

Groton Planning Board
May 29 2013

Present: Chairman Steve (Slim) Spafford, Celine Richer, Russ Carruth, Dave Labar, Jenny Burnett, Sherry Nelson, Ray Blake, and Select Board liaison Miles Sinclair. Absent: Deb Johnson

Also present: Mark Beliveau Esq. Representing EDPR, and Katie Chapman, standing in for Jeff Nemeth as Project Leader for EDPR's installation of the proposed Met tower. These two are referred to below as "EDPR's representatives".

Meeting came to order at 7:07 PM. A brief discussion ensued regarding the role of Alternate board members and their right to vote. There was uncertainty whether they could vote in place of any absent member or only if a quorum is not otherwise available. We agreed to check the regulations for next meeting.

The April 24 minutes were read and a series of corrections and amendments were needed. Most significantly, an amendment was made to show that Mr. Nemeth had offered to increase the Met tower removal bond from \$7K to \$10K, a fact hitherto unknown to Mr. Beliveau. In addition, Mr. Beliveau pointed out that a letter referred to in the first paragraph as dated March 4th was actually dated April 4th, and that EDPR's application for Site Plan Review should read as "approved" rather than "accepted". Miles moved Dave seconded to accept the minutes as corrected. All agreed except Celine who abstained.

Next the Chair read aloud some exchanges amounting to a quote acquired with the help of Ed Cherion of Iberdrola. Ed thought estimated from past experience that from an accessible site removal of the met tower would cost \$8-10K. Charlie Corsey, a local contractor who has been active in these matters with Iberdrola and is familiar with the area believed the cost would be between \$4 and 7K.

Miles read aloud the Town's condition # 4- that EDPR was to remove the Met tower within 6 months of its useful life. Understanding that "useful life" could be a long while, Miles felt it was important to have some kind of regular adjustment of the estimate.

Ms. Chapman explained that a met tower lifespan was at least the lifetime of the construction phase of a project, seven years being typical. Mr. Beliveau asserted that the condition imposed was to leave the tower up until it had fulfilled its use as a data collection device as determined by EDPR and he stated that it was unfair to accept a range of varied estimates. He felt that the estimates acquired by the town showed his client's good faith and fairness as they were similar to the original bond offer.

Miles expressed concern that the full amount ultimately needed to remove the tower was an obligation to be paid by EDPR and that the amount should be agreed upon. The town's security was to be ensured by a bond provided up front and not a letter of credit. He further explained that EDPR does not pay \$10K for a \$10K bond, and that the bond company assumes the risk.

Celine wanted to know if the approval letter sufficiently addressed Miles concerns and we eventually decided that clarification language agreeable to all parties could be added to the Notice of Planning Board Approval or Denial form.

Mr. Beliveau stated for the record that EDPR has said it will remove the tower when they are done with it at their sole cost and expense. If the town were to decide to take it down before then, the town would bear the cost.

Miles reiterated that the amount of the bond is an ongoing obligation and must be sufficient to remove the tower should EDPR fail to do so. Mr. Beliveau agreed but said that any periodic revisiting of the bond amount must be fair and not unilateral. As an example, he stated that a regional contractor would need to do the work so as to keep costs reasonable. He suggested that Mr. Nemeth offered the \$10K at the previous meeting in hopes of alleviating concerns and encouraging agreement.

Ms. Chapman said that based on her experience in the industry the initial \$7K quote was generous, and agreed that Mr. Nemeth likely offered to raise the bond amount to \$10K in an attempt to expedite the process.

At this juncture, Mr. Beliveau and Ms. Chapman stepped out for a brief private conference. A gentleman in the audience who had been patiently waiting to submit a building permit application stepped forward and was directed to apply via the Select Board.

EDPR's representatives returned to the room and offered a bond of \$7K with re-examination of the amount to take place in 3 ½ years. He added that the bond would not expire.

Russ stated that he didn't like an offer that seemed to lose ground, as EDPR had already offered \$10K and shouldn't renege on that offer. He felt that given the wide range of estimates, from \$4K to \$10K, the town should have the security of the highest offer.

When Mr. Beliveau pointed out that we had failed to accept the previous offer of \$10K, Miles responded that the whole reason the Board decided to acquire independent quotes was because we didn't know what the cost would be and didn't feel comfortable accepting EDPR's numbers without more information.

Ms. Chapman reiterated that the initial offer was high and that the industry was a very specialized field that worked with regional contractors. She didn't want to leave EDPR open to "arbitrary quotes from all over".

With all parties agreeing that we are expected to work together in good faith, EDPR's representatives and the Planning Board agreed that a \$10K bond, to be revisited to ensure the amount was sufficient in 3 ½ years, would be accepted. A mutually agreed upon contractor would be retained to provide the revisited estimate. Jenny moved to accept the offer, Celine seconded, and the vote led to unanimous approval.

When Miles suggested the board receive the bond before signing, Mr. Beliveau said he had spoken with Town Council Laura Spector, and it was his understanding that procedurally the Planning Board would sign the plan, and the Select Board would receive the building permit application at which time the bond would be provided. The Planning Board decision to approve the plan has been appealed and the project is not likely to get underway in the near future.

On the Notice of Planning Board Approval or Denial form language was added detailing the agreed-upon amount of the bond to decommission the met tower and remediate the site, and that

said bond will be delivered to the Town when the Building Permit is applied for. This language was written on the Notice by Mr. Beliveau at the request of the Board.

Copies of the finalized plan were distributed, and Slim moved, Jenny seconded that we sign the plan as presented tonight. All approved except Russ who abstained, and five members signed the plan.

Miles moved Celine seconded that we sign the Notice of Planning Board Approval, clarified as detailed above. All in favor except Russ who abstained and five members signed the Notice, after which EDPR's representatives exited.

The next Master Plan Revision meeting will be June 12 2013.

Meeting adjourned 8:45.