

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

APRIL 4, 2012
FINAL MINUTES OF PUBLIC MEETING

Board members present: Ken Sullivan, John Kieley, Allan Pickman, Camilla Lockwood, Rose Lowry, and Mary Beth Ayvazian

Call to order by Lowry at 7:38 p.m.

Approval of Minutes: Move by Kieley to accept the minutes of 03/21/12 as written, second by Ayvazian, and so voted unanimously.

Wind Farm Application Form: The board was informed that a request has been made for an application to “begin the process of installing Wind Energy System(s)”. It is unknown at this time if the intended project would qualify as Small Wind Energy Systems (SWES) or Large Wind Energy Systems (LWES). This initiated discussion about the need to create an application and associated fee structure for LWES. Kieley said the Planning Board had done due diligence in developing the LWES ordinance, and wondered about the Selectmen’s involvement in the permitting process. He cited an example of how the Planning Board developed a Workforce Housing ordinance, but an application for that purpose would be submitted to the Selectmen as a request for a Building Permit. Pickman said any LWES application would be submitted to the Planning Board, as the LWES ordinance indicates they are the permitting authority. Sullivan said it his understanding that the Selectmen are the regulatory authority. He also said the town of Antrim has a detailed LWES application form that could be reviewed. Ayvazian offered to do research and create a first draft of an application form.

This was followed by conversation about the Site Evaluation Committee (SEC) and the involvement of the Public Utilities Commission (PUC) in wind energy projects. Sullivan advised the board that he had spoken to the law firm of Orr & Reno to inquire if they could possibly advise the town on large wind issues. He said he was told the firm has certain wind energy clients, and his impression was the firm may represent Pioneer Green Energy (PGE), and therefore could not work with the town. He also said he has learned that the SEC is set up to act in a judiciary role, and cannot speak of its actions to its own staff, which would certainly impact any communication with towns. Sullivan also mentioned that the Harris Center has filed for intervener status in the case of the Antrim wind farm development. Sullivan then said he had done some research with regard to who in New Ipswich had leased land to PGE. He suggested the recent request for an application in Temple might actually be an attempt to serve as a ‘prospector’ for PGE. There was further discussion about the application format and process. Lowry stated any application must match the criteria of the ordinance. Kieley said the form must be more than a “check the box” format, with clear indication that certain studies are required and must be provided. Sullivan said the process must be the same for everybody. He urged the board to review information sent by Adam Cohen from PGE to gather technical clues regarding their approach to LWES in Temple. Pickman noted all applicants must hire experts to perform studies, with Lowry saying the town gets to choose these experts and the applicant pays for them. Sullivan asked if the town’s building inspector would be utilized for this type of project. It was agreed that the ordinance specifies experts must be consulted for LWES inspections. Kieley suggested since a LWES application is in the development stage, the party requesting one can be told the ordinance specifies everything that is needed. Fees were then discussed, with one possibility being an initial application fee of \$1,000 per megawatt of the proposed

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

APRIL 4, 2012
FINAL MINUTES OF PUBLIC MEETING

project. Lowry stated she had tried to research fee structures online and found them hard to locate. It was noted each wind tower is worth upward of one million dollars.

Sullivan mentioned the PGE website features an announcement about the company acquiring 15 million dollars in financing. He reiterated that PGE is only looking to obtain permits, and then pass the project along to investors. Sullivan then asked a question about current use (CU) status of land leased for wind towers. Kieley said the whole parcel comes out the minute the project begins construction. Sullivan advised in the town of Antrim a case is being made that only the roads and towers come out of CU, as the rest of the land is still available for other uses. He also mentioned setback and easement issues being dealt with in Antrim. Kieley said with any large development project, all land comes out of CU at once and there is a big penalty fee to be paid. He further referenced the board's experience with a large housing development that was proposed years ago, although it was never built.

Sullivan brought up the SEC and how it operates, and said he is afraid PGE will go through the SEC to gain project oversight and approval. He asked if the town might require specialized legal expertise to guide them. Kieley responded that the town would probably need both legal and engineering advice, with Pickman adding that permit fees could help cover a certain amount of legal work. This was followed by discussion on how to research which legal firm(s) to use. Lockwood said she would have valid leads on this. Lowry suggested the board wait a bit, but Kieley said he thought the board should get prepared now to offer more protection to townspeople. Sullivan pointed out how quickly the wind farm project in the town of Lempster moved forward, although Kieley reminded him part of that was because Lempster had no zoning. Lowry said she hopes the New Ipswich/Temple wind project is deemed too small to pursue. Kieley said he is troubled at how quiet things are and said it is like dealing with a ghost. He continued that PGE could be meeting with the SEC now, and the board and town would not know. He cautioned that the issue could suddenly arise. Lowry summarized the board's LWES focus to be 1) work on developing an application, 2) fee structure, and 3) research legal advisors and experts.

Kieley then mentioned that he has spoken with Tim Murphy at Southwest Region Planning Commission (SWRPC), and Murphy has indicated other towns are floundering with regard to LWES planning. Murphy said there may be an attempt to develop a municipal seminar, with a cost of about \$1,000 for a town's Planning Board to attend. It is felt many municipalities would take part. There was mention of several legal firms to consider, and Sullivan said he would look into this. Lockwood said the state is under pressure of its own mandate to have 25 percent renewable energy by a certain date. Sullivan said he has been unable to find reference to that law or mandate, and thought it is just an initiative. Ayvazian was able to reference this topic online, and told the board it is known as the 25/25 Plan and was put into place in August of 2006 under Governor Lynch. Sullivan suggested the board contact the governor about this, and noted change will be coming soon in New Hampshire government. Lowry reiterated the importance of the LWES issue to the town of Temple.

Projects for upcoming year: Board members prioritized a list of projects intended for the upcoming year. The highest priority was deemed to be a revision of the Master Plan. It was noted this is a major production and would take up most of the year, including a review of the

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

APRIL 4, 2012
FINAL MINUTES OF PUBLIC MEETING

current document, conducting a survey, holding public forums, and writing chapter revisions. It was agreed to seek input from SWRPC. It was also noted that LWES should be incorporated into the Master Plan. Sullivan suggested the board could utilize a new, affordable USPS zip code oriented delivery plan for surveys, and also make use of the town website. The complete project list for the year includes: 1) Master Plan, 2) application/fees for LWES, 3) develop Noise Ordinance, 4) develop Light Ordinance, and 5) review of Zoning Ordinance. It was decided to postpone a review of Site Plan Review and Subdivision Regulations until next year. Sullivan said the Fire Department would like the PB to consider a requirement that a cistern for firefighting purposes be part of any new development. Pickman noted this may be problematic in Temple due to the existence of ledge. Lowry stated this can be looked at when Subdivision Regulations are reviewed. Sullivan asked about responding to any request for a LWES project. Pickman said meetings would be scheduled in a timely manner and this has never been an issue in the past. It was acknowledged the LWES process would be time-consuming.

Pickman suggested board members review the current Master Plan in preparation for the work ahead. Kieley suggested members of the Temple Economical Energy Committee (TEEC) and the Conservation Commission be invited to attend meetings for their input. Ayvazian made an announcement that EEC had just received a report that heat use in the municipal building/fire department was reduced by 81% for the year 2010-2011, following an extensive retrofit done with RGGI grant funding.

Move to adjourn by Ayvazian, second by Pickman, and so voted at 9:13 p.m.

Minutes submitted by Betsy Perry