

DRAFT
Town of Fitzwilliam
Planning Board Meeting
April 5, 2016

Members Present: Terry Silverman, Robin Blais, Paul Haynes, Matt Buonomano, Suzanne Gray, and Nancy Carney, Selectman's Representative.

Others Present: Eversource representatives: Chris Allwarden, Laurel Boivin, Joe Purington, Bonnie Kurylo, Lisa Kavarnos, LandWorks - Matthew Robinson, GZA - Tracy Tarr, Burns & McDonnell - Chris Howell.

Also present: Mr. and Mrs. Pinney, Bob Ford, Jason Reimers, attorney representing Mr. & Mrs. Pinney

Call to Order: 7:00 PM

7:00 PM Public Hearing (continued). Eversource (PSNH) application for a conditional use permit for proposed wetland impacts within the Wetlands Protection Overlay District, Fitzwilliam ordinance Section 127-16.1, D.4., to co-locate the new Q166 transmission line with an existing line and install poles in a utility corridor; and associated application for a site plan review of this corridor and existing substation, including a sound study report and landscaping plan.

Matthew Robinson presented color photos of the trees they plan to plant along the old Route 12 right of way that bisects the land north of the Eversource substation. They have added five red maples and one larch tree in this corridor at the request of the Board concerned about maintaining the colorful area this is in the Fall.

Mr. Pinney asked if Eversource had considered tree cutting using the method used in the north, where the tops of trees are cut, not the entire tree. He wondered if Eversource could stop the aggressive cutting here and use the other method. Mr. Robinson said trimming tree tops is selected for particular sites. Mr. Pinney wondered if it could be done here to improve mitigation of noise and screening for viewshed impact.

Blais asked about the proposed maintenance plan for the vegetative buffers. Eversource will maintain forever the landscaping on their property, the substation and low growth area landscaping. The maintenance plan for property not belonging to Eversource, is different. The first three years Eversource will replace any tree/shrub that exhibits die-off. In the 5th, 7th and 9th year, Eversource will assess and replace plants that are less than 70% healthy. With growth filling in the gaps over the years, these plants may not have to be replaced.

Silverman asked how this property is accessed currently. Tracy Tarr, GZA, said they are planning to meet with the Selectmen to discuss an agreement to have perpetual access, since Eversource does not own this property. It is possible that the town might discontinue this portion of Old Route 12 causing the land to revert to the abutting owners, in which case Eversource would no longer have access to the property.

Silverman noted the notice of decision will address this concern as well. Carney added that this particular issue had not been raised with the Selectmen in previous meetings. Blais asked if Ms. Carney would like someone from the Planning Board to meet with the Selectmen regarding this issue. Carney said no, she would bring the message to her colleagues.

Mr. Pinney noted that when Eversource has to do landscaping maintenance work in a constricted space how will it be done, since heavy equipment cannot be used without endangering the new trees and shrubs. Mr. Robinson said it would be done by hand since there is no room for a machine, adding that if shrubs are crushed during maintenance, they will be replaced. Mr. Ford noted that all representations presented tonight should be attached to notices of decision and permits given.

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Attorney Allwarden said he had a document to present to the Board. Silverman invited him to sit with the Board. He noted that the Eversource consultant from Burns & McDonnell, Chris Howell, is present at the meeting, but David Coate is not. He said Eversource had a proposal to address sound and other pending issues. He added that Eversource has a very important project to get moving.

Therefore, they are proposing the following resolution. “Eversource commits, at its cost, and in consultation with, and the full cooperation of David Coate Consulting, to engineer and install a mutually acceptable sound wall at the Fitzwilliam substation, by the end of 2016 (subject to outside factors or system conditions, such as outage scheduling that may affect achieving this date), to satisfactorily address Substation sound issues. Eversource makes no representation or warranties as to what levels of sound reduction can or will be achieved.”

A second proposal regarding landscaping states that “Eversource commits, at its cost, to install landscape plantings to satisfactorily address Substation visibility and screening issues, both at the Eversource Substation property and partially along old Route 12, as previously presented in plans to the Planning Board, by November 30, 2016 (or next optimal planting season, if later). Ongoing maintenance and care at the Eversource Substation property for so long as Substation is in service and Eversource owns the property. Ongoing maintenance and care along old Route 12 in accordance with the Landworks schedule previously presented to the Planning Board (3 years full replacement, ongoing monitoring and replacement as may be needed years 5,7 and 9) so long as old Route 12 location remains under control of the Town as a Town Road during the same period.”

A third proposal requests that the “Planning Board approves Eversource’s Q166 Conditional Use Permit and Site Plan Review applications, and all Town permits are issued, to allow Eversource to immediately proceed with the construction and operation of Eversource’s Q166 transmission line project in Fitzwilliam and Troy.”

Attorney Allwarden would like the resolution put into effect as soon as possible to allow Eversource to get moving on the Q166 line. He added that ISO New England has already factored the Q166 line into their plans.

Buonomano noted he was new to the Board, but said it was not clear to him the relationship between the sound issue and the Q166 line. Attorney Allwarden said the Pinneys and the Fords have expressed noise concerns for a very long time. Silverman said PSNH got a variance for a non-conforming use in 2008. The application to add the Q166 line is a further expansion of the nonconforming use. Which allowed the Planning Board to address the noise problems and other issues. Buonomano said he had visited the substation and the Coate study showed 38 decibels at the station, whereas the agreement was for no more than 20 decibels. Mr. Howell said that 38 decibels is substation and all other background sounds; adding that at the station their efforts to reduce noise have reduced it to 20 decibels, adding that at the residences it may be louder. Silverman read from the Coate report that the tonal frequency is higher, around 45.

Mr. Ford suggested that to advance the resolution ask Attorney Allwarden to draft a resolution that contains all Eversource is willing to do. He added that they are not in compliance with the use variance now; it is what PSNH agreed to and there are issues left over from that approval that need to be dealt with.

Gray is concerned that there will be no representation or guarantee of the sound wall’s effectiveness. Attorney Allwarden said they’d get the sound experts together to design the sound wall that is acceptable to David Coate.

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Gray said she is not a sound expert, but wonders if a wall is the best solution. She wondered about other nearby residents, asking if the sound wall would deflect sound toward other residents. Mr. Howell said this would be taken into account. Gray noted that there are residents south of the Pinneys and the Fords on Gap Mountain Road who may be affected.

Silverman said that the Board wants agreement that expansion of any kind increases the noise level that it will be taken care of. Pinney noted that Eversource is willing to do certain things as long as they own the property. He added that he has certain restrictions on his property that run with the land, no matter who owns it. He wondered if Eversource should do that.

Silverman said the Board won't sign anything that doesn't as long as the substation exists.

Jason Reimers, attorney for the Pinneys, presented a list of items to be addressed in any approval process, including that the wall is build and operational prior to the Q166 line going in; that sound testing is periodic following installation of the wall; that additional mitigation if substation changes; that there be mitigation of temporary sounds like generators; there should be a separate agreement between Eversource and the Pinneys and Fords that should run with the land. Mr. Pinney reported that there was a project recently that generated a lot of noise, in excess of 12 hours per day for weeks, according to Mr. Pinney, with no prior notification by Eversource. Mr. Purington described the project as vacuuming the spare transformer, which is a maintenance activity, and apologized for the noise, inconvenience and lack of notification, adding that will change going forward. Attorney Reimers asked if the work could have been done off site. Apparently it could not be done off site.

Attorney Allwarden said the first item, getting the wall completed, could precede the Q166 line, however, maybe both could be done at the same time. He asked the Board to consider Eversource's side of the equation.

Silverman asked Chris Howell if the L90 standard used in Massachusetts could be applied to the substation, limiting band width to 3 decibel differentials. He said if sound is disturbing in MA it is also disturbing in Fitzwilliam. Howell responded that he did not know if that standard could be applied here.

Mr. Pinney said Eversource can do things fast, noting a letter from Eversource to ISO NE regarding their expectation that the Q166 line will be operational by December 2016. He said build the wall first then you'll have a 3 month window to construct the line. Ms. Kavarnos said they can only do the work on the line when there are scheduled outages. Pinney asked if the Planning Board knew about Eversource's plans to expand. He asked if the expansions could take place under current permits without coming to the Board. Silverman said it would be further expansion of a non-conforming use and any agreement would include a process for permitting an expansion. Silverman said he would like to establish a sound standard for the Eversource property.

Silverman asked Eversource to review the Q166 application for the Board at the next meeting, since it has been so long since the application was first submitted and considered. He added that if there is an iron clad agreement then the Planning Board can decide if the Q166 line can go ahead of the wall.

Ms. Kavarnos said there may be a scheduled outage in October 2016, and if Mr. Coate agrees to work collaboratively with Mr. Howell to design the wall it might meet that outage opening.

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Mr. Purington said there is a sense of urgency around getting the parties together. Silverman said they need to get the Board an agreement, then the process can begin.

Silverman said he had questions based on National Grid's recent work with herbicides and brush cutting, adding that these are his problems with the Q166 line. He reminded Attorney Allwarden that the Board adopted Large Scale, Heavy Construction regulations as part of the site plan review, and the Town passed an Industrial and Commercial Noise Ordinance this year.

Robert Ford and Attorney Reimers asked to review the Eversource draft agreement when it is available. Mr. Ford expressed his frustration that the sound issue was never investigated during the permitting process for the first substation, adding that there were lessons to be learned. He said the onus was on PSNH but the town failed to investigate and permitting the station had a significant negative impact on the neighborhood. Blais said she feels that Eversource has been very helpful in addressing the Town's concerns and they have been back over and over. Blais said that she was very naïve about the process when the substation was first proposed, and described the representatives as being 'slick' and 'bullies'. Silverman said he was naïve about the process at the time, as well. Attorney Allwarden said no one in the room tonight was involved in the original substation permitting and construction and the clock cannot be turned back, however, Eversource will craft an agreement that addresses all the issues.

Silverman moved, Gray seconded and the Board voted to contact David Coate to start the process for collaboration, noting that Eversource will pay for Mr. Coate's time during the design process. The Board and Eversource agreed to continue the hearing to May 3, 2016 at 7:00 PM

Silverman moved, Gray seconded and the Board voted to appoint Mac Landy as an alternate member of the Board, if he agrees to serve.

Minutes. The Board reviewed minutes of the work session on March 15, 2016. Blais moved, Haynes seconded and the Board approved and the Board approved them as written.

Land Use fees schedule. Blais moved, Gray seconded and the Board voted to approve the 2016 fee schedule as presented. Buonomano disagreed, saying they should all be raised. Blais said the majority of cases are private individuals and the fees shouldn't be too high. She added that the fees can be reviewed every two years or so. Buonomano said 25cents per page was too high for copying. Blais noted that Fitzwilliam needs to be aligned with other comparably sized towns. Gray noted that many people who wanted subdivisions planned to build for their offspring or aging parents.

Buonomano asked about the distinction between minor and major subdivisions. Blais replied it is in the number of lots in the planned subdivision. Silverman asked if Buonomano wanted to review the fees and he agreed to do so.

Gray presented the Fitzwilliam Library Five Year Plan, saying the Library had put a lot of work into it.

The meeting was adjourned at 8:45 PM.