

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

FEBRUARY 1, 2012
FINAL MINUTES OF PUBLIC MEETING

Board members present: John Kieley, Mary Beth Ayvazian, Allan Pickman, Rose Lowry, and Randy Martin

Call to order by Pickman at 7:05 p.m.

Pickman explained this meeting would serve as the second hearing and final review of the newly drafted wind farm ordinance, as well as provide a chance to consider “housekeeping” changes to language in the Home Business ordinance. He said residents will be able to vote on these zoning amendments in March.

Public Hearing for Large Wind Energy System (LWES) ordinance: Pickman opened the hearing and turned the presentation over to Lowry and Ayvazian. Lowry thanked the audience of about 40 people for attending, and she and Ayvazian provided a commentary to a PowerPoint display. Lowry gave the history of Pioneer Green Energy (PGE) approaching the town with a wind farm proposal. She said extensive research has been done by the Planning Board to develop a comprehensive LWES ordinance. Lowry said New Ipswich has had a LWES ordinance since 2010, and revisions are being considered this year. In response to a question from the audience, Lowry answered that although one project is under consideration, there may be others coming in the future. Ayvazian explained the need for an ordinance to protect the town. She said there is a state mandate for renewable energy, and the town’s ordinance cannot be too restrictive or the state Site Evaluation Committee (SEC) could step in.

Lowry went over some of the key points contained in the ordinance. Sound limit is an important factor. She told the audience that currently New Ipswich and PGE are in disagreement over this limit. The number cited as acceptable by the town for a rural setting is 33dBa, with an urban setting coming in at 45dBa. She explained the different frequencies and qualities of sound, and said some have the potential for making people ill. The purpose of the low sound limitation is to protect people. Ayvazian said that setbacks from the structures are also being utilized to limit the effects of sound. Lowry stated that developers are well aware of issues with noise and other aspects such as shadow flicker. Ayvazian brought up the issue of possible impact from construction. She said historical sites and structures must be protected, and the town may require setbacks for protection. As there is currently no official documentation of these sites, the developer will be required to produce an inventory and mapping of such sites. Lowry then discussed the raptor migration route over the Wapack range, and how the ridge creates an important “leading line” that hawks and other migratory birds all use. She said this is a unique geographical structure, and language has been added into the ordinance to strongly advocate for protection of this important area. The developer will be required to conduct migration impact studies. Ayvazian talked about visual impact, saying the 450 foot high towers would be able to be seen from many points in town, and also in surrounding towns. An audience member asked about the wind towers “ruining the view”. Lowry explained about aspects of “dominating landscape”, and said this can be a problematic issue, as at heights of 450 feet the towers cannot be hidden. She continued that the two primary factors considered in determining the location of towers are 1) wind, and 2) transmission lines to access the power grid. There was another audience question on photo simulation of the towers, and Lowry said a picture of this is available on the Temple town website. Another person asked why the developer could not put up just one tower to serve as a bellwether and see how it functioned. Lowry answered that this

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would not be financially feasible, and studies would help resolve expected or known problems. She stressed the need for universal language to cover any and all wind farm projects. Lowry also said decommissioning of the wind towers is a big issue, with a need for financial liability by the developer. When the towers are no longer functional, they need to be taken down and the land restored. The town would like to limit any risk that the towers could be abandoned.

Ayvazian addressed the input obtained from the audience at the first hearing. She said a show of hands had indicated the three top issues were 1) health and safety, 2) environment and birds, and 3) town finances. This prompted an extended discussion about tax issues, with Lowry saying while more money would come in to the town in the form of taxes, more would have to be paid out to the state, county, and school. She stated there would be some income, but no "windfall". She continued that the town would like fair compensation, while the developer wants to pay as little as possible. She also said the board cannot seem to get information from other towns regarding actual tax benefits. Payments that start large up front gradually get reduced due to depreciation. An official of the town of Lempster, which has an operational wind farm, did offer a word of advice – when the town gets the large up-front payment – do something with it other than a temporary reduction in the tax rate. Ayvazian mentioned this would not be under the purview of the Planning Board. Kieley stated that PGE had provided a figure of \$400,000 of tax income to the town, and dangled some large dollar amounts. He continued that in New Hampshire there are not a lot of towns to look at in regard to dealing with wind farms. In the case of Lempster, the town had no zoning and the developer was able to just come in and do the project. He indicated the people of Lempster had paid a visual price for 12 towers, and said the town has already gone to court with the developer. He also said that the tax rate in Lempster is actually higher now. Kieley said a proposed wind farm in the town of Antrim had provided an expectation of several hundred thousand dollars coming in, and then a payment-in-lieu-of-taxes (PILOT) was suggested with an agreed amount. Antrim is working to establish a LWES ordinance, and could make money, break even, or lose money. Kieley stated it is "not a pot of gold". He said the Planning Board is trying to structure an ordinance to allow wind farms in but protect the town. He said there would be additional costs to the town (i.e. fire, safety, administration), and that the developer must prove to the town that no harm is being done.

The audience then was invited to make comments or ask questions about the proposed project and ordinance:

Q: What roads would be used for the building of towers?

A: Currently the route indicated would utilize roads located in New Ipswich.

Q: How would a tower fire be accessed?

A: Off West Road, where there is an old road up to the Glass Factory site; this road would need to be maintained by the developer. Temple may get other project applications, and there is language for infrastructure impact protection within the ordinance.

Q: Size of trucks transporting tower components, and where coming from?

A: The trucks can be 200 feet in length; the point of origination would depend on what types of towers were chosen for the project. Kieley commented that the Lempster towers came in from Pennsylvania.

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Q: Clarification sought regarding exclusions and Participating Landowners?

A: Lowry defined Participating Landowners, and then explained how the developer can make arrangements (financial agreement) with nearby landowners to give up certain rights in return for payment. There is language in the ordinance to protect people who don't wish to do this.

Q: Clarification about sound – how to quantify, especially at distances?

A: The ordinance states sound cannot exceed 33dBa at anyone's property line, and the tower cannot be closer than 2,000 feet from anyone's property line. There is the possibility of obtaining a waiver, which would be recorded at Hillsborough County Registry of Deeds. Research shows at 45dBa a tower located even 2,000 feet away can still make people sick (reference Falmouth, MA study). Setbacks alone aren't enough to control; also need to utilize decibel level.

Q: How is distance measured?

A: The ordinance has the added protection of using a decibel level to allow for terrain and sound variances. As part of the permit process, the developer must prove that the tower/blade and site will meet the requirements. Then, a second study is done within two months to measure again at property lines, and if the standards cannot be met, the developer must fix.

Q: Reputable companies can still have failed projects. The town seems to have little control over a viable technical project as far as financial and environmental aspects, as the ordinance cannot be unfairly restrictive. How to protect the town from an abandoned project?

A: The Planning Board has sought the opinion of town counsel. While there is no specific RSA allowing decommissioning funds to be required, we have included this in our ordinance as a reasonable thing to do to protect the town.

Q: How does this ordinance fit in with the rest of Temple's zoning ordinance?

A: This ordinance is more complex to deal with large scale business; our zoning is currently geared to smaller businesses.

Q: The choice here is to say "yes" to the ordinance, or risk the state coming in without considering the specifics of the town?

A: Without the ordinance, the SEC could come in with its own guidelines and measures. Even with a town ordinance, a developer can go directly to the state level. With a town ordinance in place, there is more ground to protect residents, as "the will of the people matters." The town voters cannot vote 'yes' or 'no' on a wind project, but they can vote 'yes' or 'no' on an ordinance.

Q: As far as stating conditions, could Temple unify with the town of New Ipswich?

A: Temple is in solidarity with New Ipswich. There are few towns in New Hampshire that are regulating wind. Maine has a state ordinance with state laws. Temple has been working to develop this ordinance since June. If the project is built in New Ipswich and not Temple, there is still impact in Temple (visual, noise, etc.).

Q: What does the Temple Fire Department think of all this?

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A: They are nervous about the implications. It is clear the developer must pay for Fire Department training and equipment, but we cannot expect our volunteer firefighters to go 350 feet in the air to extinguish a fire.

Q: Does PGE feel the town is zoning them out?

A: Yes, although PGE does not actually build the project. They go through the process to obtain permits, and then sell them to the actual developer. PGE would prefer the ordinance be as wide open as possible, as the more restrictive it is, the less the project transfer is worth. PGE has indicated they cannot build with certain restrictions, but that is not felt to be true. Meeting these restrictions would reduce the value of the actual permits. The town wants to be sure any project that is permitted will not adversely impact residents.

Q: Has the town had any contact with the SEC?

A: They were contacted but not willing to work with us at this point. The SEC deals not just with wind, but also with many other types of energy projects.

Q: What types of health issues are involved?

A: Various types of complaints have been described such as headache, dizziness, nausea, lethargy, sleeplessness, etc. Also mentioned was a study in Falmouth, MA where study researchers investigating these types of complaints became ill themselves.

Q: How are complaints handled?

A: There is a specific section within the ordinance to address this, and both the Applicant and the Board of Selectmen would become involved. If not reasonably resolved, there are penalties that may be assessed. There will always be some level of impact to residents, but it must be controlled. Brief mention of noise conditions noted at the wind farm in Lempster.

Q: What are the changes being made to the New Ipswich ordinance?

A: New Ipswich is considering amendments that are closely in-line with Temple's proposed ordinance, and would "set the bar higher". PGE would prefer a more loosely designed ordinance.

Q: If residents have concerns about the ordinance, should they vote 'yes' or 'no'?

A: The Planning Board would like to see an ordinance in place; it can be amended later. The bottom line is to vote 'yes' to protect citizens, and voting will be on Tuesday, March 13th.

Thanks and applause were offered from the audience to the Planning Board for all their hard work. Pickman closed the hearing at 8:28 p.m., and the board took a short break.

Public Hearing for amendments to Home Business ordinance: At 8:35 p.m. Pickman opened the hearing. He identified the changes as "housekeeping" in nature, and explained they would make the language more consistent. The three sentences were read aloud. Kieley made a motion to approve the modifications to the Home Business ordinance, seconded by Ayzasian, and voted all in favor (four members voted, with Martin having left the meeting earlier). The hearing was closed at 8:40 p.m.

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Board members then discussed the timeframe for final edits to the LWES ordinance. The entire document will be proofread by an experienced volunteer to review grammar and punctuation. Pickman noted at this point the intent of the language in the document cannot be modified. The board agreed to hold a meeting on Monday, February 6th to approve the final version. It was also decided to send out a postcard mailing before the March vote to advocate support for the LWES ordinance.

Move to adjourn by Kieley, second by Pickman, and so voted unanimously at 9:00 p.m.

Minutes submitted by Betsy Perry