

Town of Newport, NH
Newport Conservation Commission
Minutes of February 17, 2021

6:30 PM

Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH

Remote Access: Zoom.com - Meeting ID: 823 4298 3292 Passcode: 081059
+1(929) 205 6099 US (audio only, long-distance fees apply)

MEMBERS PRESENT: *Via Zoom:* Clifford Richer, Acting Chairman; Barry Connell, BOS Representative; *Via Phone:* Linda Dennis, Ken Dennis

MEMBERS ABSENT: none

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator; *via zoom:* Hunter Rieseberg, Town Manager

GUEST SPEAKERS: Evan Weaver, Norwich Solar Technologies; Charles Van Winkle, Vice President of Operations, Norwich Solar Technologies; Drew McDermott, Horizons Engineering, Inc.

VIDEOGRAPHER: John Lunn

Zoning Administrator Christina Donovan opened the Conservation Commission meeting, explaining that the Commission was meeting in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04. She stated that because all members were meeting electronically all votes would be roll call votes. She then handed the meeting over to Acting Chairman Cliff Richer.

CALL TO ORDER: Acting Chairman Richer called the meeting of the Conservation Commission meeting to order at 6:32 p.m. followed by present the Pledge of Allegiance and a roll call.

AGENDA REVIEW: Accepted as presented.

MINUTES: October 28, 2020
October 28, 2020

On a motion by Mr. Dennis, seconded by Mr. Connell; *the Commission approved the minutes of the October 28, 2020 meeting as presented. The motion passed 4-0-0.*

NEW BUSINESS:

Turkey Hill Solar Array-Hunter F. Rieseberg –Charitable Donation of land from Sunny Acres, LLC Located on Turkey Hill, Map 259 Lot 006

Town Manager Rieseberg addressed the Commission members and thanked them for meeting via zoom. He gave the history of the "net zero" solar energy goal in Newport. The Town of Newport has been pursuing an organizational "net zero" goal for several years. It is the Town's goal to generate sufficient renewable solar energy from arrays on its own property to offset the consumption of electrical power (for the municipality).

This was initially going to be fully achieved on Town owned property located behind our wastewater treatment plant (WWTP) until permitting and line capacity made developing a large enough array at this location impossible. The site behind the WWTP is now complete and operating at its full design/permitted capacity providing about 1/3 of the Town's electricity consumption.

In an effort to help facilitate our overall goal of becoming a "net zero" town, Norwich Solar Technologies (NST) has offered to construct additional solar array capacity on the lot in question located on Turkey Hill thereby allowing us to supplement our current production. Once completed, the Town will roughly generate the same amount of electrical power from renewable solar as it consumes. NST will then donate this property to the Town.

The Town will enter into a Power Purchase Agreement (PPA) with the same terms as it has established for its property behind the WWTP. RSA 41:14-a requires that the proposed donation be reviewed and that comments be received from the Planning Board and the Conservation Commission prior to the Selectboard's official acceptance of the donation of property. Included in the Commissioners packets is a copy of the property card and statute for your review. Town Manager Rieseberg asked for the Conservation Commission members comments.

Mr. Connell addressed Town Manager Rieseberg and stated for clarification, that they were meeting as a Conservation Commission. Therefore they should deal only with the aspects of Conservation: wetlands and such; not whether any member approves of the project or not, only the conservation aspect of it. Town Manager Rieseberg stated that was true but he or a representative (Mr. Evan Weaver, Project Manager) from Norwich Solar Technologies would answer any questions the Commissioners had.

Town Manager Rieseberg stated for Mr. Connell and the Commissioners that they were sitting as a Conservation Commission. Their comments should be in the purview of conservation. Mr. Connell thanked Town Manager Rieseberg.

Mr. Connell stated there had been concerns on wetlands and water mitigation on the site during development. He had concerns about traffic in and out of the site. Town Manager Rieseberg addressed the Commission and stated that concern had been brought up at the Planning Board. He said that once the project is completed, there will be little or no traffic to the site. There will be an occasional visit via pickup truck by a technician once or twice a month. Mr. Connell stated that another Board had had concerns about wetlands, and addition of fill. He wanted to hear more about it. Town Manager Rieseberg said that they had been before the Planning Board and explained they had used appropriate erosion control and soil stabilization. Ms. Donovan stated that the Planning Board had ensured that any vehicles or the arrays themselves could not be stored on Turkey Hill; they had to be parked/stored on the property.

Mr. Evan Weaver stated:

- ❖ There were two approved roads (driveways) to the site. The permanent one on Turkey Hill is accessible for emergency vehicles.
- ❖ A new culvert had been installed at the permanent driveway.
- ❖ They had local state and federal Army Corps of Engineers permits which defines what the company can do and when they can do it. They therefore have a limited amount of disturbance.
- ❖ A line on the site plan in the members' packets indicated the wetlands and the area they would not use.

Mr. Ken Dennis asked about the formality of the meeting. Before the meeting, he has driven by the site multiple times. The solar arrays are already up. Mr. Dennis then asked why the Conservation Commission was having the meeting (concerning Turkey Hill) to see if it (the Conservation Commission) approves, if the arrays are already up.

Town Manager Rieseberg addressed Mr. Dennis and the Commission. He stated the question before the Commission pertains to the donation of the land to the Town. RSA 41:14-a specifically states that the proposed donation be reviewed and that comments be received from the Planning Board and the Conservation Commission prior to the Selectboard's official acceptance of the donation of property.

Norwich Solar Technologies has gone forward with (building) their project under the auspices of the Planning Board. Town Manager Rieseberg is not aware if they had to submit anything to the Conservation Commission at that time; he reiterated the role of the Conservation Commission in the charitable donation of land statute.

Acting Chairman Richer acknowledged Mr. Weaver. Mr. Weaver stated they were 85% completed with the project. They had grid interconnections to complete. Work having to do with the parcel of land is approximately 85% complete. Using digital site plans from his computer he explained the site:

- ❖ Trees are shown that will not be cut (there had been a tentative plan)
- ❖ He pointed out the entrances on the site plan
- ❖ The location of the two groups of solar arrays.

Acting Chairman Richer told Mr. Weaver the site plan answered many questions he had. The wetlands were located along the tree line. Mr. Weaver stated he was correct.

Acting Chairman Richer told Mr. Weaver if they had impacted the wetlands Norwich Solar Technologies would need a wetlands permit that the (Newport) Conservation Commission would have to review. The Commission has not received anything, so they were not impacting it.

Mr. Van Winkle, VP of Operations, Norwich Solar Technologies addressed the Commission and stated they have received a wetlands permit from the State of NH for their impacts. The Newport Conservation Commission should have been cc. on the digital application.

Ms. Donovan stated she believed the copy was in the Commissioners 75 page packet. Mr. and Mrs. Dennis stated they had seen it. Ms. Donovan explained the urgency of the project and time constraints for construction to start before the end of 2020.

Mr. Dennis expressed his displeasure. The land was clear cut. He then asked some questions of Norwich Solar Technologies.

- Norwich Solar bought the land. How many acres were purchased? He was told 9.4 acres.
- Norwich Solar installed the arrays. What will Norwich Solar be gifting the Town. He was told Norwich Solar will be gifting the land to the Town. The arrays will continue to be owned by Norwich Solar. The Town will be having a Power Purchase Agreement (PPA) with Norwich Solar to buy the power. Norwich Technologies staff will do the maintenance.

Mr. Dennis said, for clarification, it was the same arrangement as the WWTP (area) solar array; only Newport owns that property. The only difference at Turkey Hill is that Newport will be taking 9 acres off the tax base. Town Manager Rieseberg stated he was correct.

Mr. Dennis made a motion *to recommend as the Conservation Commission that the Town accepts the gift of the property at 33 Turkey Hill.* It was seconded by Mr. Connell. *The motion passed 4-0-0.*

2021-SFPF-001Cheshire Oil Company: request a final review of a site plan for the property identified as Map 105 Lot 013. The proposed installation of a commercial solar array. The property is located on Sunapee Street, Heavy Commercial (B2) Zoning District.

Acting Chairman Richer asked who would be presenting the case. Mr. Evan Weaver addressed the Board and stated that Town Manager Rieseberg had explained the history of the solar array project in Town (see above). Part of the original plan included solar power (credits) for the Newport school district. As

Norwich Solar has looked at sites (for the municipality) they have also looked for a site for use to create solar energy for the school district. The Sunapee Street site has been located for this purpose. Ms. Donovan addressed Acting Chairman Richer and stated she had sent him this signed and stamped wetlands report from the state wetlands scientist.

Mr. Dennis asked, for clarification, whether this project is to benefit Cheshire Oil or is the Conservation Commission looking at another project that the Town would be owning the property. Ms. Donovan said it was a private for profit solar array.

Mr. Dennis asked if they would be operating the fuel station (T Bird). Mr. Van Winkle said they had an option to buy it pending permitting. He explained all the permitting needed to run the solar arrays. The energy created would be credited to the Newport School District for their use. The land will still remain on the tax rolls. Mr. Dennis asked if the solar arrays were being constructed and the proceeds would benefit the company. Mr. Van Winkle stated yes.

Mrs. Dennis asked how much land clearing was involved in the project. Mr. Drew McDermott listed the permits needed for the project. He stated there was an alteration of grade and tree clearing (he did not know the amount to be done). There would be minor shifting of soil and tree clearing (did not have the exact amount).

Mrs. Dennis asked if there would be a buffer along the river. She was told yes. Mrs. Dennis asked how big a buffer would be there.

Mr. Dennis asked what the total land purchase was. He was told approximately 19 acres. Mr. Dennis repeated the land purchase would be 19 acres. He asked how much land would be used for solar arrays. He was told the size of the array system will be twice the size of Turkey Hill. Mr. Dennis repeated his question: How many acres would be used for solar arrays. Mr. McDermott explained that due to the fact there was a high voltage transmission line for Eversource on the property, nothing could be constructed under it. The arrays had to be divided into two groups; one on each side of the transmission line. It will not take 17 acres. Ms. Donovan assisted with his calculations. She said that 2 acres would be for solar arrays. The rest of the land, 17 acres, will be cleared of its trees. Mr. Dennis asked how many acres would be cleared of trees. Ms. Donovan said 9.5 acres.

Mrs. Dennis asked why solar panels couldn't go under the power lines. She was told it is a restriction of the easement of Eversource. Mrs. Dennis said it was very counterproductive to not be able to use that land. Mr. Weaver agreed.

Mr. Dennis asked about the buffer between the river. He said there was about 3-4 acres of buffer zone between the panels and the river. Mr. McDermott said there will still be a buffer. The wetlands scientist delineated the wetlands, nothing closer than 5-10 feet (from the delineated line) will be cut there.

Mr. McDermott said there was an existing rail trail; drainage permits were required on the east portion of the property all stormwater would be retained in a stormwater pond on the east portion of the property.

Mr. Connell asked why the company needed to cut so many trees. Was it for solar access? He was told that solar panels work best when exposed to direct sunlight. If there was 90 foot tree, that would impede with the array's optimum use.

Acting Chairman Richer asked why they needed a sediment pond. He asked if they would be asphaltting the surface, graveling it or making it impermeable in any way. Mr. McDermott stated the DOT had guidance for solar arrays specifically. The reasons were:

- Cutting of trees. Without trees the water runs faster (land cover change). Calculations determine the size of the pond.

Mr. Dennis asked:

1. How large an area is the stormwater retention pond? He was not told.
2. Where is the access to the property; if it would be off of the state road? He was told Route 11/103.
3. For clarification, the applicants were asked if it would be the egress. He was told that was correct.
4. Would the egress be between the power lines and the house; or between the house and T Bird? He was told between the power lines and the (single family) house.
5. They were asked for clarification, if the applicants would cut an access road to the site from there. He was told yes.

Ms. Donovan told the Commissioners that the case was going before the Planning Board on March 9, 2021 with the Conservation Commission's analysis first. Conservation information will be sent to the Planning Board. Mr. Dennis thanked Ms. Donovan for going through the proper process (1st Conservation Commission, 2nd Planning Board). Ms. Donovan agreed and explained the case's progress through the process.

Mr. Connell asked what the major issues pertaining to wetlands and other conservation issues that might be present on the land. He was told that two wetlands have been identified on the property itself: one was adjacent to the Sugar River; the other was a ways from the Sugar River. There is also some tall growth forest (primarily pine).

There is an existing snowmobile trail through the property. The main chunk of the property is cleared along with the power line area and easement. The applicant was asked if the snowmobile trail was part of the state trail. He did not know; they were redirecting it around the array. Ms. Donovan stated she understood it was on their private land; Cheshire Oil was working with the snowmobile group concerning access to the trail.

Mr. Dennis again asked about wetlands permitting. The applicant stated they were in the process of getting signatures to their applications. Cheshire Oil representative are out of state, documents have to be sent to them for signatures and notarization. The applicants will file the documents with the State of NH the week of February 21, 2021. Mr. Dennis asked, for clarification, if the applicants would buy the property when the permits were issued. He was told yes.

Mr. Connell asked if the Conservation Commission could do anything until the permits are issued (by the state). The applicants stated they appreciated any concerns the Commissioners had. Mr. Connell said that as long as it did not interfere with wetlands, and mitigation was in place, those are the main questions of the Conservation Commission. He continued, saying that the site plan showed sufficient distance from the identified wetlands. He did not see mitigation as an issue. He relied on Acting Chairman Richer and Mr. Dennis for that.

Mr. Dennis said that was one of Mrs. Linda Dennis's questions; being near the river and not having the state permits yet, she also did not see how the Conservation Commission could do much. Ms. Donovan addressed applicant Mr. Evan Weaver and asked if they were infringing on any of the wetlands at the location. She was told no. Ms. Donovan then asked if there was any altering of the wetlands. Mr. McDermott stated there was no wetland impact. The applicants were doing an alteration of terrain permit and a Shoreland permit. Small areas of the arrays are within the 250' zone of the river so they were applying for that appropriately.

Ms. Donovan followed up on one of Mr. Dennis' questions. She asked if Mr. McDermott had the size of the stormwater retention pond. She was told 75-80 feet wide by 100 feet in length and approximately 3 feet deep. Normally it would be dry; the water in it would only be runoff from rain.

Mr. Connell said he did not believe the Conservation Commission could take a vote (on February 17, 2021).

Acting Chairman Richer said the agenda stated review of a final plan. Currently the proposal is not complete. He believed consensus from the Commission for the company to move forward with plans and the Conservation Commission will give the final okay. There will be a lot of trees cut. There is the river adjacent to the property, a permit is necessary in order to cut more basal area of trees than is allowed. The buffer strip that is normally required by the state is 50 feet. Mr. Richer was told the applicants had not applied for the permits yet.

Mr. Weaver addressed the Commissioners and gave them additional information that was on the site plan. 250 feet from the river was where cutting would stop. Acting Chairman Richer stated he believed that if land 250 feet from the river was protected, they didn't have to apply for a Shoreland Protection permit. He was told that they encroached on the 250 feet slightly, near the northern part of the property.

Acting Chairman Richer informed them that the critical basal area is 50 feet from the shore onto the property along the shoreline of the Sugar River. It holds the strictest criteria for the amount of basal area that can be cut. Acting Chairman Richer explained it further for the applicants. He then entertained a motion on Case 2021-SFPF-001. He asked for a consensus stating the Conservation Commission had no problem with the plan and requirements.

Mr. Connell made a motion *from the Conservation Commission that the project appears to be able to go forward pending the development of any issues of permitting that may come forward.* Neither Mr. nor Mrs. Dennis would second the motion as stated. Acting Chairman Richer stated there were two choices; Mr. Connell could table the motion or Mr. Dennis could amend the motion. Mr. Connell tabled his motion.

Mr. Dennis stated he would like to amend the original motion. He wanted the Conservation Commission informed after the state's approval of the applicants permitting.

Ms. Donovan asked, for clarification, if he wanted the Conservation Commission approval contingent upon the Commission being notified of approved state permitting of no disruption of wetlands or encroachment on the Sugar River. Mr. Connell stated that was his (original) motion.

Mr. Connell made the motion *to state as a Conservation Commission that the project may go forward pending any issues related to state permitting approval for no encroachment on the Sugar River and state approval of no disruption of any wetlands.* It was seconded by Mr. Dennis. In discussion, Mrs. Dennis stated she did not like the fact that there were so many trees being cut, she does not like the idea of the river being adjacent to the property, the Conservation Commission advocates for clean water and then this is done for clean energy. She stated there were a lot of conflicts with the project. Acting Chairman Richer called for a roll call vote. ***The motion passed 3-1-0 (Mrs. Dennis voted no).***

Mr. Weaver asked, for clarification, if the applicants were required to return to the Commission once the permitting is approved by the state. He was told when they apply to the Planning Board; the Conservation Commission reviews the plans at the same time. If the Planning Board has objections, the applicants will be sent back to the Commission.

ADMINISTRATION:

1. Ms. Donovan asked to table the administration items except for the monitoring reports. Mr. Steven Walker has contacted Ms. Donovan about the delinquent forms.
2. Mr. Connell told Ms. Donovan and group that he had sent the membership letter to Finance Director Brown to pay the Conservation Commission 2021 dues.

Monitoring Reports

There was a general discussion on the monitoring of Newport's four Conservation Easements and submissions to the state. None of the monitoring assignments had been done for the year 2020. They will be discussed at the next Conservation Commission meeting.

From the October 28, 2020 Conservation Commission minutes: Commissioners discussed:

- a) *Monitoring easements on-site*
- b) *Writing reports:*
 1. *One copy of the report will be for Newport's files and one for the State: sent to Mr. Steve Walker, Conservation Stewardship Specialist; Office of Energy and Planning (OEP)*

The following monitoring responsibilities had been assigned for 2020:

Barton Easement: Mr. Richer and Mr. Dennis

Johnson Easement: Mr. Richer and Mr. Dennis

Yeomans Easement: Mrs. Dennis and Mr. Dennis

Wells Easement: Mrs. Dennis and Mr. Dennis

Boundary Stakes, Mail and Mr. Walker (tags and stakes)

Ms. Donovan had information on these items; they were tabled to the next meeting.

Additional information: monetary concerns

There had been a scheduled harvest the winter 2020-2021 on the Gilman Pond easement. Mr. and Mrs. Dennis explained they had walked the area with Director Cartier, a man from the Water and Sewer Department and Jeremy Turner (Meadowbrook's, Inc.). Mr. Turner had shown and explained what had been done with the harvested trees. The next cutting would be done by chain saws only. Mrs. Dennis said it should be very interesting to observe.

Ms. Donovan and the Commission discussed budget appropriations and the Conservation Commission.

On a motion by Mr. Dennis, seconded by Mr. Connell; the Commission voted by roll call to adjourn at 8:30 p.m.

Respectfully submitted,

Maura Stetson

Scribe

Approved: November XX, 2020