determination that the purpose and intent of this ordinance can still be met.”* And §110-6 Application Form. A properly executed application form *available from the Selectmen’s Office* shall be submitted to and approved by the Blasting Administrator for all blasting permits, prior to commencement of any

APPROVED
Town of Fitzwilliam
Planning Board Meeting
January 6, 2015

blasting or detonation.

8:00 PM Preliminary consultation. Nathalie Pelletier to discuss opening a photo studio/gallery in the Fitzwilliam Green, LLC building extension, located at 52 NH Route 119 W, Map 32, Lot 38, Village Center Business District and Historic District.

Ms. Pelletier described her passion for photography and dream of opening a photo studio. She met David Green and together they discussed opening this studio in the extension to the Fitzwilliam Green, LLC building. There will be no dark room, just lighting and photography studio and a gallery to show her work and perhaps others' work. She will not need water or sewer facilities. Her hours will be by appointment only. She may plan open house events for photography. Ms. Pelletier plans to visit with the Economic Committee and may start a photography club.

She plans a sign on the front of the shop and may have a temporary sign or flag when she is open. She does not intend to have any lighting for the sign.

Updates. Silverman reported that DRED has approved an application to remove stone from a 5 acre parcel on Webb Hill without issuing a permit, since the proposed removal will be less than 2000 cubic yards of material. Silverman asked Mr. Carpenter at DRED if this was a one-time event or would continue. He is awaiting a response.

Silverman wondered if the Webb Hill project could be enjoined. Pini wondered if the media knows about this. Parker said people need to know that this is happening without any input from the town. Carney noted that by court order the town cannot obstruct individual rights. The Board discussed writing a letter regarding this situation to the State. Silverman said the Board was told it could have input for projects under 2000 cubic yards. He reminded the Board that DRED is part of the pipeline process too. There was limited discussion about the pipeline and steps to learn the intentions of the town's voters.

Minutes. The Board reviewed minutes of the December 16, 2014 meeting. Blais moved, Gray seconded and the minutes were approved as written. Carney and Parker abstained since they were absent from the meeting.

The Board adjourned at 10:00 PM.