

**Town of Fitzwilliam
Planning Board
Meeting Minutes
January 15, 2019**

Member's Present: Suzanne Gray, Chairman; Ross Tourigny; Matt Buonomano; Terry Silverman; Paul Haynes, Vice Chair; Barbara Young; and Charley Kenison, Selectman's Rep.

Member's Not Present: Robin Peard Blais, Secretary and Karen Craig, Alternate.

Others Present: John Gravel, Environmental Project Manager; Doug Patch, Orr & Reno, Attorney; Rich Jordan, TRC; Tara Moody, TRC; Desiree Estabrook, Florida; Junior Aguaze, Originator; Matt Singer; Neil Watlington; Mike Buscher, T J Boyle; Joe Persechino, Tighe & Bond Engineers; David and Mary Rich of Acton, MA for NextEra (in all 13 people connected to NextEra); Nancy Carney, Dan Baker, and Charley Kenison, Board of Selectmen; Barbara Green and Kevin Woolley, Conservation Commission; Jim Rogers, Jeanne Sable, Bob Ford, Ed Van Blarcon, interested Parties; Laurie Hayward, Land Use Administrative Assistant (LUA).

Call to Order: The Chair Called the meeting to order at 7:02 PM.

Minutes: Meeting of January 8, 2019. There was a brief discussion and an amendment recommended. The Chair moved to approve as amended; Tourigny seconded the motion and it was voted unanimously.

Presentation by NextEra regarding Chinook Solar: Neil Watlington, the presenter, gave a bit of the history. He explained that the proposed large-scale solar installation is to be 30 MW and therefore falls under the NHSEC. NextEra hopes to file a petition to the SEC in the spring, maybe in April. That filing will kick off an 18-month process. The following are highlights of the presentation:

- **A list of the various surveys** that have been completed was provided and it was noted that two are left to be completed Visual Impact Assessment and the Sound Analysis.
- **Access to transmission infrastructure** is one factor important to their site determination.
- **The Wetlands Protection Overlay District guidelines** were taken into consideration. The site was chosen to avoid Prime Wetlands and they did consult with NH Fish & Game. Equipment is mostly passive.
- **Noise and Aesthetics were considered.** Some of the equipment does emit some noise. NextEra took photos from various locations in the town, including the Town Hall tower and feel there is minimal visual impact. They plan to attempt to maintain stone walls to the extent that the plan allows and then may collect stones.

- **The time frame was described. New Hampshire Site Plan Review (SEC) certification is a lengthy and extensive process.** Watlington explained that it takes from nine to twelve months to construct the project.
- **Economic Impact.** Watlington stated that development of this facility would provide an economic boost to the area.
- **Notice.** Bob Ford asked if NextEra had noticed any of the residents of the town regarding this meeting. Watlington stated that this was not really intended as a proposal to the town rather to inform specific Boards and Commissions. The Planning Board Chair clarified that NextEra had requested the meeting.
- **Extent of Fitzwilliam review.** Silverman asked Watlington whether NextEra planned to go through the Fitzwilliam Planning Board Site Plan Review process. Watlington said “no”. Doug Patch, Orr & Reno, Next Era’s attorney, responded that he knows of no case where a 30 Mega Watt (MW) site went through Site Plan Review when they are specifically planning to go through the SEC process. Watlington stated that they might be open to agreeing to hire experts at their expense to help the town evaluate the proposal.

At the end of the formal presentation, there ensued an extensive back and forth discussion about the details of the presentation and the need for further information.

- **The Need for Additional Information.** The Planning Board Chair explained that there are many Board Member concerns that center on their responsibility to the health and welfare to the town. She also made it clear that they would like to have more specific information before the SEC takes up the NextEra application and the PB decides to act as an intervenor.

Planning Board Alternate, Young, noted that the NextEra presentation mentioned that groups like NH Fish & Game and others had provided input and asked whether there are reports that could be shared. Kara Moody said that yes, they do have some reports. Young explained that she would have liked to have seen those reports in the presentation. Rich Jordan of TRA spoke about how they are gathering information. Bob Ford, resident of Fitzwilliam, spoke up stating that is great because there is no town advocate at the table. Patch spoke offering that the state gets experts in. Ford reiterated that there needs to be a town-specific expert and a dialogue about town-specific issues. Young asked if they were actually going to come back and speak to the town residents. Matt Singer stated that they will come back to the town maybe 30 days before the filing with the NHSEC. Watlington stated that they do have some time to help resolve questions.

- **Useful Life, Decommissioning, Maintenance.** Planning Board Member, Matt Buonomano spoke. He indicated that he was happy to see that they did begin to address the issue of Prime Wetlands. Buonomano stated that Ranger Solar originally that the site would have a 40-year life rather than the

25-year life NextEra states. There was a statement that the land would be returned to its natural state at decommissioning. Singer added that they would work with a contractor to have all of the equipment removed. Regarding a Maintenance Plan, Singer said there was an original plan to use herbicides. That will be minimized. John Gravel spoke. He said herbicides might be used in acute areas; but, would not be used extensively. Watling indicated that they would likely mow a couple of times a year.

- **Determination of installation size.** Buonomano asked how the 30 MW is calculated. He has calculated that it would be much lower. Watlington stated that ac capacity is “what’s on the label” and is the potential outcome based on the inverters; but dc capacity, which is based on the solar panels, is what “leaves the solar panels and may differ. Watlington stated that they try to hit the 30 MW level as frequently as possible. Persechino stated that for this installation, it is expected that dc would be 40 MW. Persechino showed a plan of the racks for panels which should be set to a 25-degree angle. They expect to keep a meadow site that they mow a couple of times a year. Buonomano asked why not 35-degree slants. It was explained that the lesser slant allows maximization of spacing. NextEra provided a visual map/representation of where the access road would be and how the solar panels would be located on the site, including that there would be spaces between racks carrying panels.
- **Physical Plant.** The Planning Board Chair asked for the dimensions and purpose of the substation and inverter boxes. The dimension question wasn’t answered. Persechino did say the substation connecting the boxes would likely be protected by a fence and the purpose of the inverter boxes is to convert dc to ac current. The Chair asked whether the facility needs its own substation and does not use the substation that already exists. The answer was that the substation is needed on-site.

Charley Kenison, Select Board Representative to the Planning Board, asked about the maximum ac and dc current a worker could be exposed to. Watlington could not provide a number but stated that they would get back to the town with that. It was stated that the maximum ac current out of the solar field is 34.5 Kilo Watts (KW).

Bob Ford stated that the town has had some problems with noise from substations. Watlington stated that they are aware of the noise problems that the town had and they are still studying how to keep the noise to something reasonable. There were questions regarding batteries. Watlington says there is no on-site storage equipment with this plan.

Young asked about NextEra’s statement that there was “substantial economic benefit with minimal environmental impact”. Watlington spoke about the vast need for electricity and that currently much of the world’s electricity is powered by fossil fuels. Now the effort to move away from fossil fuels to renewable energy is viewed as much preferable due to much more minimal impacts to the environment. Young pushed for backup information to support the claim. Kara Moody spoke to the ways that they develop an estimate of the total carbon/ greenhouse gas emissions taking into consideration including the cost to manufacture materials and install them and the cost of vegetation removal and even the impact of burning the wood from trees removed. Moody stated that information is currently in draft form; but could be provided to the town when finalized.

- Ford asked if there is anything that does not comply with Ordinances. NextEra replied that they had reduced the amount of the property covered by solar panels to better comply with Ordinances.
- Silverman asked if there was a plan to further expand the project. Silverman concerned about expansion at any time in the future. Watlington said that once they enter into the process with SEC, it is unlikely that there will be a significant change. Watlington further stated that it will be a 30 MW project for the twenty years of the contract. The Chair stated that they might like to place a condition that there be no expansion. Singer stated that he would like to reach a point in interactions that they could meet with a memorandum of understanding.
- **Other NextEra installations.** Desire Estabrook spoke about the work that NextEra is doing with towns like Peterborough to see how they can partner. Young asked about actual functioning sites in New Hampshire. Singer stated that they do have a site in Ludlow Vermont. The Chair asked if NextEra cleared the wild-life corridors. John Gravel said yes, and explained it is a 20 MW project. They pointed out that in VT, there is no requirement to work with the towns it goes thru VT PUC.
- **View Sheds.** Bob Ford noted that there are multiple important view sheds in the area. Mike Buscher showed a map and pointed out the area that they worked with and found no impact for most areas. They did check the view from town hall clock tower. They did find that Mt Monadnock might be an issue; however, the intercept surveys they did showed that people at the summit did not find it easily. They have also checked Little Monadnock and Gap Mountain. Tourigny suggested that they evaluate the old Ski area which is heavily hiked. Only 20% of the site is being used for panels, panels are only 8 feet off the ground, and they are trying to keep as much vegetation as possible.
- **Fitzwilliam requests for more information.** The Chair asked Board Members what they would like to see happen going forward. There was general agreement that they need more information. Items to be added to a list of questions includes:
 - The status and input from ISO New England. NextEra indicated that they still need to complete an evaluation with them.
 - Barbara Young asked a question regarding costs and assessed value and impact to town. Patch indicated that there could be a calculation of assessed value included in a memorandum of understanding that also might address decommissioning, fire safety.
 - Dan Baker asked for clarification of points and example of memo of understanding. Patch addressed the request and stated that such a memo may include various points; for example, hours of operation, length of time of construction, times of day construction can occur.
 - Silverman spoke about his concern regarding both the idea of submitting questions for them to provide responses and about the concept of a memorandum of understanding. He spoke about his preference for the Town submitting their concerns to the SEC. Silverman stressed that he prefers that they undertake a Planning Board Site Plan Review.

-The Conservation Commission Chair, Paul Kotila, asked about the calculation that 19% of the property would be covered by panels; what is considered to be the undeveloped part of the project? Watlington showed a graphic representation, explaining that the area in yellow is the area that NextEra would control and that is the numerator; in gray is the area of solar panels, the denominator. Kotila asked if the area of the solar panels included the space between panels and that was confirmed.

Site Plan Review. The Planning Board Chair indicated that she, like Silverman, was leaning towards asking that there be a Site Plan Review to allow the Board to hold a Public Hearing and town to have more information. Towards that end, the Chair asked that NextEra provide answers to the questions asked and forward any reports as they are completed.

The Select Board Chairman, Nancy Carney, stated that all information that NextEra provides to questions will go to the Select Board and be posted on The Fitzwilliam Town Website.

Silverman moved that the Board will move forward to request a Site Plan Review and hire experts, Tourigny seconded the motion and it was voted unanimously. The Planning Board Chair thanked the people representing NextEra for providing their presentation.

- Singer asked if it would be helpful for NextEra to provide a list of possible experts that they could use to hire.
- It was confirmed that NextEra communications should be sent to the Land Use Administrative Assistant, Laurie Hayward and copied to the Town Administrative Assistant, Debbie Favreau.
- There was a question regarding both the content of emails in December and the need for future copies of materials that they wish to have reviewed. The Planning Board Chair stated that the town was unwilling to undertake the costs of printing numerous copies of materials they might present and it is preferable that they print and mail copies to the town. Asked if 24 copies were adequate the LUA stated that was more than enough to allow copies for the members of the Select Board, the Planning Board, the Conservation Commission and a few extras for Town Offices.
- Kara Moody asked that the Historic District Commission be made aware of the materials and that there be some way for them to be involved. The LUA explained that they did receive notification of this evening's meeting.
- At this point everyone left except Members and Alternates of the Planning Board, The Select Board, and the Land Use Administrative Assistant.
- The Board of Selectmen Chair asked that the Planning Board to remember to consult them before decisions are made, especially any hiring decisions regarding legal counsel.

Members of the Select Board left.

Minutes: Meeting of January 8, 2019. There was a brief discussion and an amendment recommended. **The Chair moved to approve as amended; Tourigny seconded the motion and it was voted with Kenison abstaining.**

Old Business: Warnke proposed hammerhead lot.

- The Chair explained that the LUA had done some research and suggested that Warnke go to the Cheshire County Registry of Deeds to do some research as well. The LUA did find that there were some involuntary mergers of lots done by the town, including in the same area as the Warnke property there was a complaint through Avitar in 2017. In that instance, the Select Board approved unmerging the lots. The LUA added that the Warnke Property File shows multiple and much earlier efforts to get their lots unmerged.
- Buonomano stated that his concern is that the Boundary Plan Warnke is using is not a Subdivision. He added that he knows that the 1976 date of that plan is after the date that Planning Board began handling Subdivisions.
- Silverman stated that there was a Planning Board when he moved to Fitzwilliam in 1975. He also noted that there is a real question whether they would allow building on a land-locked lot in any instance.
- Buonomano pointed out that the state statute that allows for “unmerging” provides for the expiration of the statute on December 31, 2016.

New Business: Ross Tourigny told members that he has now sold his house and is moving out of town and must resign. **Tourigny moved that Barbara Young be made a full member to finish his 2018 term.** Silverman asked how long a new member would be seated for. Tourigny answered for three months which is the remainder of his term. **Silverman moved to table the discussion.** There was no second to table. **Buonomano seconded the Tourigny motion that Young be made a full Member and it was voted unanimously.**

Correspondence/Announcements: Young spoke about the school funding project that seeks to address the formula for each town’s portion and she asks that everyone come out and vote.

There being no additional business to conduct, **the meeting was adjourned at 9:43 PM. The next meeting is scheduled for February 5, 2019.**

Respectfully Submitted,

Laurie Hayward
Land Use Administrative Assistant