

## GROTON PLANNING BOARD

February 27, 2013

Present: Russ Carruth, Dave Labar, Miles Sinclair (Select Board liaison), Jenny Burnett, Sherry Nelson(alternate/clerk), Steve "Slim" Spafford (Chairman)

Absent: Deb Johnson and Celine Richer for reasons beyond their control

Jeff Nemeth and Attorney Mark Beliveau represented EDP Renewables.

Attorney Jason Reimus represented NH Windwatch

Two abutters to the proposed Met tower location and ten other nonresidents were in attendance as well as 10 Groton residents. Our town counsel, Laura Spector Morgan was introduced.

First on the agenda was the reading and approval of the minutes of Jan.30, 2013.

Chair Spafford opened the hearing for EDP's Meteorological Tower at 7:13 pm. Attorney Beliveau orally reviewed the Site Plan Review application submitted by his client, EDP Renewables. The tower will be located at the topographical highpoint he told us. He feels that the simple footprint will have little or no impact. All suitable safeguards will be used to prevent erosion. Little or no excavation will be required. He expects the meteorological tower to be in place 1 – 6 years. The rutty road to the site will need only minor improvement Mr. Beliveau believes, in order to use for assembly and later infrequent maintenance. He reminded board and audience that at Dec. 19<sup>th</sup> hearing EDP's application had been accepted as complete. For that meeting only Groton abutters had been notified. On the 19<sup>th</sup> a continuance to Jan.30, 2013 had been agreed to and the decision made to notify all abutters, not just those in Groton. Then on Jan. 29<sup>th</sup> EDP requested a continuance to tonight to allow them more time to gather data and to give the ZBA time for a rehearing. Also at the hearing on the 19<sup>th</sup> EDP revealed that no soil study had been submitted. Tonight Attorney Beliveau submitted Exhibit B. He had found the 500 page Grafton County Soil Survey on line, plugged in the coordinates of the Met tower location and found the soil there to be rocky with little to no wetlands. The attorney then read applicable regulations for explosives since Maxam's storage facility is near the Met tower site. Miles asked Town Counsel for interpretation of explosive storage regulations. Ms. Morgan said she is not sure if those regulations are applicable or not (for Met tower) but she felt they would meet stipulations anyway. Chair described the Maxam site as he remembered it.

Attorney Beliveau said the plan submitted is USGS with an outline of the Maxam property in Groton. He felt that the plan is more than adequate. He wanted a waiver for the requirement to register plan with County Registry of Deeds. Subdivision plans are required to be recorded, but Site Plans are not. Mr. Beliveau went on to say that while the Board may require a survey plan he doesn't think it is necessary as he has not heard more than speculation that the Met tower may not be within Maxam's Groton property. Our Town Counsel reminded us that our Zoning Board has required location of the tower on a certified survey.

Chair asked if any board members had questions before inviting Jason Reimers to step to the microphone. Representing Wind Watch and several individuals, Attorney Reimers submitted that while the Planning Board did accept EDP's application (Dec.19, 2012) it need not approve it. Jenny Burnett asked him about the impact on our environment of NOT having more wind power. He didn't reply to her question but noted that EDP is missing requirement #4, showing all abutting landowners on plat. Attorney Beliveau said there is no need to enlarge the map to a point of showing all abutters since listing abutters meets the spirit of Groton's Site Plan requirements. Attorney Spector-Morgan agreed that applicant could attach a list of abutters to the plat.

Chair displayed map prepared by Dan Sundquist, Society for Protection of NH Forests, with grant funding through NLRA. This map showed the Met tower location to be on "steep slopes" and "highly erodible" soil. Attorney Beliveau said, "If that were so, construction here in town would be causing irreparable damage to the lake." He described the Grafton County Soil Survey as site specific, with the map done by Sundquist being general scanning. "This does not mean that the Board shouldn't require erosion control", said Beliveau. Lou Lieto commended the Soils Survey done by UNH Cooperative Extension Service over about 10 years time, seeing it as very useful. He saw points made by Attorney Reimers as rather minor.

Ken Weidman and Andrew Connolly, both trustees of Newfound Region Association, said that the map showing highly erodible soil was done with grant money from DES, partnering with the Forest Society and UNH. The map was specific and based on science. They felt that erosion at the tower site will harm the lake as well as Groton's streams. Spafford said he brought up the quality of soil at the Met site because directions for erecting the tower require that the erector know the soil type. Beliveau felt that to suggest that construction of a simple, unmanned, 10" diameter tower would cause irreversible destruction of the watershed is ludicrous. Again he reminded the board that erosion control could be required of EDP.

Jenny Tuthill of Alexandria, describing herself as a person who knows maps, is an orienteering champion, feels strongly that the boundary of Alexandria and Groton needs to be determined before the tower can be erected. She went on to tell us that Alexandria had a signed agreement (can't be found) with owners of Maxam property stating that there would never be more than the storage building on that property.

Attorney Reimers said that the map referred to by Chairman Spafford and done by Dan Sundquist is highly credible. Reimers went on to say that "regional impact" means potential and that a Met tower has potential.

Fred Schneider, Bristol, said a 10" diameter tower has little impact, but the area cleaned around that has greater impact, as does the improvement of the access road.

Next speaker was Woody Miller, Plymouth, a licensed realtor, who said he was opposed to the Met tower due to its potential to lower property values. Town Counsel reminded Mr. Miller that

the Planning Board must go by Site Plan Review Regulations and property value is not included in those regulations.

Neal Delage, an abutter of the Maxam property, asked how high the completed tower would be and was told approximately 1590 feet. "How wide will the guide wires be?" he asked and was told the wires will go 50 meters out. When he asked about frequency of safety inspections, he learned two inspections would be done annually. Delage asked if there was an exact copy of this tower already erected which could be viewed. The EDP reps said that while they knew where there are Met towers, they could not assure Neal that those towers were exactly like the one proposed for Groton. Chair described where/how to view the Met tower for Groton Wind if that might help Mr. Delage.

Attorney Beliveau took time to respond to comments made by others in attendance:

"Jenny Tuthill offered no evidence"

"We have never said that the NLRA map is not credible. It is general, whereas Grafton County Soil Survey is on the ground specific."

Jenny Tuthill returned to the microphone. "I oppose the construction of EDP's Met tower based on the fact that there is no written document stating exactly where the tower will be in relation to the boundary of Groton and Alexandria."

Hearing closed at 9:50 pm.

Board members spoke of amount of paper work presented to them by both lawyers and the resulting need for time to read and consider all of it.

Chair moved to deliberate until next meeting, March 27, 2013, 7 pm, before making decision on EDP Site Plan application. Jenny 2<sup>nd</sup>. All voted in favor. EDP agreed to this as well.

Our next meeting will be a work session on revision of our Master Plan, March 13, 2013, 7 pm.

Miles moved to adjourn at 10:01 pm. All were in agreement.

Sherry Nelson, Clerk