

# EXHIBIT A

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2006-01**

**Re: Community Energy Inc. and Lempster Wind, L.L.C. Application for  
Certificate of Site and Facility for the Lempster Mountain Wind Power Project,  
Lempster, Sullivan County, New Hampshire.**

**Order and Notice of Public Informational Hearing  
Pursuant to N.H.R.S.A. 162-H: 10**

**It is hereby ORDERED that a public informational hearing of the Site Evaluation Committee for the State of New Hampshire shall be held on Monday, October 30, 2006, at 7 o'clock P.M. at the Goshen-Lempster Cooperative Elementary School, 29 School Road, Lempster, Sullivan County, New Hampshire, pursuant to N.H.R.S.A. 162-H:10.**

**The Application**

The Site Evaluation Committee (Committee) received petitions from the Board of Selectmen for the Towns of Lempster, New Hampshire, and Washington, New Hampshire, and a petition containing the signatures of more than 100 registered voters from the Town of Lempster filed by Teresa Spada and Dorothy Hathaway, as well as additional correspondence, requesting the Committee to determine whether the proposal of Community Energy, Inc. and Lempster Wind, L.L.C., (collectively referred to as CEI) to construct a wind powered electric generation facility should require the issuance of a Certificate of Site and Facility pursuant to the provisions of New Hampshire Revised Statutes (R.S.A.) 162-H:1 *et. seq.*

On or about June 30, 2006, CEI filed a Motion for Jurisdiction and Condensed Procedural Schedule requesting that the Committee assert jurisdiction pursuant to R.S.A. 162-H:2. On July 6, 2006, the Committee voted to accept jurisdiction over the project. On August 28, 2006, CEI filed a formal Application for Certificate of Site and Facility (Application).

On October 2, 2006, at a public meeting, the Committee reviewed the Application and determined that it contained sufficient information to carry out the purposes of R.S.A. 162-H. The Committee voted to accept the Application.

**Location of the Proposed Facility**

**The facility is proposed to be located on private property along the ridge line of Lempster Mountain in Lempster, Sullivan County, New Hampshire. The proposed site is bounded**



on the north by the Goshen town line and Lempster Mountain Road to the south. The proposed site includes land identified by the Town of Lempster Tax Map as Map/Parcel: 6-132,000; 9-175,11; 8-530,094; 6-218,115; 6-034,044. Maps which specifically identify the location of the proposed facility have been filed with the Application and are available for public inspection at the office of the Commissioner of the Department of Environmental Services, 29 Hazen Drive, Concord, N.H. or at the Lempster Town Offices.

### **Nature of the Proposed Facility**

The proposed facility is a wind powered electric generation facility designed for operation at 24 Megawatts (MW). The proposed facility will include twelve (12) Gamesa G87 wind turbine generator units each of which is rated at a capacity of 2.0 MW. Each turbine generator unit will contain a rotor measuring 285 feet in diameter, made up of three individual blades of 139 feet each in length; a nacelle that attaches to the rotor and contains a gearbox, low and high speed shafts, generator and other controls; and, a tubular structural steel tower, in four sections, with an approximate height of 255.9 feet. The gross weight of each turbine generator unit will be approximately 303 tons, including the rotor hub (38 tons), nacelle (65 tons) and tower (200 tons). The proposed facility also includes access roads, a metering station, and an interconnection point with the Public Service Company of New Hampshire 34.5 kV distribution line at the intersection of Bean Mountain Road and Nichols Road in Lempster. Further information about the nature of the proposed facility is contained in the Application and available for public inspection at the office of the Commissioner of the Department of Environmental Services, 29 Hazen Drive, Concord, N.H. or at the Lempster Town Offices.

### **Notice of Public Hearing and Possible Site Visit**

Pursuant to R.S.A. 162-H:10,I, within thirty (30) days of acceptance of the Application the Committee shall hold at least one public informational hearing in the county in which the proposed facility is to be located. The hearing shall be for public information on the proposed facility with the Applicant presenting the information to the Committee and the public. The Committee may also consider the adoption of a further procedural schedule at the time of said hearing.

The Public Informational Hearing shall commence at 7 P.M. at the Goshen-Lempster Cooperative Elementary School, 29 School Road, Lempster, Sullivan County, N.H. The proceedings shall be recorded and members of the public will be permitted to submit questions and give public comment.

Prior to the Public Informational Hearing, at approximately 3 P.M., weather permitting, the members of the Committee may visit the proposed site.

# **EXHIBIT B**

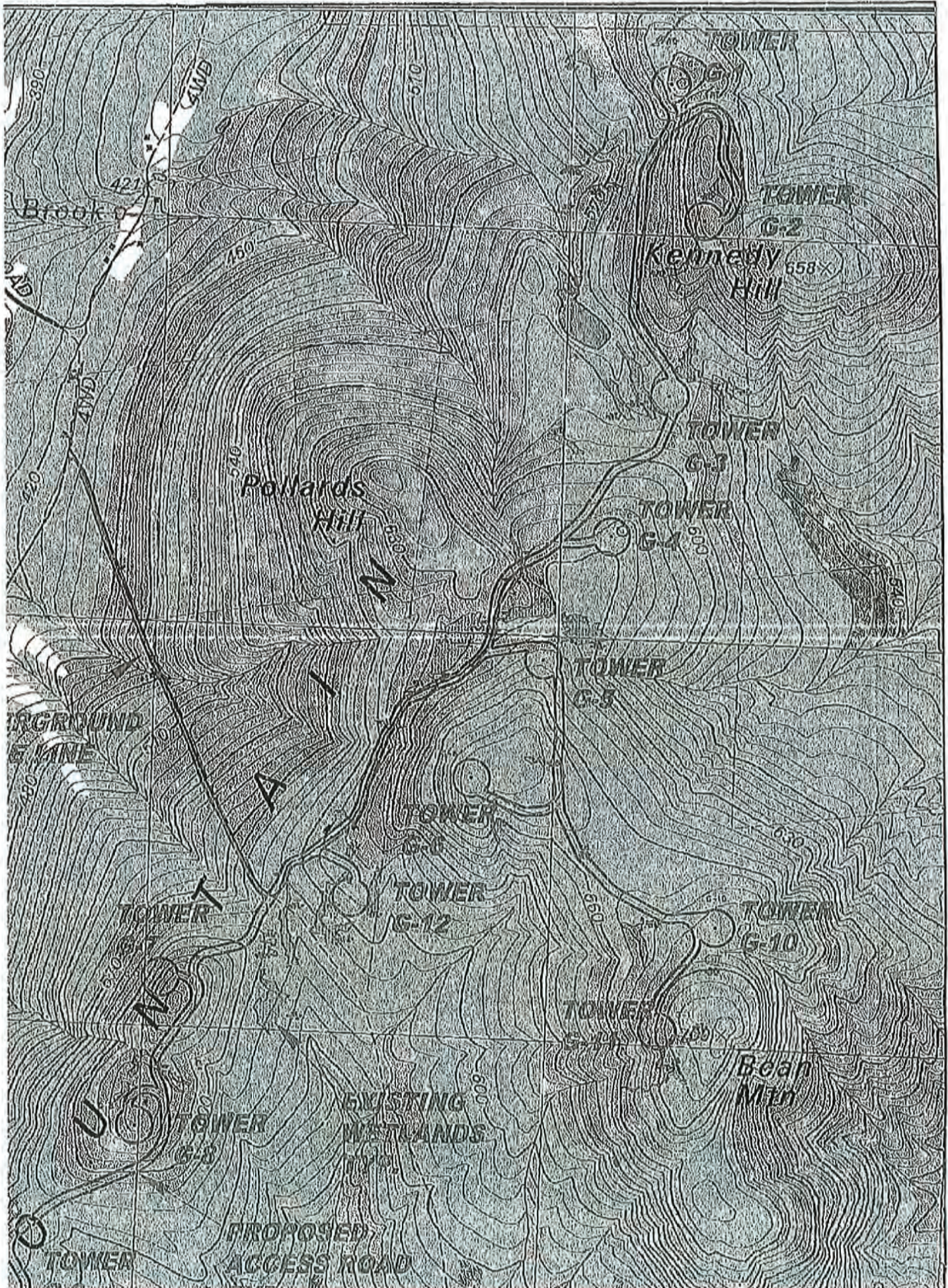






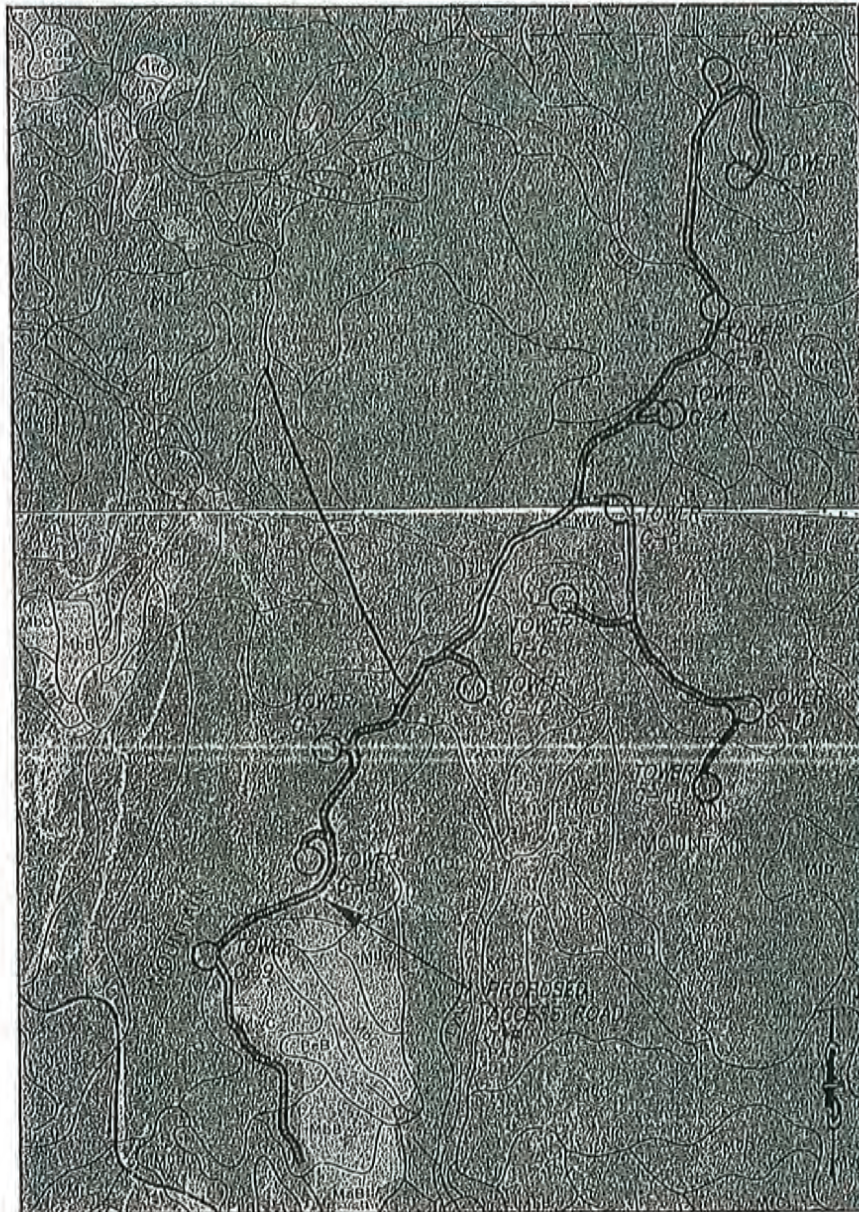
# EXHIBIT C







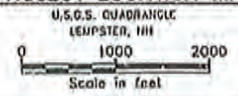
# PROJECT SOIL TYPES LEMPSTER WIND, LLC LEMPSTER, NEW HAMPSHIRE



### SOILS LEGEND

		HYDROLOGIC GROUP	
AdE	Adams Loamy Sand	25-35%	A
CoB	Collon Sandy Loom	3-8%	A
HcB	Haven Outcrop Complex	3-8%	C
HcC	Haven Outcrop Complex	8-15%	C
HmB	Hermon Stony Fine Sandy Loom	3-8%	A
HmC	Hermon Stony Fine Sandy Loom	8-15%	A
HmD	Hermon Stony Fine Sandy Loom	15-25%	A
LsE	Lyman-Monadnock Rock Outcrop Complex	25-35%	C/D
LyA	Lyman-Monadnock Stony Loom	0-3%	C
MaB	Marlow Loom	3-8%	C
MbC	Marlow Stony Loom	8-15%	C
MbD	Marlow Stony Loom	15-25%	C
MID	Monadnock Stony Fine Sandy Loom	15-25%	B
MiD	Monadnock-Hermon Association	15-25%	B
MwD	Monadnock-Lyman Stony Fine Sandy Loom	8-15%	B
MvC	Monadnock-Lyman Stony Fine Sandy Loom	15-25%	B
MwC	Monadnock-Lyman Rock-Outcrop Complex	8-15%	B
MwD	Monadnock-Lyman Rock-Outcrop Complex	15-25%	B
PeB	Peru Loom	3-8%	C
PcD	Peru Loom	15-25%	C

### PROJECT LOCATION MAP



Drawing Copyright © 2006 Clough Harbour & Associates LLP  
 Date: 04/11/06  
 Project: LEMPSTER WIND, LLC  
 Location: LEMPSTER, NH  
 Scale: AS SHOWN  
 Drawing: 14921-01

Drawing Copyright © 2006 Clough Harbour & Associates LLP

# CHA

CLOUGH HARBOUR & ASSOCIATES LLP  
 11 King Court - Keene, NH 03431-4848  
 Phone: (603) 357-2445 • www.cloughharbour.com

**SOILS MAP**  
**LEMPSTER WIND, LLC**  
 150 Strafford Ave., Suite 110  
 Wayne, PA 19087

**PROJECT NO.**  
 14921  


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**DATE:** 04/11/06  

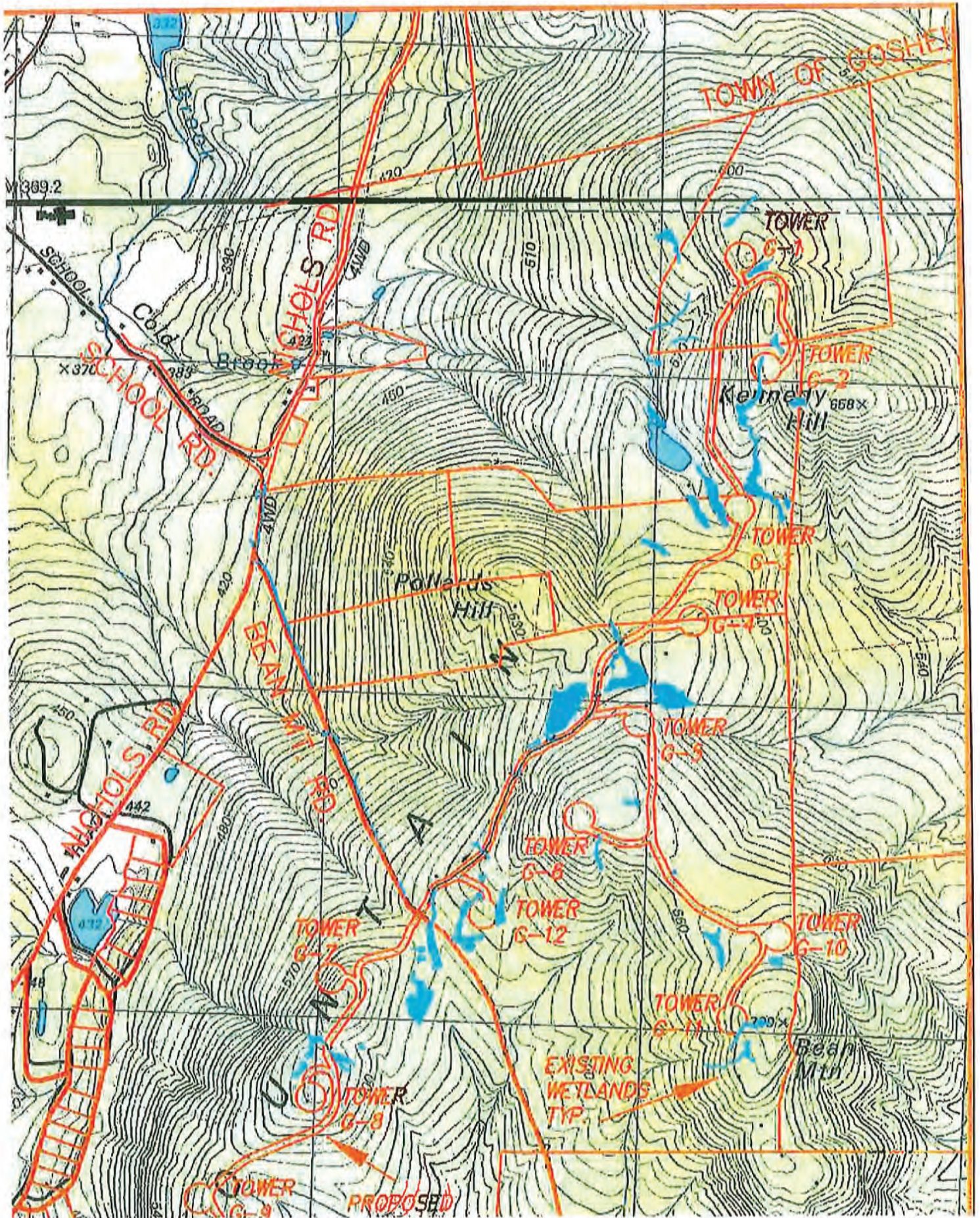

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**APPENDIX B**



# EXHIBIT D







# **EXHIBIT E**



THE STATE OF NEW HAMPSHIRE

SULLIVAN, SS

SUPERIOR COURT

Case No. 220-2020-CV-00112

Town of Lempster

v.

Kevin Onnela et al.

**THE TOWN OF LEMPSTER'S RESPONSES TO DEFENDANTS'  
FIRST SET OF INTERROGATORIES**

The Town of Lempster responds to Defendants Kevin and Debra Onnela's First Set of Interrogatories as follows:

**General Objections**

- A. The plaintiff objects to the instructions and definitions to the extent that they purport to impose obligations beyond those set forth in the applicable Superior Court rules.
- B. The plaintiff objects to providing information that is subject to the attorney-client or work product privilege.

**INTERROGATORIES**

1. Please confirm that Selectpersons Everett Thurber and Mary Grenier signed the Agreement attached hereto as Exhibit 1 with the wind farm developer Lempster Wind, LLC, on behalf of the Town of Lempster on or about July 27, 2007.

**ANSWER:** *Confirmed.*

2. Please confirm that the Agreement required that all entrances to the wind project site be gated. See page 4, Sec. 4.1.

**ANSWER:** *The Agreement speaks for itself and the Town denies any*



*objection, please see answer to question 10.*

12. Please identify all positions Phillip Tirrell has held with the Town, describing the position, when he held that position and the duties of that position.

**ANSWER:** *Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, Selectmen for a three-year term that ended in 2021. Fire Chief from 1979-2009. Please see RSA 154 and RSA 41 for duties of these positions.*

13. Please produce a copy of the formal Notice to the Onnelas required by RSA 215-A:6, IX by verified mail pursuant to RSA 21:53. Please indicate when that notice was sent and whether it was picked up, by who and produce any documentation of those events.

**ANSWER:** *Please see the attached.*

14. Who were the founders of the Lempster Trailblazers ATV Club? Please list their names, addresses and "contact information" as called for in the Definition section of these Interrogatories.

**ANSWER:** *Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, the following persons were at the first public meeting of the ATV Club on September 16, 2019 at the Lempster Fire Station: Mark Adams, Ryan Aruda, Tom Brennan, Bob Grimard, Bob Fagga, Buzz Reusch, Carolyn Kepchensky, Keith Chadwick, Linda Callahan, Conor Smith, Jeff Colby, Doug Marsh, David Richards, Mitchell Durgin, Eric and Kym Lemay, Frank Birtheathrowl, Paul Ethier, Rick Fagga, Krysta Gay, Kyle Hamel, Sue Lichty, Joyce Hall, Ivan Wallace, Joe Moulton, Jermey Proper, Scott Jargel, Janet Perry, Kevin Callum, Norm Lowden, Sharron Wallace, Norma Proper, Nancy Reusch, Phil Tirrell, Tyler Pederson, Rachel Tirrell, Terry Malin, Laree Townsend, Dan Reed, Shawn Leclercq and Bard Fyfe.*



15. When did Phillip Tirrell become a member of the Lempster Trailblazers ATV Club? List every position, informal or formal that he has held with the club including any service as an officer or director of the club and list the time periods he has held each such position.

**ANSWER:** *Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, Mr. Tirrell became a member of the ATV Club's Board of Directors in 2019 and resigned on October 19, 2020.*

16. Please identify every member of Phillip Tirrell's family who has been a member of the Lempster Trailblazers ATV Club and identify their titles and describe the roles they have served in the Club.

**ANSWER:** *Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, Rachel Tirrell was a member in 2019 and then became secretary on March 15, 2021, where she takes notes at meetings.*

17. Please describe in detail any conversations any town official or employee, including but not limited to Mr. Tirrell, had with Kevin Onnela, Debra Onnela and/or the wind farm operator relative to ATV access to Bean Mountain Road and/or removal of the gates to Bean Mountain Road. If any e-mails, correspondence or documents were exchanged between these individuals or parties on these subjects, please produce such documents and any related documents.

**ANSWER:** *Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, Mr. Onnela told Mr. Tirrell in June or July of 2020 that Mr. Onnela would be willing to support ATV use in Town if Bean Mountain Road was closed. A Town of Croydon manual was given to Mr. Tirrell. Mr. Tirrell replied that Bean Mountain Road was a Class VI road and closure had to be voted at town meeting.*

*Around April 2020, Mr. Tirrell asked a person associated with the wind farm,*



*identity cannot be recalled at this moment, as to opening the gates on Bean Mountain Road. That person explained that Mr. Onnela wanted the gates closed. Discussions between Mr. Tirrell and Mr. Onnela then ensued and did not result in the gates being opened.*

18. As described at paragraphs 28 to 30 of the Onnela's Counterclaim, over the 2020 Labor Day Weekend the east entrance gate to the wind farm project site on Bean Mountain Road was opened using the key that Kevin Onnela had given to the Lempster Fire Department for emergency access. Please indicate any and all persons who opened the gate, describe why and list their address and contact information.

*ANSWER: Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, the Town is unaware of any persons, and refers to its response to paragraph 6.*

19. What ATV users accessed the project site and the Onnela's property through that gate on that occasion? List their addresses and contact information. Identify which such users damaged the road and the Onnela's property and describe what damages they made.

*ANSWER: Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, the Town is unaware of any persons or damage, and refers to its response to paragraph 6.*

20. Please produce any e-mails, correspondence or other documents written or received by Phillip Tirrell prior to July 14, 2020 which in any way propose or discuss opening Bean Mountain Road to ATV and/or public use.

*ANSWER: Objection by counsel as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to admissible evidence. Without waiving this objection, please see attached.*



Town of Lempster

Dated: 8/13/2021

By: Mary Grenier  
Name: Mary Grenier  
Title: Selectboard Member

STATE OF NEW HAMPSHIRE  
COUNTY OF SULLIVAN

On this 13 day of August, 2021, personally appeared before me the above-named, Mary Grenier, who made oath that the foregoing statements by her subscribed are true and accurate to the best of her knowledge and belief.

Robin L. Cantara  
Notary Public/Justice of the Peace

As to objections:

Michael P. Courtney

Michael P. Courtney; NHBA #21150  
Upton & Hatfield, LLP  
10 Centre Street; PO Box 1090  
Concord, NH 03302-1090  
(603) 224-7791  
[mcourtney@uptonhatfield.com](mailto:mcourtney@uptonhatfield.com)





**TOWN OF LEMPSTER  
BOARD OF SELECTMEN  
PUBLIC HEARING**

Approved Minutes  
February 18, 2020

**PRESENT:** Chairman Philip Tirrell, Selectman Mary Grenier and Ingrid Bjork,  
Administrative Assistant

**OTHERS PRESENT:** Barbara Richards, David Richards, Jim Grenier, Troy Picard,  
Linda Callahan, Rachel Tirrell, Cindy Cheever, Jim Cheever, Joseph Moulton, Jr., Bob  
Fagga, Wanda Ash, Wesley Ash, Terri Malin, Michael Fainer, Norman Lowden,  
Courtney Lowden, Norma Proper, Joel Lewis, Sue Lichty, Dan Reed, Ryan Arruda,  
Heather Skeie, Jane Skeie, Dan Skeie, Danny Smith, Becky Farrand, Carol Andrews,  
Richard Fairweather, Paula McKone and William McKone.

Chairman Tirrell called the Public Hearing to order at 7:00 PM.

Chairman Tirrell explained that the Lempster ATV Club had approached the Selectmen requesting sections of class V and VI roads be open to ATV use. The club worked on a specific trail and paid for the abutters notices. State law gives the right for the Selectmen to approve use of ATVs on class IV, V and VI roads. There are no class IV roads in Lempster.

Mr. Richards spoke for the ATV club and described how the ATV club needed an approved trail to become a state approved ATV Club. Maps and a list of the proposed designated areas were presented and available to the public.

A resident expressed his concern that the class VI sections will be dug up. Mr. Lowden said that it is the responsibility of the ATV club to maintain and police the trails.

Mr. Cheever said he is concerned about the noise, dust, rubbish and speed. He said he has seen Huntly Road torn up. He asked if the already approved snowmobile trail could be used instead of the roads.

A member of the Lempster ATV club said that the noise is regulated to 96 decibels and that the club will have posted signs of the speed limit.

*Mr. Smith also had a concern of the Sand Pond to Huntley Road area but supports the ATV club.*

Heather Skeie discussed her concern about the area by her house where the children and horses are. Mrs. Tirrell said that she uses the Claremont trail and has found that the ATV users are respectful of walkers and horses.



- Establish a process here private landowners, town officials and representatives of the ATV club can address private landowner concerns.
- The Town should develop a plan to ensure enforcement of the laws, rules and local requirements relating to ATV/OHRV use.
- Consult with officials from other municipalities where ATV's use local roads in order to learn how they have addressed any issues that have developed as a result of increased ATV use.
- Finally, we ask that the Town put in place a time limit for this road use authorizations of 2 Years. At the end of that 2-year period, the Town should assess the benefits and impacts from increased ATV use through another hearing.

Ms. Bjork reminded the club that the class VI trails cannot use town money for repairs.

Mr. Reed said that he is a forester and lives in Marlow, NH. He said that ATV clubs are blossoming across the state and that there is state money available to help clubs maintain and repair trails. Class VI roads would convert to class V roads if the Town starts to maintain them.

Selectman Grenier made a motion accept the trail as presented with a condition of two years. Chairman Tirrell seconded the motion. All were in favor.

Mr. Fairweather asked if the Selectmen needed to wait for a Selectmen's meeting to vote on the acceptance of a trail. Chairman Tirrell said that the public hearing was properly noticed and that he believed the Selectmen could make a decision this evening. If not the Selectmen have a meeting on Tuesday, February 25<sup>th</sup> where they will confirm the vote.

Chairman Tirrell made a motion to adjourn the Public Hearing at 7:45 PM. Selectman Grenier seconded the motion. All were in favor.

Respectfully submitted,  
Ingrid Bjork  
Administrative Assistant



## Lempster Trailblazers ATV Club

A Non-Profit Corporation

Lempster Selectboard,

We are requesting permission to use the following town roads for shared use ATV designated trails in the Town of Lempster under NH RSA 215-A:6, IX:

Coach Rd from Goshen town line (43.25739N, 72.15011W) to Nichols Rd (43.24251N, 72.15741W)

Nichols Rd from Coach Rd (43.24251N, 72.15741W) to Bean Mountain Rd (43.24021N, 72.15775W)

Bean Mountain Rd from Nichols Rd (43.24021N, 72.15775W) to Mountain Rd (43.20982N, 72.15035W)

Mountain Rd from Bean Mountain Rd (43.20982N, 72.15035W) to Earls Ln (43.21346N, 72.15692W)

Earls Ln into parking area on town land (43.21708N, 72.15521W)

South Rd from Mountain Rd (43.21280N, 72.15580W) to Sand Pond Rd (43.18413N, 72.18039W)

Sand Pond Rd from South Rd (43.18413N, 72.18039W) to Marlow town line (43.1785N, 72.18676W) (Marlow club is looking to extend their current shared use roads)

Huntley Rd from Sand Pond Rd (43.18089N, 72.18715W) to Gee Rd (43.17978N, 72.19715W)

Gee Rd from Marlow town line (43.17737N, 72.19807W) past Huntley Rd (43.18089N, 72.18715W) to NH Route 10 (43.19572N, 72.19878W)

Kempton Rd from South Rd (43.18493N, 72.17998W) to Olds Rd (43.20858N, 72.18292W)

Olds Rd from Kempton Rd (43.20858N, 72.18292W) to Brown Rd (43.20961N, 72.18545W)

Brown Rd from Olds Rd (43.20961N, 72.18545W) to private land (43.21157N, 72.18251W)

Town Garage Rd from Olds Rd (43.20895N, 72.18395W) to road split entering town highway dept. operational area (43.20946N, 72.18321W)



We would also request permission to designate parking area on Earls Ln and Town Garage Rd. Conservation Commission has authorized use of the parking area at Earls Ln.

*After 2 years the Town of Lempster will review & assess the benefits & impact on the community.*

Thank You for your consideration,

LTAC Board of Directors

Approval by Lempster Selectboard

Signatures

X *Shapell*

X *Shapell*

X



# OHRV (WHEELED) VEHICLE TRAIL PERMISSION

Permission is hereby granted to LEMPSTER TRAILBLAZERS ATV CLUB  
(Name of club/organization)

to provide public  **ATV**  **UTV**  **Trail Bike**  **Jeep/Truck** access on my property. It is understood that use of my property, for said purpose, in no way holds me liable or responsible for accidents that may occur as a result of others using my property as provided for in Chapter 212, Section 34, Laws of the State of New Hampshire (RSA 212:34 Duty of Care).

There shall be **no fee** for the **use** of this property. The above named club/organization agrees to mark, sign, and maintain the property in a proper and safe manner.

The State of New Hampshire, Department of Natural and Cultural Resources, Division of Parks and Recreation, Bureau of Trails, shall also provide a landowner liability insurance policy with coverage of \$2,000,000.00 for trails within the Grant-In-Aid Program.

This agreement shall have a **term** of:

- Indefinite
- 2 year from landowner approval
- 5 years from landowner approval

\*\*THIS AGREEMENT MAY BE TERMINATED FOR ANY CAUSE, BY EITHER PARTY, UPON THIRTY (30) DAYS WRITTEN NOTIFICATION.\*\*

Dated this 21 day of APRIL, 2020

Shirley Threl  
Everett Thuber  
Shirley E. Threl  
Landowner Signature

TOWN OF LEMPSTER  
Landowner (Print Name)

PO Box 33  
Address

LEMPSTER  
Town/City

03605  
Zip Code

603 863 2698  
Telephone

LEMPSTER TRAILBLAZERS ATV CLUB  
Club/Organization

WESLEY ASH  
Club/Organization Officer (Print Name)

156 LOVE JOY ROAD  
Club Address

PRESIDENT  
Title (President, Trail Administrator, etc.)

LEMPSTER  
Town/City

03605  
Zip Code

Club/Organization Officer's Signature



# **EXHIBIT F**



**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2022-01**

**Town of Lempster  
Petition for Declaratory Ruling**

**AFFIDAVIT OF RYAN HALEY**

NOW COMES Ryan Haley, upon oath, being duly sworn, and states as follows:

1. I have been employed by Lempster Wind, LLC (“Lempster Wind”) since 2010 and hold the position of Plant Manager.
2. I am familiar with the site of the Lempster Wind Facility in Lempster, New Hampshire, the roads providing access to the wind turbines, and other buildings and structures comprising the Lempster Wind Facility, including the electrical line located on Bean Mountain Road that transports electricity generated by the Lempster Wind Facility to the point of connection with the local electrical distribution system at the junction of Bean Mountain Road with Nichols Road.
3. Consistent with the New Hampshire Site Evaluation Committee’s Decision and Order issued June 28, 2007 in Docket No. 2006-01, Lempster Wind constructed the Lempster Wind Facility, including the above-described electrical line located on Bean Mountain Road, and that electrical line has been in operation since it was constructed and Lempster Wind began producing electricity.



DATED this 20<sup>TH</sup> day of June, 2022.

*Ryan M. Haley*  
Ryan Haley

STATE OF NEW HAMPSHIRE

COUNTY OF SULLIVAN

On this 20<sup>TH</sup> day of June , 2022, the above-named Ryan Haley personally appeared before me and subscribed and swore to the foregoing.



*Christine P. Smith*  
Justice of the Peace/Notary Public  
My Commission Expires: AUG 28, 2024