

APPROVED
Town of Fitzwilliam
Planning Board Meeting
December 15, 2015

Members Present: Terry Silverman, Robin Blais, Mac Landy, Tom Parker, Suzanne Gray and Nancy Carney, Selectman's representative.

Others Present: Paul Haynes, Robert Ford, Kerry Gagne

Call to Order: 7:00 PM

7:00 PM Public Hearing on proposed zoning ordinance to regulate commercial and industrial noise. The purpose of this ordinance is to preserve quality of life, peace and tranquility, and protect the natural environment. Residents shall be protected from exposure to excessive noises emitted from commercial and industrial development by regulating noise levels and sound quality. The ordinance establishes the acoustic baseline and background sound levels for project design purposes, and limits the maximum noise level emissions for commercial and industrial developments.

To allow time for the public to assemble, Silverman moved two administrative items to the top of the agenda.

Silverman moved, Gray seconded and the Board approved the appointment of Paul Haynes to fill the seat vacated by Carlotta Pini's resignation. Term will be from December 16, 2015 to March 2016.

Silverman moved, Blais seconded and the Board approved the nomination of Gene Cuomo to the position of Commissioner on the Southwest Region Planning Commission. This nomination is recommended to the Board of Selectmen for their approval.

Silverman reported that the town has a signed agreement with David Coate to consult on the Eversource sound mitigation project. Eversource is funding this consultation. He also reported that the Town has a signed agreement with David Coate to review and revise as necessary, the proposed Commercial and Industrial Noise Ordinance, which is the subject of tonight's public hearing. Mr. Coate will establish the base ambient noise levels for the town districts.

Proposed Commercial and Industrial Noise Ordinance. Gray noted that Carol Ogilvie had reviewed the proposed ordinance and questioned the inclusion of all town districts in the ordinance. Gray said that in Fitzwilliam industrial noise is found in the rural and residential districts and they should be included.

Silverman noted that there is a possibility of a compression station and a metering station for the proposed pipeline being installed near town boundary lines, with a proposed station in Troy and one at the Fitzwilliam/Rindge line. Silverman said that FERC filings describe laterals (off the pipeline) to provide natural gas to residents of Rindge and Winchester.

Mr. Ford suggested that noise levels should apply to uses not to districts. He noted that permits are issued for uses in other than industrial districts. Gray said that whatever happens with any particular project, substation, quarry, pipeline, the town needs the commercial and industrial noise ordinance.

Mr. Ford said that given the Town's long experience with the PSNH/Eversource substation and given the possibility of future expansions or alterations to the existing substation, the ordinance should apply. Gray noted that the Board has asked Eversource to share their ten year plan with the Town and they have been less than forthcoming. Parker urged caution in exercising their statutory authority. Mr. Ford noted that the town can

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choose whether or not to engage on any particular issue. Parker said that the pipeline isn't going to help anyone in Town, adding that when Eversource changes over to natural gas we'll see a big change in electric bills. Silverman noted that Troy, New Ipswich and Temple are proposing similar noise ordinances in their towns.

Silverman reported that the Site Evaluation Commission may or may not change their rules, and cautioned that in the future local regulations may not be considered in their determinations.

Mr. Ford commended the Board on including the various aspects of noise in the ordinance, including decibel levels and sound quality. He said he was concerned that the thresholds were small enough. Silverman said Mr. Coate thought the decibel levels were a little low, but he will be in Town to measure our ambient sound levels soon, and if the levels are low (or high) they will be corrected. He will also be asked to explain in plain terms the meaning of the charts in the ordinance. The decibel levels in the proposed ordinance are those of other towns, and may not apply in Fitzwilliam.

There was discussion about the difference in sound studied at a resident's home and sound at the property boundary line. Mr. Ford said it was reasonable to measure it at the property line, however, the impact on residents is at the home. Gray said mitigation should be for impacts at the home, adding that since the boundary line is the norm for measuring sound, perhaps it is a way of avoiding effective mitigation. Mr. Ford said that the closer he gets to the substation the louder the noise, and at the pond on his property, which is 100 feet from the substation, the noise is loud. He noted that when the substation was "off" as the 3-pronged sound study was being conducted, there was no sound at his home for a week.

Blais said that when residents complained about substation noise in Troy, Eversource put pads under the whole substation, which did limit the noise. Mr. Ford said he and his wife acknowledge there have been improvements since the noise issue was first being addressed.

Mr. Ford asked if the noise ordinance was going to achieve what the Town wants. Silverman asked if mitigation should be addressed in the ordinance.

Silverman moved, Blais seconded and the Board continued this public hearing to January 5, 2015 at 7:00 PM.

The Board agreed to propose an ordinance amendment , and hold a public hearing on January 5th, to allow major and minor mining by conditional use permit in the Rural, Residential and Village Center Business districts. Currently these districts do not allow mining.

Minutes. The Board reviewed the December 1, 2015 meeting minutes. Blais moved, Gray seconded and the Board approved the minutes as written.

The meeting was adjourned at 8:00 PM.