

## Minutes

### Antrim Planning Board

4/2/2009  
3/4/2010  
3/18/2010  
11/4/2010  
11/18/2010  
12/2/2010  
12/23/2010  
1/6/2011  
1/20/2011  
2/1/2011  
2/10/2011  
2/22/2011  
3/3/2011  
3/9/2011  
4/7/2011

### Antrim Zoning Board of Adjustment

7/28/2009  
8/11/2009  
8/19/2009  
9/15/2009  
9/29/2009  
10/13/2010  
4/10/2010  
5/18/2010  
7/10/2010  
8/17/2010  
5/5/2011

### Antrim Board of Selectmen

3/7/2011  
3/14/2011  
3/21/2011  
3/31/2011  
4/4/2011  
4/18/2011  
4/18/2011  
4/20/2011  
4/22/2011



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 04/02/09

## ANTRIM PLANNING BOARD MEETING

April 2, 2009 Meeting

**Members & Staff Present:** Scott Burnside      Diane Chauncey      Joe Koziell      Steve Schacht  
Sandy Snow      Paul Vasques      Kathi Wasserloos      CR Willeke

**Member & Staff Absent:** Andrew Robblee

**Public Attendees:** Jack Kenworthy (Eolian Renewable Energy)  
Drew Kenworthy (Eolian Renewable Energy)  
Travis Bullard (Eolian Renewable Energy)  
Ron Haggett (Zoning Board of Adjustment)  
Jesse Lazar (Resident)  
Peter Moore (Antrim Energy Conservation Committee)  
Gordon Webber (Selectmen)  
Ben Pratt (Antrim Energy Conservation Committee)  
Michael Ott (Landowner, Map 212 Lot 30)

**Public Meeting:** Vice-Chair Snow convened the meeting at 7:15. He had the Board introduce themselves, and then invited the Eolian Renewable Energy Group to present their proposal.

**Conceptual Consultation for a Wind Farm in the western portion (Tuttle Hill) of Antrim on 3 parcels: Ott, Map 212 Lot 030; Druan, Map 211, Lot 4; Bean, Map 235 Lot 014, in the Rural Conservation District. File # 2009-02PB**

Jack Kenworthy (CEO of Eolian Renewable Energy) spoke for the group, explaining their New England based company with a thirteen page Power Point Presentation and a handout (available to view at Town Hall during business hours), which matched the slide show. The following points were made:

**The Company** - Eolian Renewable Energy, LLC - Portsmouth, NH

A young company  
New England based small utility scale wind and solar energy developer  
Projects in Maine, New Hampshire, Massachusetts, Vermont, & Rhode Island  
Focused on distributed renewable energy, not mega-projects  
Seeking communities interested in hosting cutting edge wind and solar facilities to assist  
economic development and environmental stewardship  
Ten years of experience in renewable energy development, real estate development,  
environmental consulting, construction, and cultural resource preservation

**Wind Energy**

The US presently produces 50% of its electricity from burning coal, causing over 2.5 billion tons of CO2 emissions annually  
Wind and other carbon free technologies presently produce less than 2% of all electricity in the country  
The Department of Energy has set a target goal for 20% wind energy by 2030  
Denmark, Holland Germany have set the standard for high wind penetrations  
Over 50% of the installations in those countries are smaller, distributed systems

MEP Exh D - 2

located in communities like Antrim

#### Wind Energy in New England

Wind energy projects are becoming more common in New England  
 Maine has four commercial projects in operation and dozens more being permitted  
 New Hampshire has only one operational wind utility scale wind farm (Lempster)  
 though more are in early development stages  
 New Hampshire Renewable Portfolio Standard goals call for 23.8% renewable  
 energy by 2025  
 Smaller, distributed projects enhance benefits for the state and local communities

#### Wind Energy in Antrim, NH

Fits Eolian's GIS model for site suitability (wind, access, transmission, land use, etc)  
 Fits Eolian's development model of smaller utility scale wind generation  
 Initial land owner contacts have shown interest in hosting turbines and other facilities on their  
 properties  
 No known 'Fatal Flaws' at this time

#### Two topographical maps of western Antrim showing Tuttle Hill – proposed area

#### Color graph depicting value of Meter Wind Speed in proposed area

#### Project Details

Six to eight turbines (Vestas, GE, Gamesa or similar) approximately 1.5 – 2 MW  
 each (9 – 16 MW project size potential)  
 Median size average annual production is 32,000,000 KWH, approximately enough for 5000  
 homes  
 Will reduce carbon emissions by over 40 million pounds over its lifetime  
 Construction cost is approximately \$25-35 million dollars

#### Benefits to Antrim

Increased tax revenue for town without increased costs associated with other  
 development activities  
 Creates construction jobs  
 Landowner royalties from wind operations  
 Reduced environmental footprint  
 Recognition for participation in clean energy future

#### Three simulated photos of Tuttle Hill Model Layout

#### Status

Presently in discussions with landowners and abutters  
 Seeking guidance from Antrim Planning Board on necessary permits and applicability of zoning  
 regulations  
 In discussions with NH Department of Environmental Services about further  
 permitting requirements  
 Working with PSNH on interconnection issues relative to getting power to the  
 grid  
 Preparing for full feasibility analysis: wind resource, access, wildlife, costs, etc.

#### Next Steps

Seek variance and special exception for temporary meteorological tower to  
 measure wind  
 Seek guidance on Eolian's ability to build a wind facility in this location if the  
 resource assessment proves to be positive  
 Commence full environmental and engineering reviews for state and local review  
 and approval  
 Total estimated time to commence construction 18-24 months  
 Construction time 9 – 12 months

Mr. Jack Kenworthy thanked the Board and public attendees for listening to the Wind Farm presentation.

Vice Chair asked if the Board had any questions for Eolian. *The following questions were asked by Board members and answered by the Eolian group:*

*Mr. Schacht: Where would the met tower be sited and what would the impact be of the temporary structure?*

Mr. J. Kenworthy: The meteorological tower would be sited in the middle of the ridge within the middle third. The structure is a tilt up tubular tower with no permanent base. It is held in place by guide wires, auger screws (deep spade). There would be no long term impact to the land and installation would not require heavy machinery.

*Mr. Koziell: Has the Eolian Company done any installations yet?*

Mr. J. Kenworthy: No, not a wind farm.

*Mr. Snow: What is the size of the meteorological tower?*

Mr. J. Kenworthy: The met tower is just under 200'.

*Mr. Willeke: Will a substantial road be necessary and what would long term maintenance of the structures involve?*

Mr. J. Kenworthy: The roads would be built on the NW portion of the properties. The structures would need twice a year routine maintenance. The machines are designed to last 25 years.

*Mr. Burnside: Would the power lines be underground?*

Mr. J. Kenworthy: Although the exact interconnection point is not known at this time, there should be no additional above ground lines. Each turbine would have its own transformer.

*Mr. Burnside: Would there be separate buildings (for each tower)?*

Mr. J. Kenworthy: Separate buildings should not be needed.

*Mr. Koziell: What utilities will be needed?*

Mr. J. Kenworthy: Because power is able to flow in both directions, the electrical power needed will be there.

*Mr. Schacht: Will FAA lighting be necessary for the tower peaks?*

Mr. J. Kenworthy: FAA lights will be necessary.

*Mr. Schacht: Could a comparison be made to the former Crotched Mountain Wind Farm?*

Mr. J. Kenworthy: A current wind farm is very different from 20 years ago. Technological differences and policy climate differences make the comparison not feasible.

*Vice-chair Snow: What would it (the wind farm) gain the Town of Antrim?*

Mr. J. Kenworthy: Some job creation during the construction phase would occur. The tax revenue base would be increased. The landowners would receive royalties.

Mr. Vasques stated that it can not be said with certainty whether or not a wind farm is a public utility. When looking at RSA 362:2, the definition of public utility is quite broad, and Town Counsel has said the issue needs to be researched further.

*Mrs. Wasserloos: How many local jobs would be created by the Wind Farm?*

Mr. J. Kenworthy: Not many, and no long term jobs – but there would be tax revenue.

*Mr. Burnside: Would the road maintenance be similar to the needs of a cell tower road?*

Mr. J. Kenworthy: Yes, very similar. The roads would be used on a regular maintenance basis and would always be the possibilities of emergencies.

*Mr. Snow: How many trees would need to be cut?*

Mr. J. Kenworthy: It is hard to predict the number of trees, but approximately 15 acres will be disturbed.

Mr. Bullard: This area has been significantly impacted already by a timber cut in 2003.

*Mr. Snow: How will wildlife be impacted?*

Mr. J. Kenworthy: Wildlife data has been studied. The average mortality for birds and bats is one to two per year per turbine. The migratory pattern of fowl and song birds is random and dispersed.

*Mr. Koziell: Will a security fence be required?*

Mr. J. Kenworthy: No. The poles are not easy to climb and the doors at the base of the towers are locked.

Mr. Bullard: Some turbines have a fence and gate.

*Mr. Schacht: Would current snowmobile, hiking, and cross-country trails be affected? Will the availability of the trails remain accessible?*

Mr. J. Kenworthy: A change would be made from the existing accessibility – only if the landowner restricts access. Wind farms create a large positive impact and a small negative impact.

*Mr. Willeke: Will surrounding communities see a reduction in PSNH rates?*

Mr. J. Kenworthy: Generally, no. Large wind power projects sell to large companies and do not impact local towns.

*Vice-chair Snow: You have said that a turbine lasts 25 years – what happens when they are no longer operating?*

Mr. J. Kenworthy: The turbines are designed to operate for 25 years. At the end of their lives, they would be decommissioned if they can no longer operate or they are re-powered. It is usually in the best interest of the company to keep them operating.

*Mr. Koziell: How deep are the towers anchored?*

Mr. Bullard: The poles are 12' at the base. The anchors would be 15' – 16' deep.

Vice Chair Snow asked for any further questions from the Planning Board. He then opened questioning to the Public. Although, the meeting was not intended to be a Public Hearing Vice-Chair Snow would allow limited comments from attendees. *Attendees asked questions*, and Eolian Company LLC members answered:

*Mr. Webber: How high is the blade and would snowmobiles be able to go under the blades?*

Mr. J. Kenworthy: The blade at its lowest rotation would not interfere with snowmobiles.

*Mr. Moore: How much land will be leased? Will access of the land be controlled by Eolian or the land owner, and what about fire protection? And how was Eolian able to determine the available wind speeds?*

Mr. J. Kenworthy: The technicalities of land leasing have yet to been worked out. The construction and operation of the structures would involve easements and road access. The 15 acre figure is approximated. The land owner would determine access. The structures will be alarmed for fire protection.

Mr. D. Kenworthy: The wind speed information is accessible and predictable from computer models. The mean power for the turbines is 16 mph.

*Mrs. Wasserloos: Can you tell us about shadow flicker and the 'fall-down' zone?*

Mr. J. Kenworthy: The blades of the turbine can cause a strobe affect that can occur when sun shines through the blades on a NE to SW direction. It would definitely be an affect that would be considered. The 'fall-down' zone is 1 ½ times the height of the tower and is a standard setback.

*Mr. Koziell: Have environmental studies and noise studies been done?*

Mr. J. Kenworthy: The sound of the turbines has been compared to a refrigerator running. With newer technologies, the sound attenuation is considered very quiet.

As there were no further questions, Mr. Vasques explained that according to Town Counsel, the definition of a large wind farm as a public utility is not clear. He then asked Eolian to explain the time line of going further with the project.

Mr. J. Kenworthy stated that landowner leases would needed

to be obtained. A variance for height would be necessary from the Zoning Board of Adjustment, and then a major Site Plan Review with the Planning Board. Eolian would prefer to apply for the meteorological tower and the variance at the same time.

At first, Mr. Vasques stated that guidance from Town Counsel would be needed concerning the necessary procedure, but he felt that the requests would be heard at separate meetings. Mr. Burnside felt that Eolian should be able to apply for both requests at the same time, because it would be foolish to set up the meteorological tower if the height variance was not granted. Mr. Schacht agreed, and the consensus was that both requests should be applied for simultaneously.

Mr. Koziell was interested in the confidence level of the landowners. Mr. Ott (landowner of Map 212 Lot 30) said that he was concerned for damage on the ridge, the main collector for the energy produced, and the people that would be drawn to the area to view the wind farm, especially people who may not be caring of the land.

Mr. J. Kenworthy said that the concerns were legitimate and would be carefully considered.

On a lighter note, one of the Board members suggested that Michael Ott could set up a toll booth and become a toll taker.

The Conceptual Consultation was ended and a 5-minute recess was set by Vice-Chair Snow.

**Approval of Planning Board Meeting Minutes:** Mrs. Wasserloos moved the March 19, 2009 minutes as presented. Mr. Willeke seconded the motion and the minutes were unanimously approved by the Board.

#### **Business Meeting:**

##### Election of Chairperson & Vice-Chairperson

Mr. Koziell nominated Mr. Burnside as Chairperson. The nomination was seconded by Mr. Schacht. Mr. Burnside accepted the nomination. A vote was taken and unanimously approved.

Mr. Schacht nominated Mr. Willeke for Vice-Chairperson. The nomination was seconded by Mr. Snow. Mr. Willeke accepted the nomination. A vote was taken and unanimously approved.

##### Master Plan Status – Vasques

Everything has been provided to Ms. Taylor. The Master Plan is close to the final draft. The draft has been posted on the website. Mr. Vasques felt that the Master Plan did not need to be further reviewed by the Planning Board but questioned if it should be reviewed by Town Counsel. Mr. Schacht said that the Selectmen should review the draft and Town Counsel would review it only if necessary. The Master Plan Draft's next step would be a Public Hearing.

Mr. Burnside reiterated that the draft Master Plan should be read by local businesses such as Edmunds, Bakery 42, the Chamber of Commerce, etc. The Board agreed with his suggestion. Mr. Vasques will compile a list of business.

Subdivision Regulation Changes – Option B

Mr. Vasques continues to develop the language for Option B.

Revised Roster

Mr. Vasques introduced Jesse Lazar as an interested resident who would like to be considered as an alternate for the Planning Board. Mr. Burnside nominated Mr. Lazar as an alternate. It was seconded by Mr. Snow, and unanimously approved.

**Correspondences:**

*Francestown: AT&T cell tower. Site walk April 18, 2009*

*Irrevocable letter of credit for Mighty Oaks Realty, Inc - The Letter of Credit is amended to extend the expiration date to September 27, 2010. All other terms and conditions remain the same.*

**Code Enforcement:** No new actions

**New Business from the Floor:**

*New Cingular (AT&T) status:* Mr. Vasques explained that the Zoning Board of Adjustment (ZBA) meeting with AT&T of March 17, 2009 had been continued to April 14, 2009. The ZBA will meet for a work session to discuss a Radio Frequency engineer, a balloon/crane test, and a site walk on April 7, 2009,

At 8:45 pm, Mr. Willeke moved to adjourn the meeting which was seconded by Mr. Koziell, and unanimously agreed upon by all. Chair Snow adjourned the meeting.

Respectfully submitted,

Diane Chauncey, Planning Assistant



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings Calendar](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)

Site
  This Folder

[Advanced Search](#)



# Planning Board Minutes

## 03/04/10

[Printer-Friendly Version](#)

### ANTRIM PLANNING BOARD MEETING

March 4, 2010 Meeting

#### Members & Staff Present:

Scott Burnside (Chair) Diane Chauncey (Staff) David Dubois (Alternate)  
 Jesse Lazar (Alternate) Steve Schacht (ExOfficio) Peter Moore (Planner)  
 Andrew Robblee (Member) Kathi Wasserloos (Member) CR Willeke (Vice-Chair)

#### Member & Staff Absent:

Joe Koziell (Member) Sandy Snow (Member) Kathi Wasserloos (Member)  
 Jenn Clifford (Alternate)

#### Public Attendees:

Annie Law (Resident)	Loranne Block (resident)
Janice Longgood (Resident)	Marshall Gale (Resident)
Gordon Webber ( Selectman)	Jack Kenworthy (Eolian)
Ben Pratt (Resident)	Drew Kenworthy (Eolian)
Peter Hopkins (Building Inspector)	John Soininen (Eolian)
Ellen Druan (Abutter)	Sarah Gorman (Resident)
Richard Block (Resident)	Peter Beblowski (ConCom Committee)
Mark Schaefer (Resident)	
Brenda Schaefer (Resident)	
Elsa Volker (Resident)	

#### 7:00 Review Period:

Appoint alternates to sit for absent members: Mr. Lazar sit for the absent Mr. Koziell;  
 Mr. Dubois to sit for the absent Mr. Snow.

Review the Minutes of the February 18, 2010 -

#### 7:15 Public Hearing:

Application request of Antrim Wind Energy, LLC for a Minor Site Plan Review for a Meteorological Tower on property located at 354 Keene Street, Antrim, NH 03440 Tax Map 212, Lot 30 in the Rural Conservation District.

Chair Burnside opened the public meeting and explained the procedure. The public notice was read and announced that the notice had been in the Villager on Friday, February 19. All abutters had been notified via return/receipt mail. All had been returned except Mr. Ott's. There were no comments previous to the meeting by abutters. Chair Burnside asked Mr. Kenworthy to present their proposal.

Mr. Kenworthy introduced himself, and presented a power point presentation to explain the Minor Site Plan Review. These are some of the points from his presentation:

The purpose of the tower is to collect data via a temporary structure.  
 The data is to determine the feasibility of a future wind farm.  
 The tower is a completely self-contained tower.  
 The tower comes from the leading supplier of met towers in the world. More than 100 have been installed in New England.  
 The tower is 196.85 ft tall.  
 The tower consists of 10-inch diameter tubular steel sections for the bottom half and 8" diameter tubular steel sections for the top half.  
 The tower sits on a 9 square foot steel base plate; there is no foundation.  
 The tower is supported by 24 guy wires attached to the tower. Rock anchor types are used.  
 The tower is engineered to withstand any wind conditions and ice conditions that could occur in N.E.  
 The tower is outfitted with anemometers and wind direction vanes at three levels, attached with steel

MEP Exh D - 8



mounting booms. The tower also has sensors to measure temp, air pressure and relative humidity (to help filter the data). The sensors are attached via signal wires to a logger which is mounted to the lowest section of the tower ( powered by a battery and a small solar panel).

Daily review of data quality and easy alerts if there is any problem with the tower.

Schematics were shown to depict the tower – the base, tower layout, site layout with standard footprint.

The site is accessed by an ATV road – no new roads. The tower will be removed completely at the completion of the study period.

Pictures: access road and access road and vehicle, rock anchors, dog and rock anchors (depicted how the anchors were placed into the rock; base plate and tower in horizontal position, lift picture (showed how the pole was lifted; took 7 hours to lift – lift is removed after erected). Monthly site visits to detect any complicating issues; ATV at base; gin pole; logger with signal wires; tower up.

No additional permits are required from state regulatory agencies

An FAA determination of NO Hazard has been obtained and there is no requirement for lighting on the tower.

Tower: emits no light; no noise; no utilities required for tower - completely self contained

On private property

No public safety hazard

Site Plan (sketch shown):

Ott parcel – red line showing access

No adjacent parcels are visible

Special industrial structure

Site Plan Requirements

Allowed use as an accessory use to a public utility

Ordinance Compliance:

Article IX B 1:e - public utility is a permitted use

Special industrial structure – Art XIV

Description of Special industrial structure - - listed compliance regs

Yard requirements satisfied

EAPC Wind Energy letter – get gist

Waiver Requests - due to limited nature of the project impact, and the lack of requirements, a number of waivers are requested

Antrim Master Plan - On another level, the met tower falls within the spirit of the ordinance – states the need for encouraging energy efficient patterns of development.

Nothing about the temp tower that affects health, safety or welfare.

RSA 362:1-F – best interest of the public

Mr. Kenworthy thanked the Public Attendees for listening to the presentation.

Chair Burnside asked for questions

Mr. Dubois began the discussion with the definition of a public utility. He said that according to the Public Utility Commission (PUC) definition – the nature of the business is to generate power and sell it to the grid, and that the companies that are in that status are exempt. Mr. Dubois wanted to know if Eolian has that status – or, will they apply for status as a public utility as defined in RSA 74:F.

Mr. Kenworthy – with respect to status – in the original application – there was no objection on the basis of use. This application is not pertaining to land use. He read from RSA 83:f (which relates to utility property tax), utilities are defined not "public utility".

Mr. Soininen said that the common definition of a utility is to provide service to a community. The PUC definition pertains to regulating public utilities to determine that customers are not overcharged. He went on to say the Antrim Zoning Ordinance uses the common definition of public utility

Chair Burnside asked if the board had read the correspondence that had gone back and forth between the attorneys (all emails and correspondence had been sent to the Board). He said that the Department of Revenue Administration definition of a utility and the land use definition are different. Chair Burnside felt that the intent of the ordinance must be looked at. In RSA 672, it states that renewable energy facilities are allowed and should not be prohibited. The PUC definition is different. The Board needs to try its best to unmesh the conflicts that the RSAs present. The Board must look carefully at both sides in order to make a decision. When the Board makes the decision, either side has the right to appeal.

Mr. Kenworthy said that the intent of the Zoning Ordinance in 1989 included the definition which would have included all of what was changed to exclude of the PUC.

Chair Burnside asked if there were any questions from the Board. Did Eolian wish to say anything else?

Mr. Kenworthy said that in RSA 676:13, the Building Inspector decides the question of use. Reasons for denial need to be sited. The question is - was a decision made on use. Use is not before the Board, because that has not been appealed.

Chair Burnside said that the issue of use is open. Site plan should have been submitted first. The decision not made either way on use.

Mr. Robblee asked the question - was the building permit denied because a site plan review was necessary.

Mr. Robblee and Chair Burnside concurred that the requirement of evaluation of site plan was necessary.

Mr. Soininen questioned the procedure of yes it is allowed, no it is not. He felt that Antrim Wind Energy, LLC (Eolian) had gone through the proper steps. They understood that a site plan review is required, but in the interest of a linear process, the building inspector should have acknowledged all the reasons for denying a permit. What is before the board is the site plan review.

Mr. Dubois asked Mr. Soininen if it was his contention that because the building inspector did not state use or height in the rejection letter that it was assumed that they had been approved.

Mr. Soininen said that his contention is that the application had been submitted for review based on understanding that the site plan review is for an accessory to a public utility.

Mr. Kenworthy said that he is not sure about procedure.

Chair Burnside explained that the bldg inspector, in his view has not been given the authority to determine use.

Mr. Kenworthy said that he thought that was a gray area but a decision has to be made one way or another. The requirement is to make a decision. He said that this was a procedural element – he wanted to understand the position of the Board. He felt that the question of use was decided. The met tower is an accessory to a public utility.

Chair Burnside said that the Planning Board will make the determination. The site plan review had been placed in the lap of the Planning Board and he explained the role of the Board from the perspective of the Chair.

Mr. Kenworthy said that Board will look at the use based on the merits.

The rest of the Board concurred with the Chair.

Mr. Moore stated that in his position that Planner and the Building Inspector, the site plan review must come first. The Planning Board's role is to carry out site plan regulations for the town. The met tower is a commercial activity so the decision had been made that a site plan review was necessary.

Mr. Kenworthy said that it was a procedural legal argument. Ultimately in their read of the law, they felt that they are doing the correct thing.

Chair Burnside said that the Building Inspector followed the correct procedure.

Mr. Robblee said that anything other than a residential home goes for a site plan review.

At 8:10PM, Chair Burnside was prepared to open the floor, but the application hadn't been accepted yet. This evoked another discussion of the definition of a public utility.

Some of the thoughts and opinions expressed by the Board Members and Applicant:

RSA 672:1 - the State of NH encourages renewable energy  
The PUC has a definition for public utility

MEP Exh D - 10

The Rural Conservation District should allow public utilities  
 Smaller facilities are treated differently and not necessarily public utilities  
 Size should not be a factor.  
 If the PUC had given the project a public status, it could be seen differently  
 In the 1989 Antrim Zoning Ordinance, public utility was already there.  
 Water power was always allowed.  
 Independent power producers have been pulled out of the definition.  
 The met tower is an accessory to the wind farm.  
 The intent of the allowed uses was written previous to the PUC definition of a Public Utility.

Mr. Willeke asked if the application is complete.

Chair Burnside asked if the use is granted, the question of use still needs to be answered.

Ms. Druan said that the rights (of the Public Attendees) are denied because they cannot speak

Mr. Robblee The decision on whether it is an allowed use will have to be made on the evidence presented. We can move on with the application if we accept the application.

Mr. Kenworthy Is use determined by acceptance of the application

Mr. Moore Use isn't determined by acceptance of application, it is determined by approval and can be deferred to ZBA.

Mr. Kenworthy- I thought decisions of use were made by the planning board? How many boards am I going to have to go before, before someone makes a decision on the issue of use.

Chair Burnside said if we decide its not a permitted use it goes to the zba. If we decide it is a permitted use, then we can move to a public hearing. Anyone in objection to that has the right to appeal.

Mr. Robblee said if we can determine that it is a permitted use we can accept the application here, however we can still deny the application at public hearing. So, we can accept it as a permitted use and open up the public hearing, and after hearing arguments from both sides decide on whether we approve or disapprove the application. Your application could be accepted tonight and still disapproved.

Mr. Kenworthy said that clarified things.

Ms. Block said it sounds to me like you just said something to the effect that if you accept the application you will accept the use.

Mr. Robblee said that is correct we cannot accept the application unless we accept the use.

Mr. Schacht motioned to accept the application. Mr. Willeke seconded the motion.

**Roll Call Vote:**

<b>Name</b>	<b>Yes</b>	<b>No</b>	Steve Schacht	x	CR Willeke	x	Scott Burnside	x	Andrew Robblee	x	Jesse Lazar	x	David Dubois	x
-------------	------------	-----------	---------------	---	------------	---	----------------	---	----------------	---	-------------	---	--------------	---

**Public Hearing :**

Abutters in favor of the proposal: None  
 Abutters in opposition of the proposal:

Richard Block (not a direct abutter) but reading with permission of a direct abutter, a letter from Mr. Earley who objected to the met tower.

Marshall Gale – wondering why tower has already been erected?

Sarah Gorman – didn't they erect the tower before they had a building permit?

Peter Hopkins (building inspector) explained that the tower is up and by state statute the the tower's construction would be at their own (Eolian's) risk

Sarah Gorman – Public Utility status – She began to read from her letter. She feels that they are trying to circumvent Zoning Ordinance and paving the way for industrial wind towers. – objects that belong in industrial area – to pave way for this is to sell out the neighborhood – value of property destroyed – town is looking for a quick buck – destroy conservation area to line their own pockets – what would be good for me is that the town should curb their spending – not a utility yet – you want to help these guys out – beyond me – cedar swamp – steep slope – selling out the future of the town – want to leave something for the children – two or three people might make money on this – selling out to snake oil salesman – if you approve this – there will be a secession from the town.

Janice Longgood – disagrees that they are a public utility and her property value will be decreased.

Ellen Druan – Letters from JK – didn't like the letters – not for them – 100-acres – constantly calling me – not good for me – these men will do anything – why is Ott never here – building a road over pipes – commercial property – always been an environmentalist – tries to explain her position – does not want the wind towers- the town should protect the people.

Mark Schaefer– looks out at entire ridge line – can see from kitchen – what is the reason for the tower – saying yes to the wind farm -

Chair Burnside explained that the application is for the met tower not the wind farm.

Mark Schaefer – last corner of Hillsboro County will be turned into an industrial area comm. wind far - - you are giving them the lead to put in the wind farm – delaing with a commercial wind farm – my land is going to go to them – posterity here we go – goes against all that we live there for – met tower

Chair Burnside said there is the possibility that from the data collected, them may find out that the project is not feasible.

Mark Schaefer – paving the way.... pretty personal.

Mr. Soininen said that it is not conservation land, not public land, but rather private property. The Zoning Ordinance spells out what can and can not be done. The application has been done appropriately.

Mr. Schaefer – not a public utility.

Chair Burnside asked for order and for the attendees to speak one at a time.

Mr. Schaefer said that the whole process has been very difficult. He said that he felt that if the wind farm was allowed everything that he moved here for is out the window. He agreed with the nimby attitude, but he felt that they're going to glean the money and the energy produced will not be sold to Antrim. He had sat at the farm in Lempster and heard it. All of us abutters will feel this – they will glean the money and the energy will be sold not to Antrim – our bills will go up.

Chair Burnside said that he understood the frustration of the abutters.

Mr. Schaefer passionately explained that he did not want a commercial wind farm with 410' wind turbines.

Mr. Kenworthy explained that most of the turbines are American made.

Chair Burnside explained that the application concerned the met tower only. He would shut everyone down – stay within application.

Someone said that Tuttle Hill is the last pristine place in Hillsborough County.

Chair Burnside declared that he would eject anyone out of the room if they speak out of turn, and that if

MEP Exh D - 12

the police were necessary to assist, he would call for their assistance.

Mr. Schaefer sincerely apologized.

Ms. Druan explained how the meeting should be run and that wind towers would severely affect her life.

Mr. Robblee said that what the Public Attendees said was just as powerful as what Eolian said. He was trying hard to take it all in.

Chair Burnside can see entire tower from his house

Annie Law asked how he would like to see a wind farm.

Chair Burnside said that he would not mind.

Mr. Cleland said that he looks directly at site and if it is allowed, the area will be destroyed.

9:00pm

Chair Burnside said that - as a Board that we can not rule on abutters' emotions -the Board must weigh out everything - appeal of the decision is possible for either side.

Ms. Block explained that his property is directly across from site. It were more than the tower - shadow flicker would destroy his life. He had come to ask the Board to defer to the ZBA. He wanted to know if it was already accepted as an accepted use. He said that he thought that the frustration is the way in which ( very emotional) everything could be destroyed by these people. He said that Tuttle Mt was a central geographic feature, and listed numerous places from which it can be seen. He listed the places that are conserved by Audubon, dominant wildlife reservoir, open space report. A number one priority is to preserve - (the Land) shouldn't be fragmented.

Mr. Kenworthy said he had two points:

1. Mr. Ott could build 30 houses on the met tower lot
2. Allowing the met tower does not mean that the wind farm will be built. There is an extensive permitting process.

Mr. Soininen said that he understands that it is an emotional issue, but that the Board needed to look at the question that is before the Board. The met tower is not a public utility but rather an accessory to a public utility.

Ms. Gorman - She listed multiple issues that concerned her:

- It is not a public utility.
- Disrespect for the ZBA
- Emotional because of physical well-being, health
- Value of property plummeting so that a tax revolt is a possibility
- Industrial wind complex
- Should not go on Tuttle Mt
- Most special place to try and protect
- Fine line between construction and destruction - no turning back
- Trees will grow back
- Just so a couple of guys will make some money

Mr. Kenworthy said that he realized it was an emotional issue, and he was not demeaning to people. The financial and economic impact answers would come in the future. There are few areas that have the traits that this parcel has. An exploration must be made in order to make a determination.

Mr. Block said that every acre he owned faces Tuttle Hill. He made the following points:

- Does not agree with the way in which the procedure has occurred
- Not classifiable as a public utility
- 1989 - wind farms were not around - did not exist
- Eolian had been disingenuous from the beginning
- His review of the history of Antrim Wind Energy, LLC approached the Planning Board- does know what to believe - Eolian vacillating
- Most valuable area in town
- Destroying ridge top
- Urge to go back to ZBA

Mr. Kenworthy explained that there are no energy producer in NH other than PSNH. The definition is a land use question and he said that it is an allowable use. He explained that Eolian has been transparent from the beginning of the process. They have been placed in a defensive position. They have two pending applications. they have taken two different tacks. They had taken the initial advice of filing under the Small Wind Energy Ordinance. That was not necessarily correct. They have been transparent concerning their intentions.

Mr. Block said that it was not a public utility and it should not be permitted.

Mr. Beblowski said that he would like to say a few words about the passion. The people who have spoken have owned the property for over 20 years. He then read the purpose of the Rural Conservation District.: *The Rural Conservation District is intended to protect, conserve and preserve the remote mountainous portions of Antrim from excessive development pressures and/or activities that would be detrimental to the unique environmental characteristics and qualities of this district and detract from the peaceful enjoyment and tranquility that this district affords local residents.* He then discussed the road and the wet areas that may be on the road.

Mr. Soininen said that the parcel could be divided into an 80-lot subdivision. He defined the common use of public utility from a dictionary.

Mr. Beblowski wanted the definition struck from the minutes.

Chair Burnside said that attendees could speak until 9:45.

Mr. Webber said that he supported the approval of Antrim Wind Energy and that the Eolian members should not be referred to as snake oil salespersons. He said that he took offense to the suggestion that a company can not come in and make money on a commercial venture. He said that the suggestion that the electricity produced will not benefit Antrim - the electricity will all go into the grid. He also felt that a good argument could be made that they (Antrim wind Energy, LLC) could be a public utility. In conclusion, he would like to see the building permit approved.

Mr. Block felt that the definition of public utility should be seriously looked at. He also made the following points:

- Had always heated with wood
- Always been an environmentalist
- Had been a member of the Conservation Committee
- Bad idea to destroy the environment to install a questionable entity
- Spain has generated 1/3 of their wind power and their carbon levels have still gone up
- Countries that have wind power are buying up coal
- We in Antrim have the opportunity to protect what we have
- ZBA and Planning Board should watch out for the people of Antrim
- Our lively hood is in jeopardy
- Not in the best interest of the town

Mr. Kenworthy said that the impact of wind and carbon is a huge topic. He explained the wind capacity factor and the nature of wind technology. Coal does not back up wind power in China. Their company is trying to ma a substantial change by going forward with wind energy. Property values have differing opinions concerning impact.

Mr. Soininen said that what had been said at this meeting is not indicative of the population as a whole. Antrim voted in favor of the NH Climate Change Initiative for using 25% renewable energy by 2025.

Chair Burnside asked if there were any new information to be presented.

Mr. Block said that Eolian had faulty research and that wind development has nothing to do with efficiency and that it is being done because of the massive subsidies. He concluded by saying that we will be paying more in electricity.

Ms. Gorman said that the Zoning Ordinance and the people should be respected. Mr. Webber should not have spoken to influence the Board. If it were on Patten Hill, he could speak, but not about Tuttle Hill. She said that her physical well being was being destroyed. Conservation should be greedy and self-important. The land fill should be tapped for methane; the dairy farm's methane should be utilized. This will destroy all that we have fought for, think about our children. The essence of zoning should be thought out here. The health and well being of the citizens of the town should be considered.

Ms. Block said that a lot has been said should be considered within the context of what it is.

Mrs. Schaefer said that she is opposed to the application and that it would be fought and cost the town thousands of dollars.

At 10:00, Chair Burnside closed the Public Hearing. The *continuance of the* site plan review was set to a date certain of March 18, 2010.

**Business Meeting:**

Approval of February 18, 2010 minutes - Mr. Dubois moved to approve the minutes as amended. Mr. Schacht seconded the motion and they were approved by all.

**Correspondences:**

Contoocook Valley Transportation Company - Winter 2010 Newsletter - FYI

**Workshops, Trainings:**

**New Business from the Floor:**

Discussion of Withington Plat for signing - it was determined the Ms. Chauncey would review the metes and bounds of the 4 tracts.

Review potential survey questions, to be placed on questionnaire for public consideration, concerning mood of residents for potential wind and cell towers. Survey table to be positioned post-polling area Tuesday, March 9<sup>th</sup>.

Recognition – Departing Board Members Kathi Wasserloos & Sandy Snow

At 11:00pm, Mr. Robblee moved to adjourn the meeting which was seconded by Mr. Schacht, and unanimously approved. The meeting was adjourned.

Respectfully submitted,  
Diane Chauncey, Planning Assistant, On behalf of the Antrim Planning Board

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings Calendar](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)
 Site

 This Folder


[Advanced Search](#)


# Planning Board Minutes

## 03/18/10

[Printer-Friendly Version](#)

### ANTRIM PLANNING BOARD MEETING

March 18, 2010 Meeting

#### **Members & Staff Present:**

Scott Burnside (Chair) Diane Chauncey (Staff) Jenn Clifford (Alternate)  
 David Dubois (Member) Joe Koziell (Member) Jesse Lazar (Member) Peter Moore  
 (Planner) Andrew Robblee (Member) CR Willeke (Vice-Chair)

#### **Member & Staff Absent:**

#### **Public Attendees:**

Annie Law (Resident)	Loranne Block (Resident)
Gordon Webber (Selectman)	Jack Kenworthy (Eolian)
Ben Pratt (Resident)	John Soininen (Eolian)
Ellen Druan (Abutter)	Richard Block (North Branch)
Brenda Schaefer (Abutter)	John Kendall (Chair, ZBA)
Peter Mellen (Withington Estate)	Robert Cleland (Resident)
Shelly Nelkens (Resident)	

#### **7:00 Review Period:**

Election of Officers – The first order of business was to elect officers. Mr. Burnside and Mr. Willeke discussed the chair. Mr. Koziell moved Mr. Willeke for Chair of the Planning Board for 2010. Mr. Burnside seconded the motion. A unanimous vote for Mr. Willeke. Mr. Koziell nominated Mr. Burnside for Vice-Chair. Mr. Willeke seconded the motion. A unanimous vote for Mr. Burnside.

Swearing-In of new Planning Board Members – Jesse Lazar & David Dubois – done privately  
Appoint alternates to sit for absent members: No alternates needed to be appointed.

Review the Minutes of the March 4, 2010 – The Board determined that it would be better to discuss the minutes following the deliberation

#### **7:15 Public Meeting:**

**2010-03PB – Application request of Antrim Wind Energy, LLC for a Minor Site Plan Review for a Meteorological Tower on property located at 354 Keene Road, Antrim NH 03440 Tax Map 212, Lot 30 in the Rural Conservation District.**

Chair Willeke opened the meeting at 7:15. He stated that the meeting was a continuation of the meeting of March 4, 2010. Chair Willeke asked the Board to introduce themselves and then had the Public Attendees do the same.

The Public Hearing had been closed at the end of the March 4, 2010 meeting. It was determined that the Board would deliberate on the application.

Chair Willeke asked Mr. Moore if there had been any new information submitted in a timely manner (any new information was to have been submitted by the end of the business day - 4:00pm on March 11, 2010).

Planner's note: Section 9, Paragraph 9.4 of the *Planning Board By-Laws* sets forth the standard for submission of "information."

MEP Exh D - 16



*9.4 Information regarding an application pending before the Board must be submitted to the planning staff one week prior to the scheduled meeting at which the information is to be considered, unless waived by a majority vote of the Board.*

Mr. Moore said that he had received correspondence from Jack Kenworthy, which he did not read, but the letter had been emailed to the Board members. A commentary from Ellen Druan had been received via US Mail, and emailed to the Board. Ms. Elsa Volcker's letter of March 4 was read. It was in opposition to the met tower. Ms. Sarah Gorman had submitted letters at the March 4, 2010 meeting and had read some of it at the March 4 meeting - her letter objected to the Met Tower.

Mr. Burnside asked if all submissions had been made within the timeline.

Mr. Moore said that Ms. Loranne Carey-Block had submitted information at the Town Meeting (7:00pm) on March 11. Mr. Moore had portions of their information emailed to the Board members. Mr. Peter Beblowski had submitted a letter (as a resident) on March 18 (5:00pm) that objected to the Met Tower – Mr. Moore read the letter from Mr. Beblowski after advising the Chair of the March 18<sup>th</sup> receipt date, and getting his approval to do so.

Chair Willeke asked if the Board members had seen all the material and if there were any questions concerning the materials that had been presented.

Mr. Koziell said that all the information that had just been presented concerned the wind farm, not the met tower.

Mr. Burnside said that he concurred with Mr. Koziell and that the information was not about the met tower, that the concerns pertained more to their personal views of a wind farm.

The question of opening the floor to any new information was brought up again. Mr. Moore determined that the meeting could not be opened to the public attendees because the meeting would have had to have been re-noticed. It was procedurally incorrect to open the floor..

Mr. Kendall (ZBA Chair) said that the floor could not be opened to public comments.

Mr. Block wanted to make a point of order – according to Roberts Rules.

Chair Willeke said that the floor was not open at this time to the Public Attendees.

Mr. Block continued even though he was asked to stop. He wanted the correction to be made that there was specific information about the met tower in the submitted information. He further stated that the presence of a met tower would negatively affect the area.

Mr. Burnside asked if the Board wished to discuss the checklist for the Minor Site Plan Review (part of the decision making process). He stated that in his opinion, the checklist 8 B.1 (b) – should have 8 A. which should ask the question of use. If the use is not clearly approved –it would be kicked to the ZBA.

Chair Willeke said that in reading from the by-laws, he felt that the Chair at his discretion could open the floor.

Mr. Moore read from the PB by-laws (Sec.13, § 13.1-g) – clarifying that there is room for corrections, deficiencies, discrepancies.

Chair Willeke opened the floor to public comments on newly submitted information only (submitted by March 11, 2010 by 4pm).

The applicants (Eolian) wished to make a few comments. Mr. Burnside (former Chairman) said that the applicant had the right to speak.

Mr. Kenworthy asked for a procedural comment. The material submitted could be noted for corrections or deficiencies.

Mr. Soininen said that the new submissions should have been submitted 7 days in advance of the March 18, 2010 meeting

Ms. Nelkens does not understand the questioning.

There was a discussion of definitions.

Mr. Soininen stated that the met tower is an accessory to a public utility.

Chair Willeke repeated that only new information was to be considered.

Mr. Burnside said it must pertain to the information submitted.

Ms. Nelkens asked when Mr. Beblowski's letter had been submitted because she would like to comment on it. (submitted too late)

Chair Willeke said only new information would be considered.

Mr. Koziell clarified by saying that comments submitted prior to the deadline would be considered – anything else would not be allowed.

Mr. Robblee wished to "move on".

Mr. Willeke said that there was a narrow window in which to comment or ask question on any new information submitted.

Ms. Nelkens wanted to discuss a letter that Mr. Hardwick (local realtor) had submitted , and that she had gone with him to look at a piece of land that would potentially have a view of the wind turbines and...

She was interrupted because the letter was not new information.

Mr. Webber reinforced that the letter had been submitted weeks ago.

Ms. Druan said that she had said what she wanted to say at the first meeting.

After no more comments on new information, Chair Willeke closed the floor and the Planning Board continued deliberating on the application.

**Checklist for Minor Site Plan Review:** ( Twenty-five Requirements that must be satisfied, waived, or N/A. The Board reviews each item and a roll call vote is required for waiver.)

Ms. Chauncey made more checklist copies for the Board members as well as some Public Attendees.

Item # 1 - 3 :Satisfied

Item #4: Nature or change: Addition or Change of Use – Applicants said: "The proposed met tower is a commercial activity to occur on property not currently used for commercial purposes." from Eolian's Addendum to Application

Roll Call Vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, yes; Mr. Lazar, aye. Unanimous.

Item #5: Type of building: Residential, Commercial or Industrial – "The building is a special industrial structure to gather wind data for a potential public utility use." from Eolian Addendum to Application

There was a short discussion of the word "industrial" and if the word should be "commercial" Mr. Burnside stated that it should be identified as a "commercial/industrial structure."

Mr. Kenworthy explained that he had taken the language from the Zoning Ordinance - supplemental regulations section.

Roll Call Vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, yes; Mr. Lazar, aye. Unanimous.

Item #6: Area to used for commercial purposes

Mr. Burnside said that it was designated commercial on their diagram.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes, Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, yes; Mr. Lazar, yes. Unanimous

Item #7: Signed release for the Building Inspector to examine the property to see if it is suitable for the proposed use. Accessibility to land is satisfiedItem #8: Written statement describing the purpose of the proposed project and giving sufficient detail to determine compliance with Town Ordinances and Regulations

The application included a written statement describing the project.

Mr. Moore said that the item was left unchecked in order for the Board to determine the requirement.

Discussion:

Chair Willeke said that the structure will be removed.

Mr. Moore ventured to say that this section is where the discussion of the definition of a public utility should occur.

Mr. Koziell said that it was a temporary structure.

Mr. Burnside said that when the Zoning Ordinance was written – a public utility was allowed in the Rural Conservation District – the met tower is an allowed use.

Chair Willeke said that the PUC definition is not a land use definition.

Mr. Lazar said that the broader question was whether or not to grant any extension on the definition of a public utility. The applicant needs to be a public utility to grant this application.

Mr. Koziell said that it is not dealing with the wind turbines.

Mr. Moore – an accessory to a public utility

Mr. Koziell considered the item was satisfied.

Mr. Burnside made a motion saying that the met tower as an accessory to a public utility is an allowed use and referenced when the Zoning Ordinance was written.

Mr. Koziell seconded the motion.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, no; Mr. Lazar, no. Passes 4 – 2.

Items # 11 – 17: N/A – do not applyItem #19: Written recommendation of the Fire Safety Officer if requested. SatisfiedItems #22 - 23: N/AItem #24: As required by RDS 36:56: The Board shall determine whether or not the development, if approved, could reasonably be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

Mr. Moore said that his personal feeling was that the tower does not have regional impact but it was agreed that the wind farm would have regional impact.

Mr. Robblee said if it was anything other than a temporary structure, it would have regional impact.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes, Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, yes; Mr. Lazar, yes. Unanimous

Item #25: Addresses if the proposal has regional impact - N/A

Chair Willeke asked for other comments from the members

Mr. Dubois wanted to address Item #8. He said that height had not been mentioned but after a short discussion, he was okay with it.

Mr. Lazar said that a public utility had no height restriction

Mr. Moore said that if the Planning Board approved the application, there could be conditions on the Notice of Decision such as: ZBA to approve the height

The question was asked if the RSA 672:1, Section 3.D. (on renewable energy) was condition.

Mr. Burnside stated that the RSA helped him make his decision.

MEP Exh D - 19

Mr. Lazar said that he did not feel that it was a public utility by the standard definition.

Mr. Burnside asked if he meant the PUC definition.

Mr. Lazar wants this changed.

Mr. Lazar said "that the PUC describes what it is, but that the statute should be interpreted. It is a complicated entity. The Rural Conservation District should be a district for nature. There should be not steel or high-rise. The people in the town wanted to have the district and what carries weight is what else could be a public utility - if that definition was adhered to - I would have to accept a coal burning plant, which would fall under the same category. Essentially, if the application is accepted, it should be conditional and that the ZBA would have to deliberate on the use and approve their use as a Public Utility. Our intent should be that the definition is correct."

I don't feel that the applicant is a public utility by the standard definition, the PUC definition. The district is zoned in such a way that whatever the PUC statute is at any given time, the district must regulate accordingly. The more you dig the more arguments you find. I do not see one that is compelling enough to say that you should not look at the first definition. Public utility is a complicated legal entity and regulated by the public utility commission. I don't see any reason to look at the definition again. I think broadly the intent of the district is to preserve nature, to have a district that doesn't have any steel industrial structures. It may not be possible to enact this to an infinite extent as the land is not in conservation.

What carries weight to me when I think about redefining public utility is that I would be forced to accept a coal burning power plant in any district. Since it generates power, it would fall under the same category. I feel that if we accept this application, we should have the zoning board deliberate on whether the applicant is a public utility. Our intent should be to interpret the definition of public utility correctly.

Mr. Moore said that as the Town Planner and as his responsibility to the Board, he wanted to express the opinion of Town Counsel and information he had acquired from Eric Steltzer, Energy Policy Analyst from NH OEP, concerning renewable energy.

Mr. Burnside asked why the information had not been submitted earlier. He stated that "we could be getting into trouble with new information".

Mr. Moore asked, "Is it my role as planner to defer to the 7-day information?"

Mr. Burnside said that everything was supposed to be cut off before the checklist review. The application could be starting from scratch. He accepted Mr. Lazar's view, but he should have made a motion on #8. The Board needed to move forward on with the information that had been submitted in a timely way.

Mr. Koziell said that the met tower was a temporary structure and that it will not decide the public utility question. What is in front of the Board now is the Met Tower application.

Mr. Burnside made a motion to add a condition the approval of the proposal. The condition could read that the use does not carry over to a future application of an industrial wind farm as an allowed use. It would be a clarification of allowed use.

Mr. Robblee asked if the meeting should be continued.

Mr. Lazar said that you cannot grant this application and make as a condition that the use doesn't carry over.)

Mr. Dubois said that it was an accessory to a public utility.

Mr. Burnside said that all the information has been presented.

Mr. Burnside said that he was trying to compromise.

Chair Willeke said that the intention had not been to cut off Mr. Moore's opinion.

Mr. Moore stated that his opinion is that the board should not rush to approve the application. It is a very complex issue which he has been studying. There are real questions such as is a commercial scale wind turbine a public utility, and any accessory to it, and a permitted use. He then referred to the

MEP Exh D - 20

generation of power or public utility high tension wires. He stated that when the Zoning Ordinance was established in 1989, the creators had no idea that wind turbines would be a possibility. The 2001 Master Plan bears out that people want to keep an area of the town in conservation. As far as the interpretation of a public utility - should that continue to another meeting. He said that it will be contested. There is a safety net in that for people who want to see it go. The process must be preserved in the interest of both sides – interested in renewable energy – but as Town Planner, he must make sure the process is correct.

Chair Willeke said that he has tried to look at all definitions, and he felt that it could be challenged either way. It is the Planning Board's job to make a decision on the application.

Mr. Burnside said that there had been enough deliberation.

His motion for a condition of approval was questioned.

Mr. Burnside withdrew his motion for the condition of approval.

Mr. Burnside moved to approve the application (of Antrim Wind Energy, LLC for a Minor Site Plan Review for a Meteorological Tower on property located at 354 Keene Street, Antrim, NH 03440 Tax Map 212, Lot 30 in the Rural Conservation District). Mr. Koziell seconded the motion.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, no; Mr. Lazar, no. Motion Passes 4 – 2.

Mr. Moore said that the application had been approved. The Notice of Decision would be prepared within five business days.

#### **Business Meeting:**

##### Withington Estate - #2010-01PB - Lot Line Adjustment and Annexation -

The signing of the mylar and plans for case #2010-01PB had been delayed because Diane Chauncey questioned the parcel #241-034. Mr. Mellen explained the delineation of the lot to the Planning Board and after a long discussion; the mylar and plans were signed.

**Workshops, Trainings:** Spring Conference – NH OEP - Saturday, May 8, 2010.

#### **New Business from the Floor:**

The Board members discussed reviewing the definitions of the Zoning Ordinance.

**Minutes of March 4, 2010 –** It was agreed that the minutes were not written in the usual manner and the Board would wait until the April 1, 2010 meeting to approve the minutes.

At 9:00pm, Mr. Koziell moved to adjourn. Mr. Burnside seconded it. The meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Planning Board

Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 11/04/2010

## ANTRIM PLANNING BOARD MEETING

November 4, 2010 Meeting

### Regular Meeting

#### Members & Staff Present:

Diane Chauncey (Staff)    David Dubois (Member)    Joe Koziell (Member)  
Jesse Lazar (Member)    Peter Moore (Planner)    CR Willeke (Chair)

#### Member & Staff Absent:

Scott Burnside (Vice-Chair)    Stephen Schacht (Alternate)    Gordon Webber (Ex-Officio)

#### 7:00 Review Period:

- Appoint alternates to sit for absent members – no alternates to appoint
- Review the Minutes of October 21, 2010 Meeting – Not enough members to approve the minutes

#### Business Meeting:

- Glover Construction – Knapton Circle up-date. Mr. Moore had sent a follow-up letter to Mr. Glover.
- 46 Main Street – Building Permit. At the October 21, 2010 PB meeting, there was some concern that a building permit was not in place. Mr. Moore informed the Board that a building permit had been obtained. There is still a question of the Shoreland Protection Permit. The Board determined that they should review the parking lot.
- Capital Improvement Plan (CIP) 2011 – 2016 – Status Report (Full Report - November 18<sup>th</sup>)
- Planning Department – 2011 Budget Discussion
- Continue review of proposed Antrim Subdivision & Site Plan Review Regulations

#### Correspondences:

- SWRP Monadnock Transyposium – November 17, 2010 – a opportunity to share ideas and learn strategies for improving the transportation future of the Monadnock Region

#### Workshops & trainings:

- Annual Fall Planning & Zoning Conference – Saturday, November 13th

#### New Business from the Floor:

- The Board members agreed that Ordinance changes should be a priority for the next meeting.  
Wind tower and cell tower ordinances to be written by Mr. Moore for next meeting.  
Mr. Dubois shared a definition of public utility (which he had written) - for possible use in 2011 Ordinances Changes.

At 8:50pm, Mr. Koziell moved to adjourn. Mr. Lazar seconded it. The meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Planning Board



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 11/18/2010

## ANTRIM PLANNING BOARD MEETING

November 18, 2010 Meeting

#2010-08PB TC Storage/Rosario Expansion of an existing mini-storage business

### Members & Staff Present:

Diane Chauncey (Staff) David Dubois (Member) Jesse Lazar (Member) Peter Moore (Planner) Andrew Robblee  
(Member) Gordon Webber (Ex-Officio) CR Willeke (Chair) Scott Burnside (Vice-Chair)

### Member & Staff Absent:

Joe Koziell (Member) Stephen Schacht (Alternate)

### Public Attendees:

Carol Rosario (T/C Storage)  
Tony Rosario (T/C Storage)  
Ben Pratt (representing Maple Wood Cemetery)

### 7:00 Review Period:

- Appoint alternates to sit for absent members – not necessary
- Review the Minutes of November 4 meeting

### 7:15pm

**Public Meeting - #2010-08PB – Application request of Carole & Anthony Rosario – T/C Storage Enterprise, LLC for a Major Site Plan Review for expansion of existing mini-storage business on Contoocook Valley Avenue (Tax Map 232, Lot 057), Antrim, NH 03440 in the Highway Business District.**

Chair Willeke opened the meeting, introduced himself and asked the other Board Members and Staff to introduce themselves. Ms. Chauncey read the Public Notice.

Chair Willeke asked the Rosarios to present their proposal.

Ms. Rosario said that the additional buildings would be similar to the other buildings although smaller. The carport will be behind Building #4. These would be the last of the buildings that would be built on the existing prepared site.

The Rosarios had a well-prepared application.

Mr. Robblee motioned to accept the application of case #2010-08PB. Mr. Webber seconded the motion. The Board voted to accept the application.

**Public Hearing:**

Chair Willeke noted that there were no public attendees other than the Rosarios to speak in favor or opposition to the proposal. Ms. Rosario said that she was in favor of the proposal.

The Public Hearing was closed.

**Checklist:**

The Board members reviewed the Major Site Plan Review checklist, line by line. Items that were not satisfied were discussed, waivers noted, and items which needed waivers were voted on. (In the permanent file #2010-08PB)  
The Rosarios requested a three-year time frame in order to complete their project.

Chair Willeke noted that the building permit would need to be renewed as needed. A conditional approval would be added to the Notice of Decision.

**Approval:**

Mr. Robblee moved to approve (disapprove) the application of T/C Storage, Anthony & Carol Rosario for a Major Site Plan Review to expand an already existing mini storage business of property located on Contoocook Valley Avenue (Tax Map 232 Lot 57) in Antrim, NH, 03440, located in the Highway Business District. It was seconded by Mr. Webber.

The following conditions apply to this approval:  
Planning Board requirements, commitments and agreements made by the applicant and/or his agent as recorded in the meeting minutes dated November 18, 2010 and subsequent meetings as they pertain to this application are a conditional part of this approval.

The applicant is to obtain a building permit for any construction or alteration and adhere to all building, health and fire codes.

- 3. Final plans to show electrical conduit and lighting fixture location on buildings.

<b>Name</b>	<b>Yes</b>	<b>No</b>
Scott Burnside	X	
David Dubois	X	
Joseph Koziell		
Jesse Lazar	X	
Andrew Robblee	X	
Steve Schacht		
Gordon Webber	X	
CR Willeke	X	

The application of T/C Storage is approved. A Notice of Decision will be signed by the Chair and recorded at the Registry of Deeds.

**Business Meeting:**

*Capital Improvement Program 2011-2016 - Initial Report for input from Planning Board* – The Board Members received a



4-page Excel Spreadsheet which explained the requests of the following departments: Fire Department, Police Department, Highway Department, Library, Recreation, Bridges, Conservation Commission, Transfer Station, Town Administration & Buildings.

The CIP committee had met numerous times and had discussed the proposed requests of each department. The Board reviewed the requests. The final version of the CIP Appropriations Chart (Summary) with Bond and Lease Scheduled will be finalized by Mr. Moore and available at Town Hall for resident's review

The PB recommended that the CIP program as presented by the CIP committee should go to the Selectmen, except for the Conservation Committee request for Acquisition of land should be \$0.00.

The Planning Board thanked Mr. Haggett and Mr. Pratt for their hard work.

- *Planning Department Budget as presented to BOS 11/15/2010 – Open for changes – Discussion short and inconclusive*
- *Review of DRAFT Zoning Ordinance proposed amendments & changes*  
Mr. Moore had prepared a handout and potential changes, additions, amendments and deletions on numerous articles in the Antrim Zoning Ordinance.  
the discussion will continue at the December 2, 2010 meeting.
- *Planning Board Member Terms – not discussed*
- *Continue review of proposed new Antrim Subdivision & Site Plan Review Regulations – did not occur*

**Correspondences:**

- *SWRPC Commission Highlights – Monthly newsletter – FYI*

**New Business from the Floor:**

At 10:00pm, Mr. Burnside moved to adjourn. Mr. Webber seconded it. The meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Planning Board



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 12/02/2010

### ANTRIM PLANNING BOARD MEETING

December 2, 2010 Meeting

#2010-09PB #2010-10PB (Lauber Minor Subdivision)

#2010-11PB (Rymes Lot Line Adjustment)

#### Members & Staff Present:

Diane Chauncey (Staff) Scott Burnside (Vice-Chair) David Dubois (Member)  
Joe Koziell (Member) Jesse Lazar (Member) Peter Moore (Town Planner)  
Andrew Robblee (Member) CR Willeke (Chair) Gordon Webber (Ex-Officio)

#### Member & Staff Absent:

Stephen Schacht (Alternate)

#### Public Attendees:

Chris Rawnsley Ann Chisholm Enman Steve Lauber (son of applicant)  
Cindy Crockett Wesley Enman Gayle Rochford

#### 7:00 Review Period:

· *Review the Minutes of November 18, 2010 meeting* Chair Willeke moved to approve the minutes as amended. Mr. Webber seconded the motion. All Board members voted to approve the minutes/

#### Public Meeting:

Chair Willeke opened the meeting at 7:17pm. Members and staff introduced themselves. He explained the meeting procedure. The Public Notice was read by Ms. Chauncey. All abutters had been notified, except the Rawnsleys who did waive the 10-day notice.

#### Public Meeting - #2010-09PB – Application request of Jane & Burt Lauber for Minor Subdivision of property located on Pierce Lake Road (Tax Map 214, Lot 098), Antrim, NH 03440 in the Rural District.

Ms. Rochford proposed the minor subdivision for the Laubers. She explained the revised notes on the plans - which she had redone for the Board members.

Condition – waiting on state subdivision approval

- Each lot is over 2 acres. Two small lots would be taken out of the larger 60+ acre lot.
- Good line of sight for future driveways.
- Existing water line is not located on the proposed lots.

Vic-Chair Burnside moved to accept the application. It was seconded by Mr. Koziell. On a roll call vote the application was unanimously accepted.

#### Public Hearing:

Ms. Crockett objected to the minor subdivisions. She wished to express her concern for keeping the flavor of the rural area.

MEP Exh D - 26

Mr. Enman asked for an explanation of minor vs major subdivision. The Board explained the differences.

Some abutters expressed concern for the future and how many more lots would be developed. The realization was that there was nothing the abutters could do, but they wished to know the ultimate plan for the remaining portion of the lots.

Mr. Lauber said that the sensitivity for the area has been considered – especially the Campbell Pond area. Trying to carve off smaller lots and hopefully have larger lots for his children. The Lauber family has thought about Campbell Pond carefully. At this point, they are only considering the proposed lots.

Monadnock Conservancy – are they considered abutters and do they have a comment.

Mr. Moore said that the Monadnock Conservancy

There is an easement access to Campbell Pond but it is not on the proposed lots.

Some Board members thought that the road should be shown.

Public Hearing was closed.

**Checklist:**

Department Reviews – no comments except for Con Com who wished to discuss an easement with the Laubers. The width of the easement was brought up again.

Mr. Koziell would like clarification of the easement.

Water & Sewer comments are also necessary.

Rochford and Lauber felt that the easement is not affected by the two proposed lots.

Mr. Webber felt it did not matter.

Determined that notes on the plat should be on plat

**Conditions:**

1. **8 new plats to reflect revisions**
2. **Deed references**
3. **Corrections of abutters – Rawnsleys**
4. **Show easement to Campbell Pond on parent lot**
5. **Revised print will show monument table**
6. **Written approval of the NH DES Subsurface Systems Bureau for the subdivision**  
**Waivers requested:**  
**#24 Mr. Webber moved. Mr. Koziell seconded. All ayes to grant waiver**  
**#30 Mr. Koziell moved. Mr. Webber seconded. All ayes – waiver granted**

**Vote to continue the meeting.**

**Mr. Burnside motioned. Mr. Webber seconded All ayes to continue to December 16, 2010.**

**Public Meeting - #2010-10PB – Application request of Jane & Burt Lauber for Minor Subdivision of property located on Pierce Lake Road (Tax Map 214, Lot 099), Antrim, NH 03440 in the Rural District.**

The second minor subdivision was proposed. Ms. Rochford had made minor revisions and had new plans for some Board members.

Two lots will be created out of the parent lot which will continue to have 60+ acres. Driveway line of sight is good

Existing septic system on one of the lots.(Lot??)

Some pins were set today.

Water line easement will not change. Easement is 20' wide? - not sure. To be shown on final plat. Discussion on the importance of maintaining the easement.

Chair Willeke concurred that more information concerning the water line easement was necessary.

Mr. Rawnsley said that there was an upcoming Water Commissioners' meeting and he would put it on the meeting agenda.

Mr. Webber motioned to accept the application as presented. Mr. Koziell seconded. All ayes to accept the application.

**Public Hearing for Lot #99:**

Chair Willeke asked if any of the public attendees , in favor or opposition to the proposal would like to speak.

Ms. Crockett wanted clarification – what will happen to the field? Would the field be separated from the house lot.

Ms. Rochford said that the field will be part of the new house lot.

Is the field being carved up?

Ms. Crockett said that the field sets the tone and the flavor for the entire area. A very special field and would hate to see it be anything but a field.

**Checklist:**

Conditions:

1. 8 new plans to reflect revisions
2. Deeds – check for specification of width of easement
3. If no width – establish the number of feet – 20' is suggested (8-inch cast iron pipe) input from Jim Caruthers – will be brought up to the commission
4. Horizontal and vertical location of the water pipe to the best of surveyor's capabilities
5. Monument table
6. All bounds to be set
7. Written approval of Water & Sewer
8. Written approval from NH DES Subsurface Systems Bureau
9. Clarify the water line on both Lots 98 & 99

**Waivers:**

**#16 Location of wetlands. Ms. Rochford said that there were no wetlands on the parcels. Mr. Webber moved. Mr. Willeke seconded. All ayes. Waiver granted**

**#17 Mr. Webber moved. Mr. Willeke seconded. All ayes. Waiver granted.**

**#23 Mr. Koziell moved. Mr. Webber seconded. All ayes. Waiver granted.**

**#24 Mr. Burnside moved. Mr. Webber seconded. All ayes. Waiver granted.**

**#30 Mr. Koziell moved. Mr. Webber seconded. All ayes. Waiver granted.**

Meeting to be continued to December 16, 2010 (Mr. Koziell moved. Mr. Webber seconded.

All ayes to continue the meeting.

**Public Hearing - #2010-11PB – Application request of James & Carol Rymes for Lot Line Adjustment and Annexation of property located on Miltimore Road (Tax Map 228, Lots 26 and 27), Antrim, NH 03440, in the Rural District.**

Mr. Webber moved to continue the meeting to December 16, 2010. Mr. Burnside seconded. All ayes to continue.

**Business Meeting:**

- Planning Department Budget as presented to Board of Selectmen 11/15/10 - not discussed
  
- Review of DRAFT Zoning Ordinance proposed amendments & changes  
Discussion of:
  - Definition of Public Utility and Renewable Energy Facility
  - Highway Business by lot –make maps for PB members
  - Excavation - definition and districts
  
- Status of 46 Main Street – Shared Parking Lot  
Mr. Webber explained curb cut from DOT. It would be advantageous for both 46 Main Street and the Town of Antrim to use the existing curb cut. An agreement is being worked out to deal with maintenance. Shared parking lot will be available for business and town parking.  
Mr. Moore explained that the building permit had been issued. Mr. Raymond had been under the impression that the Conceptual Consultation was the Site Plan Review. Mr. Moore said that he would need to formally apply to the Planning Board. MR. Raymond understands what he will need to d do.
  
- Planning Board Member Term Expirations March 2011 - C.R. Willeke & Joe Koziell
  
- Capital Improvement Program Committee Report status – meet w/ Board of Selectmen on Dec 6 @ 5 PM

At 8:10pm, Mr. Webber moved to adjourn. Mr. Koziell seconded it. . It was voted to adjourn.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Planning Board



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 12/23/2010

## ANTRIM PLANNING BOARD MEETING

December 23, 2010 Meeting

### Work Session – Proposed Zoning Ordinances

#### Members & Staff Present:

Scott Burnside (Vice-Chair)      Diane Chauncey (Staff)      David Dubois (Member)  
Joe Koziell (Member)      Jesse Lazar (Member)      Peter Moore (Planner)      Gordon Webber (Ex-Officio)  
Andrew Robblee (Member)

#### Member & Staff Absent:

Stephen Schacht (Alternate)      CR Willeke (Chair)

#### Public Attendees:

John Soininen      Ray Ledgerwood

#### Work Session:

The work session got underway at 5:40 PM

Mr. Webber moved that Mr. Robblee act as Chair Pro Tem The Board approved the motion.  
Mr. Burnside entered at 5:45 PM and Mr. Robblee relinquished his seat as Chair Pro Tem to Vice-chair Burnside.

Mr. Moore explained that the meeting was only to determine the wording of the Proposed Zoning Ordinance changes that had been discussed previously, that it was not a public hearing, and that no testimony or input would be taken from the floor.

The results of the work session are presented in the attached handout titled:

“Proposed Zoning Ordinance Changes & Amendments”

The votes on the DRAFT proposed Zoning Ordinances and Amendments were as follows:

#### Public Utility (Definition) – to be tabled

Mr. Robblee moved. Mr. Webber seconded. All ayes to table.

#### Renewable Energy Facility (Definition)

Mr. Robblee moved. Mr. Webber seconded. All ayes – passes.

#### Cluster Housing Development (Definition – clarification)

Mr. Robblee moved. Mr. Webber seconded. All ayes - passes

#### Highway Business District

Mr. Robblee moved. Mr. Burnside seconded. All ayes to table.

#### Highway Business District (clarification)

Mr. Koziell moved. Mr. Webber seconded. All ayes - passes

Add Renewable Energy Facility as a permitted use (Highway Bus, Rural District, Rural Conservation District)

Mr. Robblee moved. Mr. Webber seconded. All ayes - passes

Add Renewable Energy Facility as a Special Exception (Village Business District, Residential District, Lakefront Residential District)

Mr. Koziell moved. Mr. Webber seconded. Passes with one dissenting vote.

Excavation as a permitted use (Highway Business and Rural Districts)

Mr. Koziell moved. Mr. Webber seconded. Passes with one dissenting vote.

Excavation by Special Exception (Rural Conservation District)

Mr. Koziell moved. Mr. Webber seconded. Passes with one dissenting vote.

Personal Wireless Service Facility (PWSF)

Mr. Robblee moved. Mr. Webber seconded. Passes with one dissenting vote.

Home Occupations

Mr. Burnside moved. Mr. Dubois seconded. All ayes – passes.

Sign Ordinance

Mr. Robblee moved. Mr. Webber seconded. All ayes – passes

Building Permit Fee Schedule

Mr. Hopkins, the Building Inspector, submitted a request to change the fee for Renewal Permits to 50% of original permit with a minimum of \$50.00.

Board members felt that the rate was too much of an increase and sent it back to Mr. Hopkins for consideration.

Assess a \$25.00 fee for Zoning Permits.

Mr. Robblee moved. Mr. Webber seconded. All ayes – passes

Vice-chair Burnside asked if there was anything that members of the public would like to say before the meeting was adjourned. Mr. Soininen suggested that the board might want to consider adding language to Article XIV, H, 2 or 3 – Height Regulation Exceptions – so that either might include “towers associated with Renewable Energy Facilities.” Mr. Soininen was told that his suggestion should be brought up at a public hearing.

At 8:15pm, Mr. Koziell moved to adjourn. Mr. Webber seconded it. The meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Planning Board

Addendum

**Proposed Zoning Ordinance Changes & Amendments**

As proposed by Antrim Planning Board Members as of 12/23/2010

**1. Amendments to Article III “Definitions”**

**Public Utility** – proposal by the board to add a definition for *Public Utility* was tabled by vote of the board.

Add

**Renewable Energy Facility:** A power generation facility greater than 100 kilowatts in rated nameplate capacity and powered by solar, wind, geothermal or hydro-kinetic sources, and delivering electricity, heat, or both in commercial quantities for on-site use and/or distribution to the utility grid. It shall also include any equipment required for the collection of data and/or testing to determine the viability of such renewable energy facilities, as well as any accessory and appurtenant uses. Energy facilities utilizing bio-mass and other combustibles are *not* permitted,

2. Change to Article III - "**Definitions**" - to change incorrect reference

**Cluster Housing Development:** An area of land, controlled by a landowner or landowners organization developed as a single entity for a number of dwelling units in accordance with Supplemental Regulations ~~Article XIV, Paragraph O:~~ (add) Article XIV-C (Amended March 11, 2003)

3. Amend Article V – "**Highway Business District**"

The initial proposal by Planning Board to re-define the Highway Business District boundaries for both Routes 9 and 202 were tabled by vote of the board at their 12/23 meeting for the 2011 warrant pending further study by the board.

4. Change Article V – "**Highway Business District**" – to change incorrect reference

Section 1

nn. Manufactured Housing Units (per Article XIV, Section W)

It should read –

nn. Manufactured Housing Units (per Article XIV, **Section U**)

5. Amend Articles IV, V, VI, VII, VIII, & IX

Add **Renewable Energy Facility** to - *Principle Permitted uses*, to:

ARTICLE V – Highway Business District, Section B, 1 – Principal Permitted Uses

ARTICLE VII – Rural District, Section B, 1 – Principal Permitted Uses

ARTICLE IX – Rural Conservation District, Section B, 1 – Principal Permitted Uses

Add **Renewable Energy Facility** to - *Special Exception uses (See Article XIII)*

ARTICLE IV – Village Business District, Section B, 3 – Special Exception uses

ARTICLE VI – Residential District, Section B, 3 – Special Exception uses

ARTICLE VIII – Lakeside Residential District, Section B, 3 – Special Exception uses

6. Amend Articles V, VII & IX

Add **Excavation** to - *Principle Permitted uses*

ARTICLE V - Highway Business District, Section B, 1 – Principal Permitted Uses

ARTICLE VII – Rural District, Section B, 1 – Principal Permitted Uses



Add **Excavation** to - *Special Exception uses (See Article XIII)*

ARTICLE IX – Rural Conservation District, Section B, 3 – Special Exception uses

(Note – Notice of Public Hearing posted in Villager Friday December 24, 2010 cited Excavation Site, *not* Excavation. This change of terms for this proposed amendment will be taken-up at both the January 6 and 20 public hearing)

**7. Amend Article XIV-B - “Personal Wireless Service Facility” (PWSF)**

Section 4. ~DISTRICT REGULATIONS:

Location - PWSFs proposed to be located in or on existing structures shall be permitted in all Zoning Districts ~~except the Rural Conservation District.~~

Ground-mounted PWSFs shall be an allowed use in the Highway Business District, and by a Special Exception from the Zoning Board of Adjustment in the Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be permitted in the Residential or Village Residential Districts.

In any district where Ground-mounted PWSFs are allowed by Special Exception, no portion of the facility may be built within 300 feet of any disapproving abutters residential structure.

Applicants seeking approval for PWSFs shall first evaluate existing structures for the siting of PWSFs. Only after finding that there are no suitable existing structures pursuant to Section 4 ~~↔~~ herein, shall a provider propose a new ground mounted facility.

**8. Amend Article XIV - “Special Exceptions”**

ARTICLE XIV Section O. – Home Occupations

7. *Not show any exterior evidence of a home occupation except for signs as permitted in the ordinance.* (referring to Article XVII Sign Ordinance)

It should read –

7. *Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII, Section D – Signs Permitted in All Districts Without Permit*

**9. Amend Article XIII – “Sign Ordinance”**

Section E.

3. *All signs shall conform with all provisions of Section B of this Article (Signs Prohibited in All Districts.*

It should read –

3. *All signs shall conform with all provisions of **Section C** of this Article (Signs Prohibited in All Districts*

Also, in reference to # 1. Amendments to Article III "Definitions" - *Public utility*

The Planning Board, in it's *tabling* of a proposal to define *Public utility*, further proposes to *delete* from the Zoning Ordinance, Articles IV, V, VI, VII and IX, *Public utility* as a Permitted use. This amendment will *not* serve to eliminate the right of Public utilities to exist and/or be built-out in all zoning districts, but is intended to eliminate the confusion and mixed interpretation of this undefined term. Further discussion of this newly introduced proposal will be included in the public hearing scheduled for January 6 and January 20, 2011

Proposed changes to the Building Permit Application Fee Schedule

Pursuant to IRC/IBC R108.2, the following changes to the Building Permit Application Fee Schedule are being be proposed for *adoption* by the Planning Board / Board of Selectmen (not subject to vote in March 2011)

1. Change fee assessed for "Renewal Permit" from \$25.00 to "50% of original permit cost with a minimum of \$50.00." Planning Board felt that this proposed change would need further discussion.

2. Add fee assessed for a "Zoning Permit," to be \$25.00. (Zoning Permit required for all new free-standing structures less than 200 sq. ft.)

12/28/2010



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 01/06/2011

### ANTRIM PLANNING BOARD MEETING

January 6, 2011 Meeting

Public Hearing - Proposed Zoning Ordinances

#### Members & Staff Present:

Scott Burnside (Vice-Chair)      Diane Chauncey (Staff)      David Dubois (Member)  
Joe Koziell (Member)      Jesse Lazar (Member)      Peter Moore (Planner)      Gordon Webber (Ex-Officio)  
Andrew Robblee (Member)      CR Willeke (Chair)

#### Member & Staff Absent:

Stephen Schacht (Alternate)

#### Public Attendees: (71 - listed are the signed in people or Diane Recognized)

Shelly Nelkens	Jack Kenworthy	Jon Soininen	Ray Ledgerwood
Sarah Gorman	Brian Murphy	Dave Boule	Martha Pinello
Donna Lyon	Peter Beblowski	James Hankard	Britta Moore
Ian Johnson	Marie Harriman	Michelle Apkarian	Lynn Burdette
Clif Burdette	Samuel Apkarian	Chris Condon	Ann Enman
Wes Enman	Robert Cleland	Annie Law	Jamison Burt
Shauna Burt	Benjamin Blakely	Melissa Chapman	Molly Moore Lazar
Tom Davis	Keith Lingor	Keith Wolsiefer	John Robertson
Janice Longgood	Elsa Voelcker	Douglas Stone	Susan Bartlett
Bob Bernstein	Richard Block	Loranne Block	Brendan Block
Kevin Devine	Bob Edwards	Janet McEwan	Nancy Knowles
Frank Wallace	Brenda Schaefer	Mark Schaefer	Dave Kirkpatrick
Beth Merrill	Arthur Merrill	John Hatter	Vincent Lyon
Mr. Klinger	Ron Haggett	Fred Ward	Sue Cheetham
Ron Cheetham	Benjamin Pratt	Dave Duffy	Isaac Lombard
Melissa Smith			

#### 7:00 PM - Review Period:

" Appoint alternates to sit for absent members

" Review the Minutes of December 16 (Mr. Webber moved to accept the minutes as amended, seconded by Mr. Koziell, all ayes to approve) and December 23, 2010 (Mr. Webber moved to accept the minutes as amended, seconded by Mr. Koziell, all ayes to approve).

7:30 PM - Public Hearing - Pursuant to RSA 675:3 and 675:7, the Antrim Planning Board will present proposed Amendments/Changes for Antrim Zoning Ordinance. And, pursuant to IRC/IBC R108.2, proposed changes to the Building Permit Application Fee Schedule presented for adoption by the Planning Board / Board of Selectmen. \*

#### Business Meeting:

MEP Exh D - 35

" Cases continued from Public Meeting on December 16, 2010:

Case - #2010-09PB - Application request of Jane & Burt Lauber for Minor Subdivision of property located on Pierce Lake Road (Tax Map 214, Lot 098), Antrim, NH 03440 in the Rural District.

Case - #2010-10PB - Application request of Jane & Burt Lauber for Minor Subdivision of property located on Pierce Lake Road (Tax Map 214, Lot 099), Antrim, NH 03440 in the Rural District.

Mr. Koziell moved to continue the case until January 20, 2011. Mr. Robblee seconded. All ayes to continue the meeting.

Chair Willeke opened the meeting at 7:25pm. The meeting had been moved from the Little Town Hall to the upstairs larger Town Hall (Rick Seavey had quickly set up the room). Chair Willeke introduced himself. Each member introduced himself.

Mr. Moore read the Public Notice that had been posted in The Villager on December 24, 2011.

Chair Willeke explained that the meeting was a Public Hearing to hear input of the Antrim residents. He asked that all those who wished to speak must stand and state their name. He further explained that the attendees should be cordial and that the Chair would moderate and if there were any problems or unruliness, he would not hesitate to call the Police for assistance.

Each article was read by Chair Willeke. A handout was available to all. The italicized underlined section are from the handout. The public attendees who commented on the articles are listed. Some speakers presented letters to the Board. Those letters are part of these minutes.

#### Proposed Zoning Ordinance Changes & Amendments

As proposed by Antrim Planning Board Members as of 12/23/2010

##### 1. Amendments to Article III "Definitions"

Public Utility - proposal by the board to add a definition for Public Utility was tabled by vote of the board.

Add

Renewable Energy Facility: A power generation facility greater than 100 kilowatts in rated nameplate capacity and powered by solar, wind, geothermal or hydro-kinetic sources, and delivering electricity, heat, or both in commercial quantities for on-site use and/or distribution to the utility grid. It shall also include any equipment required for the collection of data and/or testing to determine the viability of such renewable energy facilities, as well as any accessory and appurtenant uses. Energy facilities utilizing bio-mass and other combustibles are not permitted

Mr. Beblowski asked for a clarification - was the "renewable energy facility" commercial or industrial?

Mr. Block noted that biomass had been specifically left out. He said that biomass could potentially be a wise renewable energy and was worth looking at. He suggested to the Board that they research it.

Ms. Gorman questioned why methane had been left out of the definition. She felt that burning methane could create energy for the town as well as create a profit for the town.

Mr. Hankard questioned what benefit [renewable energy] would be to Antrim and its citizens. Will there be a break in property taxes? It seemed to him that the definition was geared toward Eolian, and he did not see an inherent benefit to the town?

Chair Willeke said a definition was needed. It would be better for those who came to the town with a proposal to have

a definition in the Zoning Ordinance

Mr. Hankard stated that he supported Mr. Block and Ms. Gorman - further study is needed.

Vice-Chair Burnside said the Antrim Master Plan has directed the Planning Board to encourage renewable energy. Biomass could always be added in the future.

Mr. Webber said that the benefit to the town would not be in electricity. Eolian would become the largest taxpayer in the town. Antrim could then have a break in its taxes or buy a new Fire Engine. It would clearly be a benefit to the town.

Mr. Robblee explained that the proposed amendments would be on the March ballot. The decision would be made by the voters of Antrim - not the Planning Board.

Mr. Volker questioned the equipment necessary and stated that non-invasive testing should be done first.

Ms. Nelkens questioned the "100 kilowatts". What if she wanted to do something renewable at her own home.

Mr. Bernstein spoke about biomass as a proven current technology that was well suited to a forested region, and created jobs - it should be a first choice..

Chair Willeke said that the Small Wind Ordinance (Article XIV-D) would apply to a home owner application.

Ms. Nelkens wanted to know if her renewable energy would be limited to the 35' above the tree canopy, but would not apply to the new definition.

Mr. Johnson stated that the first commercial wind farm had been on Crotched Mountain.

Mr. Bernstein spoke.

Mr. Kendall asked if renewable energy were to be a permitted use what would determine the setbacks and restrictions.

Chair Willeke stated that the discussion at this time concentrated on definitions.

Mr. Koziell reiterated that this part of the Public Hearing concerned definitions.

Vice-Chair Burnside explained that as the height of the tower increased so would the number of feet for the setback.

Mr. Kendall asked if the Planning Board members were aware of the restrictions.

Vice-Chair Burnside stated that the Planning Board was very aware.

Chair Willeke said that although this part of the concerned definitions, the point regarding setbacks and restrictions would be noted.

Mr. Block said that something this big should have its own article. It would need to be looked at very carefully and that the town should be able to have control over renewable energy facilities. He further stated that the definition had vagueness and it would open the town to problems. He stated that the Board should wait.

Ms. Harriman wanted to know if the definition was for commercial or for individuals.

Chair Willeke said that it was for a commercial application.

Mr. Haggett wished to know if the State had a definition for renewable energy.

Mr. Volker felt that the definition was extremely vague. He thought that each renewable energy should have its own definition and that they should not be lumped together.

Chair Willeke explained that the Board had begun by discussing just wind, but wanted to expand the definition.

Ms. Nelkens asked if there were a size limit.

Chair Willeke said that there was not a size limit in the definition.

Ms. Gorman said (proposals) could be endlessly huge.

Chair Willeke understood that some people wanted the definition to be more specific.

Mr. Robblee said that, ironically, a great deal of effort had gone in to keeping the definition simple.

Mr. Kendall stated that the Planning Board consisted of a thankless group of people. The Zoning Board of Adjustment and the Planning Board had worked together on changes to the Zoning Ordinance (at a joint meeting in the summer on July 15th) Both the ZBA and the PB realize that the town residents needed to vote on the issue.

Mr. Beblowski said that Mr. Kendall was articulate [in explaining his thoughts] but he felt that in general what had been brought forward could bring great openings into the development of the Rural Conservation Area.

Ms. Harriman stated that she had written many definitions for higher level documents and that the definitions should be very generic. "When - when down to nuts and bolts - then get into specifics".

Mr. Kenworthy began to speak about 100 kw turbines...and stated that the Lempster turbines were 2000 kw.

Ms. Pinello stated that as a point of order - in order to speak, a person must be on checklist- or ask the audience if permission should be granted to speak

## 2. Change to Article III - "Definitions" - to change incorrect reference

Cluster Housing Development: An area of land, controlled by a landowner or landowners organization developed as a single entity for a number of dwelling units in accordance with Supplemental Regulations Article XIV, Paragraph O.  
(add) Article XIV-C (Amended March 11, 2003)

Housekeeping /clarification

## 3. Amend Article V - "Highway Business District"

The initial proposal by Planning Board to re-define the Highway Business District boundaries for both Routes 9 and 202 were tabled by vote of the board at their 12/23 meeting for the 2011 warrant pending further study by the board.

Chair Willeke explained that the Board had discussed changing the Highway Business District from the current 1000' to frontage on 9 or 202 would make the entire lot Highway Business, but the Board wanted to research the idea, and had decided to table it.

Ms. Block said that there had been a committee to around three years ago which had discussed the Highway Business

districts. She stated that she would be willing to serve on a committee again.

Chair Willeke repeated that the proposal had been tabled.

Vice-Chair Burnside said that the proposal had been tabled but the Board had discussed redefining the district. The North Branch side of Route 9 would become Rural Conservation. This would create more space for business on the other side of Route 9.

Mr. Kendall asked where the 1000' came from and felt that it created problems.

Ms. Gorman wanted to know who wrote the initial proposal. She said that it would be very inappropriate whoever idea it is and what were they thinking.

Vice-Chair Burnside said that the Board had tabled it.

Mr. Klinger asked if that switch were made - what about him

Mr. Robblee said that this is why it had been tabled and that the meeting should move on.

4. Change Article V - "Highway Business District" - to change incorrect reference  
Section 1  
nn. Manufactured Housing Units (per Article XIV, Section W)  
It should read -  
nn. Manufactured Housing Units (per Article XIV, Section U)

Housekeeping - to make the Ordinance clearer.

5. Amend Articles IV, V, VI, VII, VIII, & IX

Add ARTICLE V - Highway Business District, Section B, 1 - Principal Permitted Uses  
ARTICLE VII - Rural District, Section B, 1 - Principal Permitted Uses  
ARTICLE IX - Rural Conservation District, Section B, 1 - Principal Permitted Uses

Add Renewable Energy Facility to - Special Exception uses (See Article XIII)

ARTICLE IV - Village Business District, Section B, 3 - Special Exception uses  
ARTICLE VI - Residential District, Section B, 3 - Special Exception uses  
ARTICLE VIII - Lakeside Residential District, Section B, 3 - Special Exception uses

Mr. Enman stated that a ton of time could be saved - if the language had not been decided - how did it make sense to move forward.

Mr. Webber said that the language in the ballot would clarify that.

Vice Chair Burnside said that it would be spelled out in the ballot.

Mr. Volker wanted to know the difference between a permitted use and a Special Exception.

Chair Willeke explained the definition of each.

Mr. Bernstein questioned Chair Willeke's explanation.

Mr. Haggett said that if it is not a permitted use, the application would need to come before the ZBA as a Special Exception.

Mr. Block said that he had talked with many people around the state and that there was just one universal word used - UNBELIEVABLE. No other town in NH had a regulation that would anything anywhere. He explained the difference between a small wind turbine and a 100 kilowatt turbine.

Chair Willeke said that the Board had heard that information.

Mr. Block said that for the past year and a half the met tower has been discussed. There are presently two cases in Superior Court. He said that although the attendees had been told that only met towers were to be discussed, Eolian had been able to...

Chair Willeke asked Mr. Block to stop. He did not stop talking. Chair Willeke asked him again to stop. He did not. Chair Willeke left the room to get the Police.

Mr. Block continued to talk.

The Board stopped listening.

Mr. Block left on his own.

Other people left.

Mr. Hankard wanted to know why Mr. Block was asked to leave.

Mr. Webber said that he would not stop talking and was out of order.

Mr. Hankard stated that the definition was too general and that he loved the Rural Conservation District.

Ms. Gorman read a prepared statement that she wished to have added to the record. She stated that she had written the statement with passion. She read her statement which was in opposition the proposal.

Mr. Koziell said that an informal survey had been completed by 100 voters and that from the survey, residents were overwhelmingly in favor of renewable energy.

Ms. Gorman stopped reading her statement and stated some inappropriate phrases.

Chair Willeke asked her to leave. She left.

Ms Longgood stated that she was in favor of the Special Exception so that the town folks could have a say. She felt that each project should have public input.

Mr. Voelker questioned conflict of interest. If anyone had anything to gain, they should recues themselves. Amendments V, VII, and IX should be a Special Exception.

Ms. Block stated that she had been very impressed with the opening statements. She said that the Chair should not have shut Mr. Block down so quickly. She said that he was on the defensive because he was putting forth zoning that had no restrictions. Mr. Webber had an email going around. She stated that all should have to play by the same rules. She read a prepared statement [attached] .She wanted the amendment tabled. She stated that she wanted protection for the Rural Conservation District.

Chair Willeke said that it is his role to run an orderly meeting. He said that the ground rules had been set at the beginning. If asked to stop, the speaker should stop. Good points had been made, but what the Board was proposing would help the town if something like this [renewable energy] were to come into town.



Ms. Block repeated that all should play by the same rules.

Ms. Knowles wanted to thank the people who work for the town - she admitted that she was too selfish herself. She was concerned about some of the things on the list and it would be helpful to know the Board's day jobs.

The Board members stated their jobs. Mr. Robblee also stated that he was a property owner had two children.

Mr. Duffy wanted to know if the Board was still discussing #5.

Mr. Wallace said that he thought the wind turbines were beautiful, but he was concerned by the talk of the wide roads that would go through the Rural Conservation District. He state that a Special Exception was necessary.

Mr. Ward (Stoddard ZBA) asked if he could speak. He said that the Town of Stoddard had spent a lot of money to have a large area set aside around the Robb Reservoir. It supplied a large corridor for animals. He stated that he had a terrible feeling that there would be this large area and the wind turbines would be located. He submitted a written statement for the record (with these minutes)

Ms. Penny stated that the Special Exception should be in the wording, not permitted use.

Mr. Soininen asked permission to address the Board.

Chair Willeke said no - because of the pending law suits.

Mr. Hankard asked if an informal vote could be taken.

The Board said no.

Mr. Webber said that he had not sent out an email, the information had been on facebook, He also stated that he was able to express his opinion as a Selectman and as a resident.

Janet McEwen asked for clarification.

Ron Haggett (as a member of ZBA) explained that every Zoning Ordinance can be subject to appeal. He further explained that the vehicle to appeal was the Zoning Board of Adjustment (ZBA). The ZBA can grant or deny the application. If the use is a permitted use [allowed by the Zoning Ordinance], the applicant would request a Site Plan Review [major or minor - depending on the use - information about this on the antrimnh.org]. A Special Exception would go before the ZBA.

Ms. McEwan asked if it would go to the ZBA if it were not in the code.

Vice-Chair Burnside explained that once approved by the ZBA, it would then go to the Planning Board for a Site Plan Review.

Ms. McEwan wanted to know if would be put in the hands of the voters.

Mr. Haggett said the vote would occur on Election Day not Town Meeting.

Mr. Robblee said that as the definition is written now, the question would then allow the residents to vote.

Mr. Lazar said that the Planning Board is bound by the Zoning Ordinance.

Mr. Haggett said that just because it is permitted dose not mean that it will happen.

Mr. Beblowski stated that the reason case is coming about is because it is not addressed in the Zoning Ordinance. He

reiterated the process. He said that he could tell how the 1000' band for the Highway Business Zone had come about because he was part of the committee. He said that he felt that there was value for a project to go before the ZBA as a Special Exception for the extra level of review and criteria. He said that the proposed ordinance could change the rural character of the town. He continued that the Rural Conservation District is a very large unfragmented portion of town with few roads and it has become a special place. It has its own legacy as part of the Quabbin to Cardigan Project which protects and values wide open spaces. He said that the Ordinance Change does not protect the RCD, not the future legacy of the town. The permitted use of large renewable energy facilities should be tabled. The Planning Board should come up with an ordinance similar to the Small Wind Energy Ordinance - so that if a proposal occurs, the regulations are in place. He finished by stating that it should be made a Special Exception.

Mr. Ledgerwood said that he had attended the last Planning Board meeting and that they realized they would be walking into a mine field. He said that the Planning Board thought that it should go the voters for the decision to be made.

Mr. Klinger proposed that #5 should be totally tabled. He said that he saw it as tug of war and questioned the wording of the ballot question.

Mr. Bernstein said that it was not clear enough and in due diligence it should be tabled. The Board's professional should look at wording from other towns. He stated that conflict of interest can be real and perceived.

Ms. Knowles said that she perceived a problem in how the information is obtained. How would she find out about the rules and how would the voters know the various sides. She said that a lot of people do not know what they are voting for and how could this be dealt with.

Chair Willeke said that it is up to the voter must do their own research.

Vice-Chair Burnside said that the Master Plan is on the website. He stated that the state is encouraging Planning Boards not to restrict renewable energy projects.

Ms. Knowles wanted to know if a study had been done.

Mr. Moore said that the ordinance change would be breaking new ground. There was also the possibility that the State's Site Evaluation Committee would review the application rather than the Planning Board.

Ms. Knowles said that since it would be "new ground" , the Planning Board should go in the direction of more caution.

Vice-Chair Burnside said that it is up to the voter to inform themselves.

Ms. Pinello wanted to know that if the Ordinance were to be on the ballot would it say "supported by the Planning Board"? She cautioned the Planning Board to think carefully about what it means. She felt that members of the community would see that Planning Board had recommended the Ordinance and would vote by their recommendation. She further cautioned that the Planning Board look closely at what they are doing and that there are other ways.

Chair Willeke said that a Public Hearing is for that purpose.

Ms. Pinello said there are a whole list of sound solutions and many ways to get community support.

Mr. Kirkpatrick said that he felt it should be tabled and questioned how a special piece of land would be the benefit of changing the ordinance. He asked what is the motivation for the change.

Mr. Robblee said that tabling the ordinance would not make the issue go away. It will still come before the town in some way. He said that by putting it to a vote, it gives the voter a chance to say no and then it would not be an allowed use.

Mr. Haggett said that everyone should understand that if a town has a Zoning Ordinance, it must have a Zoning Board of Adjustment. He continued that no matter how adamantly a resident is opposed to a proposal, the landowner could still go before the ZBA for the use.

Mr. Kendall said that he wanted to see this go to a vote because presently there are no guidelines. He felt that it should be a Special Exception for all districts. He said that hi thought both boards should review the proposal

Mr. Robblee said that the Planning Board was trying to keep a certain amount of bureaucracy out of it.

Ms. Longgood said that everything should be looked at and that the ballot question should not say "supported by the Planning Board".

Mr. Brendan Block said that it scared him to see it as a permitted use. It would be like giving a green light. As a future generation (he stated that he was hoping his parents would leave their land to him), he cautioned the Planning Board. He had grown up in the RCD and had enjoyed walking in the woods.

Mr. William Johnson said that the voters should be able to decide.

Mr. Koziell said that biomass had been a part of the definition in one of the early discussions.

Chair Willeke said that the Planning board had discussed just "wind" and then decided to be more inclusive in the definition.

Chair Willeke that the Site Plan Review guides the restrictions.

Ms. Nelkens asked if a proposal could be stopped if the requirements are not met.

Mr. Beblowski said that he was one of two people who had shown up for the Public Hearing for the Small Wind Ordinance and that he felt that the Planning Board should produce an ordinance of a similar nature.

Ms. Knowles was concerned about the educating the public.

Ms. Pinello wanted to know what would happen at the second Public Hearing.

Chair Willeke said that revisions would be considered.

Ms. Pinello said that she had been involved in many construction projects and she was concerned about the projects that might be abandoned and that the town would be left with the issue of removing whatever remained.

Mr. Robblee said that a Major Site Plan Review would deal with that type of issue.

Mr. Wallace wanted to know why the voters had to vote on anything. If the RCD had not industrial use, why was a vote needed.

Chair Willeke said that the Planning Board wanted the feed back of the town, but also that private landowners also have property rights.

Ms. Block said that although tabling the issue will not make it go away, it could be tabled for a year and try to educate the town. A recommendation from the Planning Board is usually becomes a passed vote. She said that she feels like the proposed ordinance change is being pushed through. She stated that she felt like it was being pushed through. She has not been able to educate the people.

Mr. Robblee said that the Public Hearing was her chance to do that. As concerned citizens, they should be putting on the forum. He further stated that he felt that it should go to the townspeople for a vote. If the town votes no, so be it.

Mr. Kendall explained what had occurred in the ZBA with the Met Tower, and that now it is in the hands of the court.

Ms. Block cautioned the Planning Board to think about what they are saying. She stated that the current proposal had no restrictions, no safeguards, and that the Board is not being genuine.

Mr. Klinger said that the definitions needed to be broken down for each renewable energy facility

Mr. Bernstein questioned a point of order. He expressed due diligence and proof, and felt that Site Plan criteria and "as built" should be developed for each type of facility.

Chair Willeke said that an as built description could not be done for each renewable energy facility.

Mr. Jones of Stoddard wanted to know if regional impact towns would be notified of Antrim's proposed ordinance changes.

Vic-Chair Burnside said that if a proposal had regional impact the regional impact towns would be notified.

Mr. Moore said that the January 20, 2011 meeting would be another Public Hearing for the proposed changes.

Chair Willeke said that the Public Hearing will continue.

Mr. Moore read a letter from Elsa Voelcker (who was in opposition to the proposed changes - letter attached).

Mr. Moore also read a letter from Audubon (letter attached) who stated that the proposed changes should be a Special Exception not a permitted use.

At 10:15 pm, Chair Willeke said that the meeting would be continued to January 20, 2011 at 6:00 pm.

The following articles were on the handout but not discussed - to be continued January 20, 2011)

6. Amend Articles V, VII & IX  
Add Excavation to - Principle Permitted uses

ARTICLE V - Highway Business District, Section B, 1 - Principal Permitted Uses  
ARTICLE VII - Rural District, Section B, 1 - Principal Permitted Uses

Add Excavation to - Special Exception uses (See Article XIII)

ARTICLE IX - Rural Conservation District, Section B, 3 - Special Exception uses

(Note - Notice of Public Hearing posted in Villager Friday December 24, 2010 cited Excavation Site, not Excavation. This change of terms for this proposed amendment will be taken-up at both the January 6 and 20 public hearing)

7. Amend Article XIV-B - "Personal Wireless Service Facility" (PWSF)

Section 4. DISTRICT REGULATIONS:

Location - PWSFs proposed to be located in or on existing structures shall be permitted in all Zoning Districts except the Rural Conservation District .

Ground-mounted PWSFs shall be an allowed use in the Highway Business District, and by a Special Exception from the Zoning Board of Adjustment in the Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be permitted in the Residential or Village Residential Districts.

In any district where Ground-mounted PWSFs are allowed by Special Exception, no portion of the facility may be

MEP Exh D - 44

built within 300 feet of any disapproving abutters residential structure.

Applicants seeking approval for PWSFs shall first evaluate existing structures for the siting of PWSFs. Only after finding that there are no suitable existing structures pursuant to Section 4 .3 herein, shall a provider propose a new ground mounted facility.

8. Amend Article XIV - "Special Exceptions"

ARTICLE XIV Section O. - Home Occupations

7. Not show any exterior evidence of a home occupation except for signs as permitted in the ordinance. (referring to Article XVII Sign Ordinance)

It should read -

7. Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII, Section D - Signs Permitted in All Districts Without Permit

9. Amend Article XIII - "Sign Ordinance"

Section E.

3. All signs shall conform with all provisions of Section B of this Article (Signs Prohibited in All Districts.

It should read -

3. All signs shall conform with all provisions of Section C of this Article (Signs Prohibited in All Districts

Also, in reference to # 1. Amendments to Article III "Definitions" - Public utility

The Planning Board, in it's tabling of a proposal to define Public utility, further proposes to delete from the Zoning Ordinance, Articles IV, V, VI, VII and IX, Public utility as a Permitted use. This amendment will not serve to eliminate the right of Public utilities to exist and/or be built-out in all zoning districts, but is intended to eliminate the confusion and mixed interpretation of this undefined term. Further discussion of this newly introduced proposal will be included in the public hearing scheduled for January 6 and January 20, 2011

Proposed changes to the Building Permit Application Fee Schedule

Pursuant to IRC/IBC R108.2, the following changes to the Building Permit Application Fee Schedule are being be proposed for adoption by the Planning Board / Board of Selectmen (not subject to vote in March 2011)

1. Change fee assessed for "Renewal Permit" from \$25.00 to "50% of original permit cost with a minimum of \$50.00." Planning Board felt that this proposed change would need further discussion.

2. Add fee assessed for a "Zoning Permit," to be \$25.00. (Zoning Permit required for all new free-standing structures less than 200 sq. ft.)

12/28/2010



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 01/20/2011

### ANTRIM PLANNING BOARD MEETING

January 20, 2011 Meeting

#### Public Hearing – Proposed Zoning Ordinances

#### Public Hearing – Proposed Zoning Ordinances

#### Members & Staff Present:

Scott Burnside (Vice-Chair)	Diane Chauncey (Staff)	David Dubois (Member)
Joe Koziell (Member)	Jesse Lazar (Member)	Peter Moore (Planner)
Gordon Webber (Ex-Officio)	Andrew Robblee (Member)	CR Willeke (Chair)

#### Member & Staff Absent:

Stephen Schacht (Alternate)

#### Public Attendees: - (listed are the signed in people or Diane Recognized)

Shelly Nelkens	Jack Kenworthy	Jon Soinien	Ray Ledgerwood
Peter Lamb	Christina Burnside	Sam Apkarian	Rick Seavey
Lyman Gilmore	Ron Haggett	James Hankard	Peter Beblowski
Charles Levesque	Ron Cheetham	David Duffy	Sue Bernstein
Martha Pinello	Nancy Knowles	Rod Zwirner	Janis Longgood
Robert Cleland	Loranne Block	Richard Block	Molly Moore-Lazar
Kevin Devine	Barbara Welles	Mr. Burnham	Sarah Gorman
Elsa Volker	Michael Pon	Michael Frosch	Mrs. Frosch
David Cahoon	Mrs. Cahoon	Carter Proctor	Arthur Merrill
Tom Davis	Beth Merrill	Barbara Welles	Stuart Gross
Jane Fluhr	Lois Ann Johnson	Ryan Storro	Cliff Burdette
Keith Linger	Gary Webber	Jim Fletcher	

#### 6:00 PM - Review Period:

Chair Willeke opened the meeting at 6:25pm. He announced that the PB would do business and then begin the Public Hearing.

- Appoint alternates to sit for absent members – no need
- Review the Minutes of January 6, 2010 Meeting –Chair moved Koziell seconded to review next time
- Koziell moved to postpone Lauber to 2/3/2011 as a continuance, Chair seconded; ayes by all.
- Mr. Moore – building permit fee schedule request that it be continued to 2/3/11, Chair moved, Burnside seconded, all ayes.

Chair Willeke introduced himself and had the members and staff introduce themselves. He asked all public attendees to sign in and then explained the procedure for the meeting. The public hearing would begin with proposed amendment #6. Those who chose to comment were asked to come to the middle of the room, to the microphone and announce their name and address. Attendees' first comment would be limited to 3 minutes; the second comment on the same subject would be 2 minutes.

**Public Hearing** - Pursuant to RSA 675:3 and 675:7, the Antrim Planning Board will present proposed Amendments/Changes for the Antrim Zoning Ordinance.

Request that the board move continue portion of the public hearing until Thursday, February 3, 2011.

Mr. Levesque asked a procedural question.

Chair Willeke explained that the Board would listen to attendee comments until all had their opinions expressed, the public hearing would be closed to further comment, deliberation among the Board members; the goal – establish the Zoning Ordinance (ZO) amendment language for the March 8, 2011 ballot questions. A second public hearing has been noticed for February 1, 2011 to present and hear input on any substantive changes made this evening.

Chair Willeke asked Mr. Moore to read the public notice (which had been noticed in The Villager on 12/24/2011).

Chair Willeke stated that he wanted an orderly meeting with no unruliness. The Chair and Ex-Officio has asked for police presence during the entire meeting. Chair Willeke asked for professional and courteous behavior.

Mr. Hankard asked who would be able to speak.

Chair Willeke said that he anticipated that members of Eolian would speak. He said that he wanted to hear comments. He did not plan on denying anyone from speaking.

Mr. Hankard wanted to know if the attendees would be able to ask questions of Eolian.

Chair Willeke said that all questions would go through the Chair – there would be no back and forth between audience members.

Ms. Knowles wanted to know if she would be able to ask questions of Eolian.

Chair Willeke said no but he was quite sure that Eolian would be willing to answer questions in another forum.

Ms. Lazar-Moore asked if the Chair planned to open comments to Amendments # 1 – 5.

Chair Willeke began to explain when a person from the back asked – why can Eolian speak? Why are they here?

Chair Willeke said that they were not slated to speak, but he anticipated asking them questions.

Mr. Moore said that there were five letters that had come in since the last meeting that should be read.

Chair Willeke read the following proposed amendment:

**6. Amend Articles V, VII & IX**

*Add **Excavation** to - Principle Permitted uses*

*ARTICLE V - Highway Business District, Section B, 1 – Principal Permitted Uses*

*ARTICLE VII – Rural District, Section B, 1 – Principal Permitted Uses*

*Add **Excavation** to - Special Exception uses (See Article XIII)*

*ARTICLE IX – Rural Conservation District, Section B, 3 – Special Exception uses*

*(Note – Notice of Public Hearing posted in Villager Friday December 24, 2010 cited Excavation Site, not Excavation. This change of terms for this proposed amendment will be taken-up at both the January 6 and 20 public hearing)*

Chair Willeke asked for comments.

Mr. Hankard asked, “Does this mean that anyone could open up a gravel pit?”

Chair Willeke said that any proposal for an excavation site would go through a Site Plan Review.

Mr. Burnside concurred with the Chair that there are town regulations as well as State Regulations (RSA -155: e)

Mr. Hankard said that he felt the value of the property would go down.

Mr. Burnside said that the voters would make the decision.

Mr. Hankard was not satisfied with the Board's responses.

Mr. Burnside said that in the Master Plan there are excavation regulations but the districts are not addressed.

Mr. Hankard said that if the Planning Board approved the changes to the amendment, property values would go down. He also said that it would open a Pandora's Box.

Mr. Burnside said that the Site Plan Review process was extensive.

Mr. Hankard said that he would vote against excavation sites because of the noise and property values.

Chair Willeke asked for further comments.

Ms. Moore-Lazar wanted to know how the items would be presented on the ballot, and would each question be presented separately – so that the voice of the people would be shown through the vote

Chair Willeke thanked her for her thoughts.

Ms. Nelkens wanted a clarification – would Board members recues themselves during deliberation.

Ms. Longgood said that she felt the proposed ZO amendment changes were too quick and it appeared to her that the changes had been put on the fast track.

Mr. Robblee said that the discussion had been ongoing for the past five years.

Mr. Burnside said that it is the responsibility of the voter to educate themselves.

Ms. Volker reiterated Ms. Longgood's comments. She felt that the changes were fast tracking in the RCD and that industry could come into the district and may look junky; and as far as excavation – who needs gravel and sand.

Mr. Beblowski read from prepared comments:

He asked how many surrounding towns had excavation sites as a permitted use.

Has the Planning Board engaged SWRP in assistance with industrial development in the town?

He said that excavation as a permitted use is an abomination

He felt that the land was significantly scarred by a pit.

That there was a negative impact to ground water because the sand that filters the water has been removed.

He said that if you lived near or across from a gravel pit, it can go on for 25 – 30 years

He then read the definition of the RCD and the permitted uses allowed in that district

He said that noise, dust and traffic should be prohibited

Chair Willeke told Mr. Beblowski that his time was up.

Mr. Beblowski continued. He said that the ZO change was for the short term gain to meet the needs of a single business. He felt it should be made a Special Exception.

Ms. Knowles had looked for the minutes for such an important meeting.

Chair Willeke explained that approved minutes are posted, but that the draft is available at the Town Hall – five business days after the meeting.



Ms. Knowles asked if anyone on the Board had lived next to a gravel pit.

Mr. Koziell said that he lived in a gravel pit. He explained the procedure for a gravel pit.

Mr. Moore explained the Annual Review for all active excavation sites.

Ms. Knowles said that she had never been invited, as an abutter to the pit abutting her. She felt that the life of the pit had doubled. She said that it used to be a gorgeous country road before the roar of the trucks and the horrible sandpit.

Mr. Klinger wanted to know why businesses are being sited in the RCD.

Chair Willeke said that the term “conservation” was a misnomer. The land in the RCD is not all in a conservation easement. Much of the land is private land and that business could be allowed.

Mr. Klinger said that conservation land is conservation land and that it is rural and business should be kept out of conservation land.

Chair Willeke said that much of it is private land.

Mr. Klinger said that he is against it – “massive amounts of equipment, scarring the environment, it could turn it into a big hole in the ground”.

Mr. Moore read a letter from Renee Rabideau which was opposed to excavation sites as a permitted use. (part of the permanent minutes).

Ms. Pinello had two requests: 1) the ballot questions should be kept simple and 2) that the ballot questions should not have the support of the PB. She then read from a prepared statement (which she did not give to the secretary).

Ms. Block said that she was opposed to Excavation in the RCD. On large tracts of land it could be devastating. She also said that it would be crazy to have it as a permitted use in the RCD.

Ms. Gorman said “that it is not about Webber and Burnside – they tank the whole process” – and so she had drawn up waivers that said - “...no PB Member would profit from any financial relationship with Eolian or Antrim Wind Energy, nor profit from any construction of any industrial wind complex...” She then placed a waiver in front of each member and said that it was a “collusive relationship”.

Mr. Hankard and Mr. Beblowski spoke.

Ms. Nelkens was curious about the Master Plan and the legality of projects that were approved by the PB. She said (in reference to gravel pits) – “they are sleazy, horrible, a conflict of interest, roads will need repairing, it will be impossible for her to work outside, and the town was going to look like a third rate town”.

Mr. Koziell said that as a point of clarification, listing a gravel pit as a permitted use does not give a “green light” to the proposed project. He said that the process was a “huge approval process” and that abutters were invited to participate in that process.

Mr. Webber said that the Master Plan recognizes rural character but also addressed the need for a tax base. Renewable energy could be that tax base. He said that it would be up to the voters in March to decide.

Mr. Beblowski requested that the gravel pit not be allowed as a permitted use. He said that the existing pits are destructive and disruptive. An excavation site should be in the Special Exception category – giving another level of scrutiny. Excavation sites should not be allowed in the RCD, as a Special Exception in the Rural District.

Ms. Knowles said “I have a dream” (there were a few chuckles) – she continued to say that she was all for wind power but felt that the source should be small wind power.

Chair Willeke reminded the attendees that the topic was Excavation, not wind.

Ms. Knowles said that she “would love to find a solution, and was hopeful that (the Board?) could come up with a dream”. She wanted to ask what was the difference between coal top mining and a gravel pit.

Mr. Apkarian said that he had moved to Antrim because of its many qualities – deer, moose – he continued that he wanted it to remain rural and that he wanted to die here (in Antrim). He admitted that he had been lax in attending meetings but he wanted to protect what he loved for himself and his family.

Mr. Koziell said that is why the question is being put to the voters.

Mr. Robblee reiterated that the Site Plan Review process is extensive.

Chair Willeke said that the current PB would like to open up areas in Antrim for more business. The question to the voters – do they want that or not. Is Antrim too restrictive? The PB is not talking “mega businesses” – but rather “small town guys that could open up”.

Mr. Robblee said that the PB is “not making it easy, but rather easier”.

Ms. Knowles asked if this would come up if wind were not involved.

Mr. Robblee reminded the attendees that Excavation had nothing to do with wind.

Mr. Burnside explained that when Mr. Vasques was the Town Planner, NH Department of Environmental Services reviewed all alteration of terrain permits. The drainage issues, as well as the amount of material necessary to filter waters for underground water were scrutinized. Each pit is reviewed on an annual basis at which time a representative from the state [Department of Revenue Administration \_ Mary Pinkham Langer] can be asked to attend. An Excavation site is a very regulated (RSA: 155:e) and applying for a site is not an automatic green light.

Ms. Knowles continued to question the pit that her property abutted.

Mr. Burnside attempted to explain reclamation.

Chair Willeke further explained regulations for Excavation Sites. He asked for further comments.

Mr. Webber said that when a resident runs for the PB [an elected position], the candidate can state his agenda. The Zoning Board of Adjustment [an appointed position] is a quasijudicial Board – members can not take a stand. On the present Planning Board, the Board is pro business.

Ms. Bartlett said that she believed in sustainable development and the gravel pits are strip mining. She continued that excavation changed the definition of rural and that excavation should be prohibited in the RCD and as a Special Exception in the Rural District.

Mr. Cahoon asked how much land was in RCD. (He was referred to the Zoning map at the front of the hall). He then said that he felt that it would be foolish to prohibit excavation in such a large area of town.

Mr. Linger said that he understood that the PB was in a “tough spot”. He said that the RCD was 50% of the land and why would the PB consider putting anything in the RCD. He said the PB “should do it right and designate commercial and that does not include the RCD. Instead of pushing it through, excavation sites should be on major thoroughfare that can handle the gravel. Keep conservation land what it is”.

Chair Willeke thanked him for his comments.

Mr. Koziell said that the land that had been designated Highway Business was not all developable when Shoreland Protection was

factored. He continued that the decision would be up to the voters.

Mr. Llinger said that he did not want to see "approved by the Planning Board".

Mr. Gross said obstructing exemptions in the rural zone could be a taking. He referred to his pit on Pleasant Street, much of which had been used to build Pleasant Street, did not ruin the land. It had been completed and restored.

Mr. Frosch said that guidance is needed in property rights. He said that it is up to the person who owns the land to be able to do what they want. He asked if the attendees realized that every road in town came from a gravel pit. He repeated that an owner should be able to use his land.

Ms. Gorman concurred with the Renee Rabideau letter. She then asked the PB members if they were in collusion with Eolian.

Chair Willeke said that her comment had nothing to do with Excavation.

Ms. Gorman said that there were several subdivisions in town and there had been no sales.

Chair Willeke asked Ms. Gorman to stop.

Chair Willeke asked for further comments from the attendees. There were none. He read the following:

**7. Amend Article XIV-B - "Personal Wireless Service Facility" (PWSF)**

*Section 4. ~DISTRICT balancing act – which part of plan to follow  
REGULATIONS:*

*Location - PWSFs proposed to be located in or on existing structures shall be permitted in all Zoning Districts ~~except the Rural to District.~~*

*Ground-mounted PWSFs shall be an allowed use in the Highway Business District, and by a Special Exception from the Zoning Board of Adjustment in the Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be permitted in the Residential or Village Residential Districts.*

*In any district where Ground-mounted PWSFs are allowed by Special Exception, no portion of the facility may be built within 300 feet of any disapproving abutters residential structure.*

*Applicants seeking approval for PWSFs shall first evaluate existing structures for the siting of PWSFs. Only after finding that there are no suitable existing structures pursuant to Section 4 ~~3~~ herein, shall a provider propose a new ground mounted facility.*

Ms. Nelkens asked for a need to educated about ground mounted structures.

Mr. Burnside said that a cell tower could be located in or on an existing structure. A tower would not be placed on top of the structure, it could be no higher than the existing structure.

Ms. Nelkens said that a cell tower could be placed on the boundary of an abutting property because the ZO said that it could not be placed in a certain proximity to a structure and she wanted that changed so that it could not be placed on an abutter's property.

Chair Willeke said that there are always setbacks that regulate the placement of a structure.

Mr. Davis said that he wished to speak , though not a voter, he was a significant tax payer. He admitted that he agreed with Ms. Nelkens and that a cell tower on a structure with multiple carriers would not be pleasing. He said that he appreciated what the PB has done. He felt that there could be a benefit to placement on the water tower or other high structure. He also said that there could be a benefit in promoting cell towers in the Highway Business District – possible by giving a greater height allowance.

Mr. Hankard asked what was the inherent benefit of allowing a cell tower in the town.

Chair Willeke said two examples are public safety and better coverage.

Mr. Hankard asked if any carrier had approached the town.

Mr. Webber said that AT&T had an application in the town and that it had been a learning experience. He explained that a company has the right to get coverage. He agreed that it would be move advantageous to encourage co-location.

Mr. Robblee said that the current ZO already addresses the co-location issue.

Mr. Hankard said that he was concerned about abutters and the townspeople and asked if the townspeople would all receive free cell phones.

Mr. Block said that there were not enough controls. He had taken a picture of the new cell tower in Sullivan that he felt was “massive and scary”. He worried about “no controls” and if that kind of thing could happen in Antrim. He said that the Sullivan tower made him “nervous”. He said it was just for commercial tax base. He said that properties near such a structure would be less desirable and he wondered if his taxes would go down. He mentioned property rights and that he would like to live on his property as it is. He felt that the purpose of the RCD was to preserve and protect. He said that wind would redefine the Zoning Ordinance. It would still be the RCD but it “will have all kinds of industrial stuff in it”.

Ms. Block agrees with Mr. Block – “just drive out to Manchester to see no controls”. She said that although the PB is saying put it to a vote and that permitted use does not automatically give a green light, she has seen thing after thing approved. She then asked what would the control be if it were a permitted use. She said that there are other ways to have a tax base. Then, she said – “we are not supposed to talk about wind farms – but what about Mr. Webber – the Selectmen have already decided that if an application is proposed, it would go directly to the SEC (Site Evaluation Committee – state level)”.

Mr. Webber asked if her comments concerned cell towers.

Ms. Block said she wanted an answer

Mr. Webber said he would be happy to talk with her in a different forum.

Ms. Block said it was a farce of the whole system.

Mr. Webber invited her to a Selectmen’s meeting.

Ms. Block stated that population density should be thought about. She said that she felt a ballot question is not the way to get a good feel.

Chair Willeke said that she had been heard.

Ms. Nelkens suggested a questionnaire, but she did not like the way the last one was done and began to explain why.

Mr. Cleland stated that he was totally against any type of tower in the RCD. He felt that to disturb the RCD was a tragedy that would lower property values – for a few to profit. He did not want to see the area ruined and he was totally against excavation.

Ms. Pinello suggested a different route for the PB. She stated that she had worked in the development of cell tower sites and explained the meaning of co-location to the Board and said that she encouraged co-location

Mr. Duffy said that he requested height regulations.

Chair Willeke stated that the meeting would continue with the following amendment (which he read):

**8. Amend Article XIV - “Special Exceptions”**

ARTICLE XIV Section O. – Home Occupations

*7. Not show any exterior evidence of a home occupation except for signs as permitted in the ordinance. (referring to Article XVII Sign Ordinance)*

*It should read –*

*7. Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII, Section D – Signs Permitted in All Districts Without Permit*

Mr. Moore explained that this was “housekeeping” and simply clarified the ZO.

Ms. Nelkens asked for an explanation.

Mr. Moore explained that it was in reference to signs and only made the verbiage clearer.

Chair Willeke continued with the next proposed amendment.

**9. Amend Article XIII – “Sign Ordinance”**

*Section E.*

*3. All signs shall conform with all provisions of Section B of this Article (Signs Prohibited in All Districts.*

*It should read –*

*3. All signs shall conform with all provisions of Section C of this Article (Signs Prohibited in All Districts*

This too was “housekeeping” – for clarity.

8:31pm

Mr. Moore said that there were five letters to be read. Mr. Moore and the secretary will read the letters. The letters will become part of the permanent record stored in the Town Hall.

Mr. Duffy asked if #5 would be opened up after the letters are read.

Chair Willeke said that he would allow the letters to be read.

Mr. Moore read a letter to the PB from Jack Kenworthy (Eolian)

8:31 – 8:41

Ms. Gorman objected. She asked if the waivers were signed. She left the room.

Ms. Nelkens objects.

Chair Willeke explained that on the January 6, 2011 meeting, he had allowed everyone to speak. When it would have been an opportunity for Eolian to speak, and audience member had said that would not be allowed unless the people at the meeting allowed it. Not wanting “to add fuel to the fire”, he did not allow them to speak. This was his way of making up for that.

8:42 – 8:45 Mr. Moore finished the letter.

8:45 – 8:48

Next Alexander Snow letter read by the secretary. His letter was for renewable energy but not wind farms in the RCD.

8:49 – 8:55

Charles Bean letter read by Mr. Moore – Supportive of the Wind Farm

8:55 – 9:00

Michael Ott letter read by Secretary – Supportive of the Wind Farm and for his property rights

9:00 – 9:01

Ben Pratt letter by Mr. Moore – Supportive of the Wind Farm and for renewable energy for future generations

9:02 – 9:05

Jack Kenworthy reiterated points that had been made in his January 7 letter.

Mr. Hankard said that he should not have to sit through the Eolian letter and then not be able to rebut.

Chair Willeke said that everyone had had their chance to speak.

Mr. Hankard and Ms. Pinello had objections.

Chair Willeke closed the Public Hearing.

**Deliberation:**

Chair Willeke stated that there had been many comments from the Public Attendees and much to digest. He asked the secretary if she would project some of the aerial photos of the Lempster Mt Wind Farm and while that was being set up – a five-minute break for all.

After the break, Chair Willeke asked Mr. Kenworthy questions concerning the proposed wind farm. He stated that the Board is attempting to be pro-active and wanted to show that the projected picture is similar to what it would look like in Antrim. He wanted to show that the footprint is not huge.

Some audience members wanted to speak.

The question was – would any other district other than the RCD work for a wind farm.

Mr. Kenworthy said that only one area in Antrim would work for the wind farm.

Chair Willeke asked if the wind farm could be situated in the Highway Business District.

Mr. Kenworthy said that would not work.

Chair concluded that the best place is in the Rural Conservation District and it does not make a lot of sense in other districts.

#1. Definition of Renewable Energy Facility

Some of the discussion points:

Take out all but solar and wind (Koziell)

Geothermal is not practical and no solar works in this latitude (Webber)

RCD – add Special Exception – a global definition of renewable energy (Lazar)

Should be addressed that it is greater than 100kw wind-powered generation facility (Burnside)

Should try to keep it simple. The issue is on the table now. A simpler definition for just “wind energy facility” would be more realistic for this purpose, and would mitigate further possible confusion.

Mr. Koziell moved to accept the definition of Wind Energy Facility as presented, with the removal of all other references to other renewable energy sources, and removal of the last line referring to what would not be permitted. Mr. Webber seconded. Role call vote all ayes to accept the definition as presented.

#2. Mr. Koziell moved; Mr. Dubois seconded. Role call vote all ayes to accept the amendment as presented

#3. Tabled by the board at their 12/23/10 meeting – needs further study.

#4. Change incorrect reference in Article V, Section 1, nn, for Manufactured Housing Units (Per Article XIV, Section U), was Section W.

#5. The following points were discussed:

First – strike “all renewable” (Burnside) and add Wind Energy Facility to coincide with definition for same.

There is only one viable site- any other district does not make sense (Webber)

A discussion of the Zoning Districts

A discussion of the position of power lines

RCD – should if be a permissible use

Distribution of energy would be an accessory use – to allow or not allow

Question from the PB to Eolian – how to move energy

Mr. Kenworthy said that the point of connection would be through a series of controls. The Right-of-Way goes in and out of the HB and RCD.

PB member asked how are they tied in.

Mr. Moore suggested that a condition of approval in any Major Site Plan Review could require that utility lines from the facility be placed underground.

Mr. Kenworthy said that the interconnection is to a series of collected controls.

#5 Discussion points (continued):

Should be RCD and HB – no point in including other ZO districts

Should be a principle permitted use

As a Special Exception – the ZBA would have a clear case in front of them

Needs to be straight up and down vote by the town

If a Special Exception is needed for a B & B, why not for a wind farm

Specific should be noted

Should add height structures – there are already some specifics in the ZO

Setbacks could be made a condition

Residents are worried about permitted use – should language be added

The language exists in the Site Plan Review

If it passes in the March vote, the language and regulation could be added to Site Plan Regulations by the Planning Board

Numerous concerning the height regulations – language necessary on height and setbacks

Should the wording be – Principle permitted use or Special Exception

RCD and HB as permitted use for wind energy facility

Mr. Koziell moved that wind Energy facility be added to Article V (Highway Business) and Article IX (Rural Conservation) as a permitted use. Mr. Webber seconded. Role-call vote all ayes

Mr. Moore suggested that if the board genuinely sought to make their proposed changes to the zoning ordinance as a referendum for the legislative body to decide, that they consider presenting the questions on the warrant ballot without prejudice of a recommendation from the Planning Board on the more controversial Article changes. No recommendation and no disapproval.

Mr. Burnside moved to accept Mr. Moore's suggestion as presented, but for it to apply to all questions on the ballot. Mr. Dubois seconded. Role-call vote was all ayes, except nay by Mr. Webber.

Mr. Beblowski said that as a point of order that the Board did not speak to some districts.

## **#6. Excavation**

Mr. Robblee explains that gravel is a resource that the town of Antrim has.

Mr. Lazar said that he is conflicted by the gravel pit guidelines. He said that an existing pit is one thing but a new pit could be a problem. He would not like a gravel pit next to his house.

Mr. Koziell said that there is still a process to go through.

Mr. Robblee said – to answer the question of – why in the Rural District – the answer – that is where the gravel is

Mr. Lazar said that it is an uphill battle for the homeowner.

Mr. Moore stated that a new excavation site could be bonded, which would guarantee that the site is reclaimed, and that any road damage near the site repaired.

Board members felt that Excavation Site should be allowed in the HB and Rural Districts, that Antrim's Subdivision & Site Plan Regulations as well as Antrim's Earth Excavation & Reclamation Regulations and NH RSA 155-E would govern any development of new sites.

Mr. Beblowski thought that Mr. Burnside should recues himself from the vote.

Mr. Burnside said that he was not voting on the regulation – the town's people would be voting.

HB and Rural – as a principle permitted use was discussed further, and the board concurred that the Rural Conservation District could be removed from inclusion in the proposed amendment.

Mr. Koziell moved to add Excavation as a permitted use in the Highway Business District and the Rural District, but eliminate the Rural Conservation District as a consideration. Mr. Webber seconded. Role call vote all ayes, except nay by Mr. Lazar.

#### **#7 PWSE**

There was a long discussion on how a cell tower should be mounted on a structure.

Ms. Nelkens suggested that the police officer could be relieved as she was leaving.

Mr. Koziell moved that the proposed amendment's wording be accepted as written for the ballot. Mr. Webber seconded. All ayes, but Chair Willeke.

# 8

Mr. Koziell moved that the proposed amendment's wording be accepted as written for the ballot. Mr. Webber seconded. All ayes.

#9

Chair Koziell moved that the proposed amendment's wording be accepted as written for the ballot. Mr. Burnside seconded. Role call vote all ayes.

#### **Business Meeting:**

- *Cases continued from Public Meeting on December 16, 2010 and January 20, 2011:*
- *Request that board again "continue" this case to Thursday, February 3, 2011, as agreed to by the Lauber's representative Gayle Rochford*
- *Signing of final plans for Rymes Lot Line Adjustment approved by board on December 16, 2010 – on hold until Rymes' power-of-attorney son signs mylars.*
- *Second Public Hearing for the presentation of the final amendments on Tuesday, February 1, 2011 at 7 PM. Final language determined by this deliberation and vote of the board would be available for review at the town hall starting Saturday, January 22, 2011 and in the Town Hall office during regular business hours.*

Mr. Kenworthy posed a question about consideration of the change in language in Article XIV, H, 2 (Special industrial structures) as brought up by Eolian's representative at the boards work session meeting of 12/23/10. Mr. Moore stated that this *suggestion* had not been noticed for public hearing, nor discussed during either session of the first public hearing public on January 6 or 20. Because the board did not address this suggested change in public hearing, no substantive changes could be made in the second, and last public hearing.

The meeting was adjourned at 11:00 PM.

Respectfully submitted,  
Diane Chauncey, Board Secretary





## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 02/01/2011

## ANTRIM PLANNING BOARD MEETING

February 1, 2011 Meeting

### Public Hearing – Proposed Zoning Ordinances

#### Members & Staff Present:

Diane Chauncey (Staff)      David Dubois(Member)      Joe Koziell (Member)  
Jesse Lazar (Member)      Peter Moore (Planner)      StephenSchacht(Alternate)  
Gordon Webber (Ex-Officio)      CR Willeke (Chair)

#### Member & Staff Absent:

Scott Burnside (Vice-Chair)      Andrew Robblee

#### Public Attendees: - (listed are the signed in people or Diane Recognized)

Ben Pratt      John Soinien      Martha Pinello      Peter Beblowski  
Shelly Nelkens      Richard Block      Keith Linger      Robert Cleland  
Annie Law      Sarah Gorman      Molly Moore-Lazar      Lorraine Carey-Block

7:12 – Chair Willeke opened the meeting by introducing himself and having Board and Staff introduce themselves. Mr. Schacht was appointed to sit for the absent Mr. Burnside. He asked Mr. Moore to read the Public Notice (which had been advertised in The Villager, placed on the Bulletin Board of Town Hall, the antrimnh.org website and the bulletin board of the Post Office).

Chair Willeke explained the procedure. He said that he would read the proposed amendments, and then ask for comment.

Ballot questions:

1. Are you in favor of the adoption of Amendment 1 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article III - "Definitions" to **ADD** under Section B

**Wind Energy Facility:** A power generation facility greater than 100 kilowatts in rated nameplate capacity and powered by wind sources, and delivering electricity, heat, or both in commercial quantities for on-site use and/or distribution to the utility grid. It shall also include any equipment required for the collections of data and/or testing to determine the viability of such energy facilities, as well as any accessory and appurtenant uses.

He asked for comments or questions.

Richard Block asked if any changes could be made; or could any of the questions be tabled. And he wanted to know how does wind energy deliver heat.

Mr. Moore stated that the board could withdraw or table proposed amendments, but not make any substantive changes to this point.

Mr. Webber asked for a language change, to remove *heat, or both* from the amendment

MEP Exh D - 57

Chair Willeke asked for further comments. There were none.

2. *Are you in favor of the adoption of Amendment 2 as proposed by the Planning board for the town zoning ordinance as follows?*

*Amend Article III – “Definitions” for **TO CORRECT REFERENCE** under Section B*

**Cluster Housing Development:** *An area of land, controlled by landowner or landowners organization developed as a single entity for a number of dwelling units in accordance with Supplemental Regulations, Article XIV-C (Amended March 11, 2003)*

Chair Willeke asked for comments. There were none.

3. *Are you in favor of the adoption of Amendment 3 as proposed by the PlanningBboard for the town zoning ordinance as follows?*

*Amend Article V – “Highway Business District” for **TO CORRECT REFERENCE** under Section B, 1*

**Manufactured Housing Units** (per Article XIV, **Section U**)

Chair Willeke asked for comments. There were none.

4. *Are you in favor of the adoption of Amendment 4 as proposed by the Planning board for the town zoning ordinance as follows?*

*Amend Article V – “Highway Business District” and Article IX “Rural Conservation District” to **ADD***

**Wind Energy Facility** to Section B, 1 as Principal Permitted Uses

Mr. Block asked the Planning Board (PB) to seriously consider tabling this amendment change, because there were no controls and no guidelines. If it were to be added to the ZO, he said that there should be a very clear idea of what is involved. He asked the question, "What would the ramifications be?". He said that he felt that the guidelines as complete as the Small Wind Energy ordinance (Article XIV-d)

Chair Willeke thanked him.

Mr. Block said that he did not want to relinquish control to the state (referring to the State Evaluation Committee - SEC). He said that the SEC would politely listen but do nothing and that local opinion would be ignored.

Mr. Webber said that if an applicant applied for a subdivision and abutters objected but all the criteria were met, the subdivision could be approved. He continued that a permitted uses does not mean an automatic green light and it should not be said that there is no oversight - he felt that was misleading.

Mr. Block reiterated that he felt there would be no local control.

Mr. Webber said that the SEC has an extensive process and that he felt confident that the abutters would be heard. He also said that he thought an application (for a Wind Farm) would be beyond the scope of the PB.

Mr. Block said that there was a certain logic to that because it would not be just an Antrim thing. It would be

regional. He said that if a wind farm was a principal permitted use, any size wind farm could come into Antrim. He felt that the merits and requirements should be considered carefully. He continued that there were many projects across the country and the world and that there was much controversy. He said that he felt it was way too soon and that Antrim was not ready. He said that it would give the project a green light, that there should be a set of guidelines and that the people of Antrim should look at the merits first and then pass it on to the state.

Mr. Webber said that the question is "do Antrim residents agree to a wind farm on Tuttle Hill?" And since the question referred to one project, application could only be for a certain number of megawatts because the current transmission lines could only handle so much.

Mr. Block said that this could be referred to as "spot zoning". The ZO should not be changed to suit one landowner or project.

Chair Willeke said that there are guidelines that the town must use.

Ms. Gorman said that the PB has "pushed through and paved the road to give men who were born with a silver spoon". She continued that they were not even residents, did not pay taxes in the Rural Conservation District (RCD). She wanted to know why the PB would want to give away their rights. She said that Tuttle Mt. sat in the flyway of eagles. She recalled when the Contoocook River was composed of different colors and could not support life. Then she said that the river was cleaned up, the eagles and the nighthawks came back. She said that her family pays taxes and has done much volunteering. She said that the PB had laid out a red carpet for Eolian and that she saw it as a collusive relationship. She said that if the question were to go in the ballot box, it would be like opening a Pandora's box. She stated that Mr. Ott (owner of land leased by Eolian) does not participate in the community and that it was unbelievable what had been done for these people (Eolian). She then said that she had a new release form (attached) that she would like the PB Members to sign.

Chair Willeke asked Ms. Gorman to hand him the forms.

She declined and said that she wanted to hand them to each member. She said that some of the PB members were "on the take".

Ms. Nelkens said that she has attended all the ZBA Met tower meetings and she did not know the information that had been gathered from the Met Tower.

Mr. Webber said that they were a private company, the Met Tower was on private land, and the data that had been collected was their data.

Ms. Nelkens said that if the data was not completely collected, was it appropriate to continue and secondly if Eolian has no money, how would the project work. She said that the question should be tabled for a year.

Chair Willeke said that it was the mission of the PB to look at the ZO and to modify as needed. The PB has determined that wind energy should be a permitted use. The ballot question asks the voters if it would be appropriate.

Ms. Nelkens asked if it were being done for one owner.

Mr. Burnside said no because another company could come in and file an application. The ballot question will put the controversial issue to the voters to make the decision.

Ms. Nelkens said that it has happened too fast and that she felt that the townspeople needed to get educated.

Ms. Gorman said that it is against what the Open Space Committee recommends.

Mr. Klinger said that if it were a true democracy the townspeople should be educated about the wind. Although, he said that was for wind energy, the PB has negated the public's opinion, and that the townspeople have had to educate themselves. He felt that the issue should be tabled until the public is educated.

Ms. Block stated that there were 70 people in the room and 90% of those said that that the issue should be tabled.

Chair Willeke said that the PB's intention was to bring the issue to the whole town so that there were not seven people making the decision. The voters would make that determination.

Ms. Block said that during the Board meetings, the attendees were only allowed to talk about the Met Tower. The turbines would be twice as high. The Chair had said at a previous meeting (when an aerial photo of the Lempster turbines was shown) that the footprint would be very small, but she felt that was not true. She said that the presentation had been very biased.

Chair Willeke said that the PB was an unfunded Board and that they were all volunteers. By displaying the aerial shot of the Lempster Mt Wind Farm, he had wanted to show the scale of the wind farm.

Mr. Burnside stated that some people might think the turbines hideous, and some would say that they are beautiful.

Mrs. Block said that the aerial is laughable. With a math and graphics background, she felt that the picture did not portray the turbines correctly. She thought that the question should be tabled.

Mr. Soinien said that he represented several landowners. He stated that it was appropriate to list as a permitted use and not as a special exception. If the project were to go to the State Evaluation Committee (SEC), it would be more onerous and costly for Eolian. The attorney general would be represented in the evaluation process. There would be opportunity for abutter feedback. The numerous, mandatory studies would be scrutinized by agencies that specialize in the process. The question of permitted use should be put before the voters of Antrim, not just a small number of the voters.

Chair Willeke asked Ms. Gorman to please be quiet.

Ms. Gorman continues to speak.

Mr. Soinien said the RCD allows a public utility as a principal permitted use. He commended the PB for bring in the question to the voters. The wind farm would be constructed on private land that is not under conservation easement. The private landowners have property rights.

Chair Willeke reminded Ms. Gorman that she could speak when it was her turn.

Mr. Beblowski thanked the PB. He continued that wind power should be allowed in certain places. He stated that the question should be tabled as a permitted use until a large wind ordinance could be written. He was concerned for the approximate 2000 acres which included the summits of Willard and Tuttle. Again, he asked the PB to table the ZO change – to move forward would be without controls. He said that he felt Antrim Wind Energy, LLC had been given carte blanche.

Mr. Cleland stated that the question should be tabled. He did not feel that the voters were educated enough to make the decision. He also wondered how Antrim would be affected in 15 years; was enough thought given to the residents; would a wind farm be a benefit to the town. He continued that the RCD would be destroyed and that it would be a tragedy just to save a dollar on property taxes. He said he just did not understand.

Ms. Law said that she concurred with Mr. Cleland, and asked if the PB would please table the question. She felt it would destroy the beauty of the area and that the rest of the people in town needed to be educated.

Ms. Nelkens was concerned about the Indiana bat – Antrim was on the northern most edge of the bat's habitat. She added that the aerial shot shown at the previous meeting did not show the topographical of the ridge. She also asked what would happen if things did not work out and the towers remained.

Chair Willeke said that removal of the towers would be addressed in the Site Plan Review.

Mr. Block said that he has heard a lot about property rights. He asked, "What about my rights?" He said that he had a farm on which he wanted to live and enjoy but he would have to worry about shadow flicker, sound, and even now he did not want to look up and see the met tower. He said that the rights of the people who live here should be respected.

Mr. Soinien said that he had been willing to share any information. He stated that the process is very technical, but no one has asked for his information. It would be at least a year before the project began. He listed the land impact studies that needed to be done. He said that the evaluation, consideration, data, and information were an expensive undertaking that could not be done in a speculative environment. At this time, the placement of the turbines and the roads would not be set until all the data was in. Once that was completed, the information would be available.

Ms. Block said that it was a continuing theme from Eolian – that only they can understand the technical information. She continued that it has been stated from the beginning that the project is very similar to the Lempster Mountain Project. She stated that a lot of technical information is not needed to experience Lempster Mountain.

Ms. Pinello read from a prepared statement (attached). She said that major changes had been made to the ZO in 49 days (from the evening of 12/23 to 2/1). She talked about the illegality of the time line. She felt that the ZO changes for renewable energy and excavation were major changes and should be withdrawn.

Ms. Gorman said that she has continually heard that people should be able to do what they want with their property. She said that Mr. Webber could change his blueberry field into Wal-Mart. She stated that she felt the whole process is tarnished and taking advantage of the public. She stated that the abutters have educated themselves and that the people downtown don't want it in their backyard so put it up in the RCD where the people downtown will not see it. She said that electric rate will probably go up and that \$1/per thousand is a "small cup of coffee - to sell out the future of our town". She referenced to a 100-acre farm that had been turned into a subdivision on Route 202. She said none of the lots have sold and that Antrim was becoming "like a third world country – because we have been sold out at every end".

Chair Willeke asked Ms. Gorman to stay on topic.

Ms. Gorman talked of profiteering in Afghanistan and how the people had been sold a rotten bill of goods. She stated that evaluations would drop – how would that be adjusted. She then stated that money was missing due to mismanagement in Town Hall and asked "How did we get to this point?" She answered her own question by saying that it was because someone was willing to sell out. She felt that there was profiteering, selfishness, greediness, and evil.

Mr. Klinger questioned the testing of the data – had there been ample time. He stated that there was much information out there and that he would bring in information (some good, some bad) to educate the PB. He stated that the PB does not have to do this now and that it should be tabled.

*5. Are you in favor of the adoption of Amendment 5 as proposed by the Planning board for the town zoning ordinance as follows?*

*mend Article V – "Highway Business District" and Article VII "Rural District" to **ADD Excavation** to Section B, 1 as Principal Permitted Uses.*

Ms. Nelkens referred to the principal permitted (new) and not the special exception (current ZO regulations) – what was the rationale?

Chair Willeke said that there are problems with the process of applying for a special exception.

Ms. Nelkens wanted to know "how does that sit with the overall plan of the town?"

Chair Willeke said that excavation is part of the Master Plan (Chapter VI of the 2010 Master Plan).

Mr. Beblowski asked what benefit (as a permitted use) did excavation sites bring to the town?

Chair Willeke stated that this PB is more economic minded than other Boards may have been

Ms. Gorman said she has been driving truck since 1982 and she has never seen a gravel pit that is capped and beautiful. She named some of the Antrim pits. She asked the PB what they thought that they were doing. She stated that the river is not important to the PB and that the watershed is in potential for huge destruction; once lost, it would be robbed from children and grandchildren. She pointed out how investments have tanked. People can not buy anything for \$1. any longer. Children will thank the PB for saving the precious river – if the PB would do that.

Mr. Webber asked if excavation was being discussed.

Ms. Gorman said that someone on the Board has a conflict of interest and the question should be tabled.

Ms. Nelkens said that heavy trucks do a lot of damage and what is the advantage to having gravel.

Mr. Burnside said that there is a process which each Excavation Site operator has to follow. He said that a reclamation plan has to be filed. The Excavation Sites abide by RSA 155:E (state statute for gravel pits. If a town does not address sand and gravel, an applicant must seek a Special Exception. A pit was applied for in 2007 and the ZBA ruled a denial on abutter emotions. The question is now being put to the voters – yes or no to a principal permitted use. If no, the applicant would file for a special exception.

Mr. Beblowski asked the PB to table the question as well. He said that it is such a hardship for the neighbors and it scars the landscape.

Ms. Gorman said that the town used to use the Chadwick. It has never been reclaimed; that this was an example of what could happen. She stated that all these things are designed to take away rights. She said that she was “an American and why would anyone vote to give up their rights. She also said that the Town fathers should protect the Towns People”.

Ms. Law asked for clarification of Highway Business and RCD.

Mr. Block said that if a change (to the ZO) made, he felt it should be beneficial to the town. He said that the question should be tabled.

6. Are you in favor of the adoption of Amendment 6 as proposed by the Planning board for the town zoning ordinance as follows?

*Amend Article XIV-B – “Personal Wireless Service Facility” (PWSF) **CHANGE TO READ***

*Section 4. ~DISTRICT REGULATIONS:*

*Location - PWSFs proposed to be located in or on existing structures shall be permitted in all Zoning Districts. Ground-mounted PWSFs shall be an permitted use in the Highway Business District, and by a Special Exception from the Zoning Board of Adjustment in the Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be permitted in the Residential or Village Residential Districts. In any district where Ground-mounted PWSFs are allowed by Special Exception, applicants are discouraged from locating any portion of the facility within 300 feet of any abutting structure. Applicants seeking approval for PWSFs shall first evaluate existing structures for the siting of PWSFs. Only after finding that there is no suitable existing structures pursuant to Section 4 herein, shall a provider propose a new ground mounted facility.*

Mr. Moore explained that some of the wording had been changed due to input from Town Counsel, who said that the previous verbiage could be considered “effective prohibition” which is not allowed by the FCC and its FTC Act of 1996, and that a stipulation in the ordinance would likely be ruled unconstitutional. The textural modification suggested discouraging an applicant from placing the tower 300 yards from an abutting structure. Current PWSF ordinance stipulates that a thickly wooded screen of 150 feet is requires between facility and abutters. The Board could stipulate a lesser or greater distance than this.

Ms. Gorman said that she is not a learned person concerning PWSFs, but she does know that they can transmit microwaves and that there can be clusters of cancer in those areas. The PB should not be making it easier. She continued that in her sister’s neighborhood, there is a cell tower and there is a cluster of cancer in her neighborhood. She said that the PB should not make it easier, that it could be giving the neighbors a death sentence. She also said that her stepbrother worked with microwaves and he said that they are not good to have near by.

Mr. Webber said that studies have showed the pros and cons and that the real danger is right next to a cell phone not near the tower.

Ms. Gorman said that she would not want to see a cell tower mounted on a church steeple. She said that she feels nobody wants a cell tower. She continued that people come to NH for the scenery. She said that Mount Monadnock is sacred. The view should be improved because tourism is the number one money maker. She said that she is a naturalist and that the wildlife, birds, flora, and fauna are very important to her. She said that Franklin Pierce was born on historic properties right around the corner. She said that she felt windmills were not what tourists wanted to see. She continued that if Antrim wanted to make money the town should cap the methane and make its own energy. She finished by saying that the town and people waste money.

Mr. Webber said that AT & T had applied for a cell tower in Antrim. He explained that the Federal Telecommunications Act of 1996 gave control to the Cell Tower companies and that the Town was limited in their requests.

Ms. Block asked if there were any limit to height and asked for the RCD to be removed from the question.

Mr. Moore said that the Cell Tower applications were encouraged to have up to 3 arrays. He said that the ballot question would remove the Village Business District and the Residential District.

Ms. Pinello said that she has worked in the cell tower industry and that Antrim's PWSF ordinance is boiler plate but that it does not cover a lot of bases.

Mr. Beblowski questioned the wording and that it should be made clearer.

Ms. Nelkens said that she was concerned about the noise and how would that be dealt with.

Ms. Gorman asked what is a safe distance to protect citizens from radiation.

Mr. Moore explained what he knew about safe distance, but that the FTC of 1996 does not allow, perhaps wrongly, the consideration of potential health issues.

#### 7. Amend Article XIV - "**Supplemental Regulations**"

Article XIV, Section O. – **Home Occupations**

Add reference to #7

*7. Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII, Section D – Signs Permitted in All Districts without Permit*

#### 8. Amend Article XVII – "**Sign Ordinance**"

Change incorrect reference in #3

Article XVII, Section E, 3

*3. All signs shall conform with all provisions of **Section C** of this Article (Signs Prohibited in All Districts*

Mr. Moore explained the "housekeeping language", as well as the difference between home occupation and a home business.

Ms. Moore-Lazar said that she was pleased to see that the PB questions did not say that they are recommended by the PB.

The **Public Hearing was closed.**

**Deliberation:**

#1 Mr. Dubois moved to remove the word heat. Mr. Lazar seconded. Roll call vote: all ayes (5 yes).

#2 No changes.

# 3 No changes

#4 No changes

# 5 No changes

#6 Change – the word allowed to permitted. Mr. Webber moved to change the wording. Mr. Burnside seconded. Roll call vote: All ayes (5 yes)

#7 No changes

#8 No changes

Mr. Burnside moved to renumber the amendments (due to a copy and paste error). Mr. Webber seconded. Roll Call Vote: all ayes (5 yes).

Mr. Burnside moved to adjourn. Mr. Webber seconded. Roll Call Vote – all agreed. The meeting was adjourned at 10:15.

Respectfully submitted by Diane M. Chauncey,  
On behalf of the Antrim Planning Board





## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 02/10/2011

### ANTRIM PLANNING BOARD MEETING

February 10, 2011

Public Meeting to reconsider ZO Changes

#### Members & Staff Present:

Scott Burnside (Vice-Chair)	Diane Chauncey (Staff)	David Dubois (Member)
Jesse Lazar (Member)	Peter Moore (Planner)	Andrew Robblee (Member)
Gordon Webber (Ex-Officio)	CR Willeke (Chair)	

#### Member & Staff Absent:

Stephen Schacht (Alternate)    Joe Koziell (Member)

#### Public Attendees:

Shelly Nelkens	Jon Soinenen	Lyman Gilmore	Peter Beblowski
Martha Pinello	Janis Longgood	Robert Cleland	Loranne Block
Richard Block	Molly Moore-Lazar	Sarah Gorman	Elsa Voelcker
Arthur Merrill	Tom Davis	Beth Merrill	Jane Fluhr
Keith Klinger	Charles Levesque	Robert Michaelson	Brenda Schaefer
Mark Schaefer	Margaret Warner		

#### 7:00 PM - Review Period:

Chair Willeke thanked all for attending. He asked the Town Planner to review the events up to the present meeting.

Mr. Moore stated that there had been three Public Hearings – 1/6/2011, 1/20/2011, and 2/1/2011.

After the third meeting, two letters had been hand delivered to the Town Hall which challenged the procedure leading up to the Ballot for the Zoning Ordinance Amendments meetings. (Charles Levesque and Attorney Donovan letters stated procedural errors).

Mr. Webber and Mr. Stearns (Town Administrator) had conferred with Attorney Mayer (Town Counsel). Although several procedural errors had occurred (timing, posting, etc) the second Public Hearing Notice for the February 1, 2011 meeting was not substantial enough and that made all of the Zoning Ordinance Amendments invalid and therefore - could not be placed on the March 8, 2011 ballot. There were other issues that had been noted: timing, posting, and even a nor'easter. Mr. Moore had issued a letter on February 8, 2011, after conferring with Mr. Stearns (attached), stating the facts as he saw them and that the ZO amendments would not be on the March ballot. The letter, which had been sent to Mr. Levesque and Attorney Donovan, was read to the meeting attendees. Mr. Moore

also noted the issuance of a follow-up letter from Town Administrator Galen Stearns, emailed on February 9<sup>th</sup> to above mentioned individuals, clarified that, "None of the Zoning Ordinances presented and discussed at the February 1, 2011 Planning Board public hearing will not appear on the March 8, 2011 ballot." An "out-of-schedule" meeting was posted, emailed, web-sited, and sent to those on the antrim.nh notification list for Thursday, February 10, 2011.

Chair Willeke asked for opinions from the Board – what were the alternatives and should another Public Hearing be held.

Mr. Lazar said that he thought the issues should be taken up another year.

MEP Exh D - 65

Mr. Webber said that he thought there could be a Special Town Meeting, this year, and that the option was worth exploring.

Mr. Burnside said that he felt a Special Town Meeting would not get enough people. He said that he was disappointed that just a few can affect the whole town.

Mr. Dubois said that there was not enough urgency and that the issue could wait until next year.

Mr. Webber said that there should be a special town meeting.

Mr. Lazar said that he did not think that anything was time sensitive.

Mr. Robblee wanted a clarification for removing the ballot issues.

Mr. Moore explained the actions that he had taken.

Mr. Robblee asked if a vote had been taken to remove the questions from the ballot.

Mr. Burnside said that the letter should have been reviewed by the Board.

Mr. Lazar said that the ballot items should be reviewed item by item.

Mr. Robblee said if one is null and void, then they were all null and void.

Mr. Willeke asked if there was anything in writing from Town Counsel.

Mr. Moore said that there was nothing in writing, but Mr. Webber and Mr. Stearns had discussed the issues with Town Counsel.

Mr. Webber said that there had been a conference call with Town Counsel. Town Counsel had said that the changes made as "substantial" – could be argued; the posting for 2/1/2011 was not proper. Other issues could be argued but not the posting.

Mr. Moore said that is why he issued the letter.

Mr. Burnside said that the letter should have gone through the Chair.

Chair Willeke said that after the March ballot, the Board may change.

Mr. Webber said that there had been a clerical error. He felt that it made sense to continue and that a Special Town Meeting should happen.

Mr. Lazar said that he had concerns about the polls and the counting.

Mr. Moore said that he had contacted the Town Clerk about the costs of a Special Town Meeting. She had said that it would be approximately \$2000.00.

Chair Willeke asked if the Board of Selectmen and the Planning Board requested – could there be a Special Town Meeting.

Mr. Webber said that it would not come up at Town Meeting.

Mr. Burnside said that there would not be the necessary voter turnout.

Mr. Webber said that there could be campaigning.

Mr. Burnside said that even if they went door-to-door, it may not work, and that he personally did not have time to do that.

Mr. Lazar said that it may make it seem that the Board had a special interest.

Mr. Burnside said that the three most controversial uses would need to go to the Zoning Board of Adjustment with an application.

Mr. Moore said that there were still avenues to apply for projects; that the uses were not totally off the table.

Mr. Soinenen asked if comments would be taken from the Public Attendees.

Chair Willeke said that he did not think that would occur.

Mr. Moore said there could be a non-binding straw vote at Town Meeting – could get a feeling for whether or not the voters would like a wind farm in Rural Conservation or Excavation in Rural, which was part of the intent of the board in the first place.

Mr. Robblee said that he did not see either option as a need to rush.

Mr. Moore said that in ten months a lot could be done.

Mr. Robblee said that it was too bad that technicality was going to hold up a year's worth of work.

Mr. Webber said that he did not see how it was different from last week.

Mr. Robblee agreed, but to call a Special Town Meeting, he was not sure.

Mr. Burnside said that – instead of waiting to the end of the year, a Public Hearing could be made earlier to make the change.

Mr. Moore said that there was a statute that addresses the time in which the zoning ordinance amendment changes can be issued.

Mr. Burnside said that the changes should be done in a more timely way.

Mr. Robblee said that the work has been done – let's make sure everything is done this time.

Mr. Burnside said that he was very disappointed that the whole process was lost for this year, and felt that the process was broken, that it did not work.

Mr. Lazar said that the process does work.

Mr. Burnside said that thousands and thousands would go to the lawyers.

Mr. Lazar insisted that the process does work.

A member of the public attendees spoke out of turn agreeing with Mr. Lazar.

Mr. Lazar said that he felt there are different ways to go about it and that he thinks it is a lesson learned for the Planning Board. He said that he didn't blame anyone. He felt that lots of information had come in and that a lot of thought had gone into the process, but that he did not think that this was the appropriate time for it.

Chair Willeke said that he had called the meeting to see what the options were.

**Mr. Robblee moved to remove the eight amendments from the March 8, 2011 ballot.**

**Mr. Dubois seconded the motion.**

**Roll Call Vote: All ayes to remove the ZO Amendment Changes.**

Mr. Webber said that Town Counsel argued that the substantial changes and the posting in the paper was not a legal post.

Mr. Burnside said that he would need to see more research.

Mr. Robblee said that he would not be against a future special meeting.

Mr. Webber said that this meeting (2/10/2011) was posted in a timely fashion. He said that he did not see a downside to going forward, maybe just picking a different day. He felt that all the steps had been done.

Mr. Dubois said that there would not be the voter turnout.

Mr. Burnside said that Mr. Webber will have to be a "one-man-show".

Mr. Dubois said that there would not be the spectrum of voters.

Mr. Burnside said that things could change if the Planning Board membership changed.

Mr. Moore said that feedback in the public hearings indicated that people want more education. He said that he could arrange for forums over the next six months and mentioned the types of forums that he could be held in the future. Wind Energy, Excavation and Personal Wireless Facilities.

Chair Willeke said that there could be a new Board in the next month.

Mr. Robblee said that if every meeting was going to be like this one – maybe more chairs would be needed.

Chair Willeke moved to adjourn the meeting. Mr. Burnside seconded the motion. All ayes to adjourn the meeting at 7:45pm.

Respectfully submitted,  
Diane Chauncey, Secretary of the Planning Board



## Town of Antrim, New Hampshire

P.O. Box 517, 66 Main St.  
Antrim, NH 03440

Phone: (603) 588-6785  
Fax: (603) 588-2969

# Planning Board Minutes 02/22/2011

## ANTRIM PLANNING BOARD MEETING

February 22, 2011

Public Meeting to reconsider ZO Changes

### Members & Staff Present:

Scott Burnside (Vice-Chair)	Diane Chauncey (Staff)	David Dubois (Member)
Jesse Lazar (Member)	Peter Moore (Planner)	Andrew Robblee (Member)
Stephen Schacht (Alternate)	Gordon Webber (Ex-Officio)	CR Willeke (Chair)

Members & Staff Absent: Joe Koziell (Member)

### Public Attendees:

Shelly Nelkens	Jon Soinenen	Martha Pinello	Janis Longgood
John Kendall	Ron Haggett	Marie Harriman	Marshall Gale
Stuart Gross	Keith Klingner	Brian Murphy	Charles Lévesque
Ben Pratt	Richard Block	Mark Schaefer	Mike Genest
Teri Moore	Dave Duffy	Annie Law	James Hankard
Brenda Schaefer	Robert Cleland	Janis Longgood	Eric Tenney
Loranne Block	Bob Bernstein	David Cahoon	Mrs. Cahoon
Sarah Gorman	Mike Genest	Karen Weisswange	Albert Weisswange

Chair Willeke opened the meeting at 7:15. He stated that this meeting was another Planning Board meeting concerning a Special Town Meeting. He asked the Board members and staff to introduce themselves. Mr. Schacht was appointed to sit for the absent Mr. Koziell. Chair Willeke then asked Mr. Moore to read the Public Notice and the Citizen's Petition:

Notice posted Friday, February 18, 2011

## NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting will be held at 7:00 PM Tuesday, February 22, 2011 at the Antrim Town Hall on the citizen's petition to reconsider holding a Public Hearing of proposed Zoning Amendments to be presented at a Special Town Meeting.

You are invited to appear in person or by agent or counsel to state reasons why you think this request should or should not be granted. Written concerns should be submitted to the Antrim Town Office prior to the meeting. The petition will remain on the Planning Board agenda until the case is resolved, although no further notice will be given. The petition is available for review at the Antrim Town Offices 8:00 AM to 4:00 PM Monday through Thursday.

Galen A. Stearns  
Town Administrator

### Wording of Citizen's Petition

To the Antrim Planning Board,

As an Antrim resident, I am requesting the board to reconsider a special town meeting to vote on changes to zoning ordinances that were recently disallowed due to a clerical error. Please allow Antrim residents the opportunity to take part in the democratic

MEP Exh D - 69

process and decide for themselves the future of Antrim. As this is a time sensitive issue, please act in a timely fashion. Thank you.

Print (Name)

Sign (Name)

e-mail to [antrimplan@tds.net](mailto:antrimplan@tds.net) or mail to Town of Antrim, Planning Board, P.O. Box 517 Antrim, NH 03440 or hand deliver to the town hall during regular business hours.

Mr. Block asked for a point of order – he questioned the wording of the Public Hearing Notice.

Chair Willeke gave a quick background up to the present meeting. He said that there had been a posting issue, which had prevented the proposed zoning ordinance amendments from a vote on the March Town Ballot. After further input from Selectmen and a citizen's petition, this meeting was scheduled.

Mr. Webber added that if a new Public Hearing was scheduled and the Planning Board were to approve the Zoning Ordinance Amendments as written (as they would have gone on the ballot), with no changes – the Planning Board would request from the Selectmen – a Special Town Meeting – which would actually be a Vote not a “Town Meeting”. He explained the procedure for a Special Town Meeting.

The following are some of the items discussed by the Board members:

- Just one more hearing?
- No changes could be made to the wording
- Was the process corrected?
- Clerical error had been made with improper posting.
- If another hearing was held, the intent would be to have no changes.
- But there was a possibility of changes due to public attendee input.
- Changes could be made but it could be left as it was.
- Questions concerning the present meeting and proper posting.

Mr. Moore said that the 24-hour rule for posting a special meeting had been met, but that he would like to have seen more time allowed between the posting and the meeting. It was posted on a Friday, which is a day when the town offices are closed, the following Monday was a holiday, and so that the petition was only available Tuesday morning, for 8 hours of viewing.

The Public Attendees wanted to know if there would be an opportunity for comments.

Chair Willeke said that he did not plan to open the meeting to public comments.

There were multiple comments from the Board and the attendees concerning the right to speak at the meeting. The comments went back and forth. The Chair said that the notice was somewhat misleading but that it did not override the purpose of the meeting.

Mr. Dubois felt that the public should be allowed to participate.

Mr. Burnside said that opening a Public Hearing was at the discretion of the Chair.

The attendees would like to be able to speak. There were many comments.

Chair Willeke asked for all to be quiet. Mr. Webber said that only those with a point of order could speak.

Mr. Hankard said he had a point of order and would he be allowed to speak. He then said that it was grossly unfair, that there

should be free speech.

He was asked to stop because his comments were not a point of order.

Ms. Nelkens said that it was a point of order that it was not properly noticed.

Mr. Webber said that was irrelevant.

The audience was annoyed that they could not be heard.

Mr. Moore asked the chair what the point of the Planning Board having a Public Hearing if the Selectmen had not agreed to a Special Town Meeting before hand.

Mr. Burnside said they would be finishing up what had already been started.

Mr. Webber said that tonight's meeting was to discuss a Public Hearing not the Special Town Meeting.

Mr. Lazar read from a prepared statement (attached – page 5). Some of the points he made: poorly written notice, no reason for emergency meeting, issue has already been addressed, no new information on the case, simply a petition by citizens who want to reconsider having a special vote.

There was some applause for his comments.

Mr. Webber motioned for the Planning Board to hold a Public Hearing to present the previously proposed Zoning Ordinance amendments.

Chair Willeke seconded the motion

Mr. Lazar asked for a clarification.

Mr. Webber motioned again – ‘ to hold a Public Hearing to present the previously proposed Zoning Ordinance amendments.

Chair Willeke seconded.

Roll Call Vote: Mr. Schacht, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Dubois, no; Mr. Lazar, yes. The motion passes.

At 7:50 pm, Mr. Burnside motioned to adjourn the meeting. Mr. Schacht seconded the motion. The meeting was adjourned.

Respectfully submitted, Diane Chauncey, Secretary of the Planning Board

Mr. Lazar's Prepared Statement

Mr. Chairman,

The decision to hold another emergency meeting this month was a poor choice, and the notice was poorly written. This puts the Planning Board in a poor light. How can residents respect our Board when we cannot properly notice. How can they respect our impartiality? There is no reason we should be here for this as an emergency meeting. This matter would more appropriately be addressed at our next regularly scheduled meeting. What do you plan to do when we receive a petition to reconsider our actions from this meeting?

We met as board on February 10th for an emergency meeting and addressed the issue of whether we would recommend a special town vote at that time. We then cancelled the subsequent regularly scheduled meeting, and now we are back at another emergency meeting, despite the fact that our next scheduled meeting is March 3<sup>rd</sup>.

MEP Exh D - 71

There is no new information to be heard on the case, simply a petition by citizens who want us to reconsider having a special vote. There is simply no justification for this emergency meeting. Nothing that we as a board are going to address now could not have waited until March 3rd.

Jesse Lazar





# Town of Antrim

## NEW HAMPSHIRE



# Planning Board Minutes

## 03/03/2011

[Printer-Friendly Version](#)

 Antrim

Meetings Calendar

Hours & Contacts

Town Departments

Parks & Recreation

James Tuttle Library

Business Directory

Subscribe to News

Send Us Comments

Home Page

Site  This Folder

Search

[Advanced Search](#)



### ANTRIM PLANNING BOARD MEETING

March 3, 2011

Regular Meeting

#### Members & Staff Present:

Diane Chauncey (Staff) David Dubois (Member) Joe Koziell (Member)

Jesse Lazar (Member) Peter Moore (Planner) Andrew Robblee (Member)

Stephen Schacht (Alternate) Gordon Webber (Ex-Officio) CR Willeke (Chair)

#### Member & Staff Absent:

Scott Burnside (Vice-Chair)

**Public Attendees:** John Robertson, Martha Pinello, Molly Moore-Lazar

#### Review Period:

Minutes of February 1 (Mr. Koziell motioned to accept the minutes as presented; Mr. Webber seconded. The minutes were approved. February 10 (Mr. Dubois motioned to accept the minutes as presented, Mr. Webber seconded. The minutes were approved). February 22 (Mr. Robblee motioned to accept the minutes as presented, Mr. Webber seconded the motion. The minutes were approved).

#### Public Meeting:

#### Building Permit Fees

The subject of building permit fees had been discussed in a previous Planning Board meeting but no decision had been made on the costs. Mr. Hopkins had suggested that permit renewals should have a cost which some Planning Board members thought was excessive.

Antrim's Building Inspector (Peter Hopkins – inspector for five towns) has stated that the fees are fair. The reason for the renewal fee would cover the cost of further inspections. There had been a comment on the cost.

Me. Moore said that the Building Inspector was attempting to standardize the fees (in the towns for which he is the inspector).

After a lengthy discussion, no decision was made and a request would be to have Peter Hopkins attend the next meeting to give his point of view.

#### Business Meeting:

FEMA Floodplain Management Program – Ms. Chauncey explained what she had learned from a recent webinar that she had attended. The Office of Energy and Planning had given the “workshop” to explain how a municipality could help residents who have had their structures determined to be in the floodplain – therefore requiring flood insurance. Although Antrim does not have many structures new to the floodplain, some residents did not know that flood insurance was required by their lenders. Ms. Chauncey has put together a packet of information for residents who may need further information.

March 8<sup>th</sup> Straw Poll – short discussion – the Town Administrator and Selectmen will determine the questions.

Review of February 22-2011 Planning Board Meeting

MEP Exh D - 73

Mr. Moore summarized events in the past few weeks. He said that he had received a phone call from John Soinien who was concerned with possible legal and administrative oversight. Mr. Moore said that he would speak with the Town Administrator – who told Mr. Moore that he had spoken with Town Counsel and that there were no problems with the Public Notice.

Mr. Moore continued that he had emailed the Local Government Center's (LGC) legal department with an inquiry that summarized events. LGC responded that it could not comment as the Planning Board had made a decision.

Chair Willeke commented that he had requested an "emergency" Planning Board meeting, not a Public Meeting.

There was a long discussion of the past few meetings, the procedure, and the notices, who wrote the notices, how the information got in the paper.

#### March 9, 2011 Planning Board Meeting

Mr. Moore stated that he had been outside the process. He did not review the Public Notice that had been advertised in The Villager. He said that he had taken a closer look at the materials and composed an "annotation" of the notice. He had then shown the annotation to the Town Administrator, who had then asked him to send the information to Town Counsel. (The annotation plus six attachments had been sent on March ??)

Mr. Robblee asked if the posting had been legal.  
Mr. Moore explained the mistakes and the issues.  
Chair Willeke asked if the correct language would be used on March 9.  
Mr. Moore said yes.

#### Other Business:

Commendation for Rick Seavey – Mr. Moore had written a letter to the Selectmen which thanked Mr. Seavey for his quick response in setting up the large Town Hall when the Little Town Hall became too crowded. The Planning Department Staff wanted to formally thank Mr. Seavey.

Notice of Bench Trial – Mr. Moore explained the upcoming trial concerning the Meteorological Tower.

SWRPC – Monthly newsletter – FYI

At 8:50 pm, Mr. Koziell motioned to adjourn the meeting. Mr. Robblee seconded the motion. The meeting was adjourned. Respectfully submitted, Diane Chauncey, Secretary of the Planning Board

|

Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)
 Site

 This Folder


[Advanced Search](#)


# Planning Board Minutes

## 03/09/2011

[Printer-Friendly Version](#)

### ANTRIM PLANNING BOARD MEETING

March 9, 2011

#### Public Meeting to Reconsider ZO Changes

#### Members & Staff Present:

Scott Burnside (Vice-Chair)	Diane Chauncey (Staff)	David Dubois (Member)
Jesse Lazar (Member)	Peter Moore (Planner)	Andrew Robblee (Member)
Stephen Schacht (Alternate)	Gordon Webber (Ex-Officio)	CR Willeke (Chair)
Joe Koziell (Member)		

#### Members & Staff Absent:

#### Public Attendees:

Shelly Nelkens	Jon Soinenen	Mike Genest	Ben Pratt
Sarah Gorman	Mike Genest	Karen Weisswange	Albert Weisswange
James Hankard	Molly Moore	Kara Penney	Jeanne Plourde
Michael Pon	Jack Kenworthy	Mike Tatro	Lois
Stuart Gross	John Robertson	Ron Haggett	Keith Klinger
Mrs. Klinger	Janet McEwan	Richard Block	Mr. Schaefer
Dave Boule	Galen Stearns	Bill Gutgesell	Donna Hanson
Ann Proctor	Annie Law	Mrs. Ullman	Mr. Ullman
Dave Duffy	Fred Colton	Arthur Merrill	Helene Newbold
Bill Newbold	Beth Merrill	Charles Leveque	Ray Ledgerwood
Andy Chapman	Melissa Chapman	Mary Allen	Teri Moore
Leah Tokunga	Lyman Gilmore	Sarah Gorman	Elsa Voelcker
Janis Longgood	Ryan Storro	Virginia Dickinson	Connie Kirwin
Bob Bernstein	Eric Tenney	Linda Tenney	
Lucille Lacombe	Mary Schacht		

#### Public Meeting:

Mr. Moore recognized the departing members: Joe Koziell, CR Willeke, and ex-officio, Gordon Webber. He thanked them for their hard work.

Mr. Moore congratulated the newly elected members – Charles Levesque and Martha Pinello.

Chair Willeke asked Mr. Moore to review the events leading up to this meeting.

Mr. Moore said that the language of the proposed Zoning Ordinance (ZO) Amendments had been finalized at the December 23, 2010 Planning Board meeting. A Public Hearing had been scheduled for January 6, 2011 which was subsequently continued to January 20, 2011. Because there had been substantive changes to the language, another Public Hearing was scheduled for February 1, 2011. At that meeting, the language was finalized but the February 1, 2011 Public Notice had a procedural defect – not enough information. The proposed ZO amendments would therefore not be voted on the March 8, 2011 ballot.

Mr. Moore continued: on February 10, 2011, it was voted to withdraw the ZO ballot. On February 22, a Planning Board meeting, requested by the PB Chair (48-hour notice, posted properly) was held. The February 22 meeting was predicated by a citizens' petition. The notice stated that there would be an opportunity for public comment – public comment did not occur.

Mr. Moore said that he had been contacted by Mr. Soinien concerning possible procedural defects of the noticing

MEP Exh D - 75

and amendment language for the March 9 meeting. Mr. Moore said that he was not aware of any of the notice preparations– that it had been outside of his scope. He said that he had spoken with Mr. Stearns (Town Administrator) who had assured him that the February 22 was completely legal. He then read a letter from the Local Government Center (LGC) from whom he had requested an opinion. The LGC said that the Planning Board had made a decision at the February 22 meeting and that decision should stand.

Mr. Moore reviewed the administrative and notices for the meeting. There were concerns that the February 1 meeting was null and void – not a valid meeting.

Mr. Moore had reviewed the materials and developed an annotation of the amendment language as presented in the public notice and advised that there were some potential problems. Mr. Stearns suggested that the annotation go to Town Counsel. Mr. Moore sent the annotation and 7 supporting documents via email. A conference call with Town Counsel, the Selectmen, and Mr. Moore was scheduled. Mr. Moore explained that he had advised the Planning Board of potential problems.

Mr. Moore said that Town Counsel had suggested an **alternative, perhaps more** rational and cautious approach. That they **could** step back, slow down, and develop sound language **or an** ordinance. This could provide control above the simple site plan review. He said that he would suggest language for a large project that would have appropriate definitions and components such as, **standards for setback, noise, shadow flicker and mitigation**. He said that there should be a definite process for appeals, violations, **decommissioning, property assurance value, and bonding**. The Planning Board needed to provide expectations **to protect the town and better guide the applicant**.

Mr. Webber asked if the Town Planner was expressing his personal point of view or that as Town Planner.

Mr. Moore said that it was his job as Town Planner to guide the Board.

Chair Willeke said that it seemed that he was expressing his own opinion.

Mr. Moore said that Town Counsel had suggested that the Board slow down.

Mr. Webber said that Mr. Moore had strayed from Town Counsel recommendations.

Chair Willeke asked the Town Planner to wrap up what he had been saying.

Mr. Moore said that he was finished.

Chair Willeke thanked him and asked him to read the Public Notice.

Mr. Moore read the notice and said that it had been posted properly in The Villager on February 25, 2011.

Chair Willeke stated his ground rules: attendees would speak one at a time at the central microphone. The comments would be addressed to the Board – there should be no questions addressed to the audience. Each speaker would be limited to discussion of the amendment and three minutes per person. The meeting would end at 10:00pm. He stated that Town Counsel had concerns with the language of Amendments # 5 and #6 (Excavation and Cell Towers) and so it would not be a part of the discussion.

#### **Public Hearing:**

**Amendment # 1** – read by Chair Willeke. He said that the comments should be limited to the definition.

Ms. Dickinson (West St) - stated that wind turbines greater than 100kw had been discussed – but was there anything less than 100kw.

Ms. Nelkens (North Main St) – the issue of data collection should also be included in the definition.

Mr. Hankard (Clinton RD) – supported the Town Planner in that the definition of a wind energy facility is not complete; The Planning Board should not rush the issue and make a big mistake like Lempster.

Ms. Gorman (Keene Rd) – read from prepared statement. She said that it was not in best interest of the people, that there should be an education of the general public, that there was a conflict with the Open Space Committee...

Chair Willeke asked that her comments were to be specific to the definition.

Ms. Gorman continued that the current definition was open ended, that it needed to be well thought out, that there would be time to elaborate and to get real people involved.

Chair Willeke said that she would have an opportunity to speak during the discussion of the next meeting.

Ms. Gorman said that (the current definition) was not a definition.

Mr. Webber asked her to hold off until #4

Ms. Gorman said she had a verbal protest to the inadequacy of the definition.

Mr. Klinger – (Keene Rd) – said that there should not be a rush to judgment; that the definition is very vague. He listed what would be needed and summarized by saying the Board should back up and reevaluate.

Mr. Bernstein - (Turner Hill Rd) – asked the Board how they had come to the definition – who had been consulted. He said that he did not know if the is a definition is a good one.

Chair Willeke said that the Planning Board had developed the definition.

Mr. Bernstein asked if any outside expertise had been brought in. Was there a definition that had been used elsewhere?

Chair Willeke said that research had been done.

Ms. Penny (West St) – said that she trusted the Board and asked if they felt it was okay. She asked the Board – “please don’t screw this up!”

Chair Willeke said that the Board was happy with the definition.

Mr. Perry asked how the 100kw affected the other Zoning Ordinances (districts?).

Mr. Bernstein felt that Mr. Perry should not be mentioning that – as a point of order.

Chair Willeke said that it was a definition which was needed as a starting point.

Mr. Webber said that there was a small wind energy ordinance for personal use. And that 99kw was where the Small Wind kilowatts ended.

Mr. Burnside stated that the attendee was just asking for clarification.

Mr. Soinien asked a procedural question – would the comments in writing be addressed by the Board and in what order – amendment by amendment or in some other way?

Chair Willeke asked if there were any letters.

Mr. Moore said that there were letters that were wind related and eleven letters that were generic.

Ms. Nelkens said that she had many question and wanted feed back from Mr. Moore about the definition.

Chair Willeke said that he would like the definition process explained.

Mr. Moore stated that the definition for wind energy was intentionally left fairly simple. In Article III of the ZO the definitions are defined as a word, meaning not as an ordinance would be developed. They are created for the definition section not as a wind energy facility ordinance.

Mr. Hankard – point of order concerning the three-minute limit and how many times an audience member could step up to the microphone. He then said that no one on the Board is a wind energy expert.

Chair Willeke said that if anyone had questions concerning the Board, they were welcome to attend the meetings. (1<sup>st</sup> and 3<sup>rd</sup> Thursday of the month)

Mr. Block wished to know if the information given was “starting fresh”? and he would like to make a statement.

Chair Willeke said that it should be concise.

Mr. Block said that Antrim has an Ordinance that clearly spells out “Small Wind”. He said that there is not a comparable (ordinance for large wind). Therefore, it would be completely wide open with no restrictions on sound, light, etc. His comment to the Board is that it is very detrimental to the RCD – “so vague, wide open, etc. and that it should not be put in when something is that questionable”.

Mr. Apkarian said that the definition should be modified. He said that there would be different impacts on different communities and that there should be more specifics.

Ms. Allen stated that a wind farm needed many roads and that she had seen nothing about transportation within the proposed amendments.

A Board member said that would be a part of the Site Plan Regulations. (who said this?)

Ms. Kirwin said that if the wind farm was built, she would be able to see it from her home, but she agreed with the definition.

Mr. Haggett said that the definition should be eliminated and a large wind ordinance should be written.

Chair Willeke closed the comments for Amendment #1.

**Amendment #4** –

Mr. Klinger said the RCD land was important in the ZO. The use should be for conservation land. The proposed ordinance “flies in the face of the Master Plan” and should be tabled. He said that he agreed with Mr. Moore. The wind farm should be in the commercial zone.

Ms. Gorman read from a prepared statement. These are some of the issues she presented: the reason for zoning is to protect; the ZO should not be changed to suit one land owner; the change is not in the best interest of the town; the people of the town should be educated; an inappropriate location; it is not in the best interest of the town and not ethical; the watershed should be protected; the RCD is not some kind of wasteland – it should not be taken from family and friends so that a few might profit.

Mr. Hankard asked who requested the ZO.

Chair Willeke said that the Planning Board welcomes all to a Board meeting.

Mr. Koziell said that the minutes of the Board meetings could be reviewed.

Mr. Webber reviewed the sequence of events that had led up to the current meeting. He finished by saying that the issue would no go away.

Mr. Hankard said that it had been started by Eolian.

Mr. Robblee said that the Board had decided that the vote should go to the Antrim voters – they would decide whether or not a wind farm would be a permitted use. The question is simple – do you or do you not want a wind farm.

Mr. Hankard asked if it was at the request of Eolian.

Mr. Robblee said that the vote would give a clear picture to the town. The Planning Board has a sincere interest in whether the town wants the amendment or not.

Mr. Burnside said and possibly the town may want a different process.

Mr. Hankard said that Eolian is not a resident.

Chair Willeke said that the Board's job is to look at the ZO and specific issues that are currently occurring.

Ms. Dickinson asked what would happen next. Would there be a vote in April.

Chair Willeke said that he was trying to wrap up the hearing process.

Ms. Dickinson asked if this would be the final hearing.

Chair Willeke said that there has been a request for a Special Town Meeting.

Mr. Pratt read from a prepared statement. He said that the citizens of Antrim needed an opportunity to vote. There had been active discussions, numerous public hearings to debate the pros and cons, repetition of previously stated arguments. The Planning Board will not make the decision – they can only make changes or additions. The people can vote them up or down. He finished by saying that the citizens of Antrim should be given an opportunity to vote.

Some audience members clapped.

Chair Willeke thanked him.

Mr. Bernstein said that he had one comment, that he agreed with the previous speaker, but that some of the voters are uninformed and what would the process be to make them more informed. He further said that a cell tower had been proposed for his neighborhood and that his property would have been devalued by 25%. He questioned if Antrim would be the only community in NH to allow a wind farm.

Chair Willeke said that there are towers in Lempster.

Mr. Block said that no town has given a wind farm "blanket allowance". Antrim would be the first. He then said that he begged to differ with Mr. Pratt – there had not been ample time to educate the voters. He had been shut down – only comments about met towers were allowed. The down side of big wind had not been discussed and ramifications had been misrepresented to the people of the town. The Planning Board had one reason to rush it through – to do away with the court cases and save the town money. Mr. Block said that he could guarantee the court cases would not go away. He said that violation of due process had occurred.

Chair Willeke asked Mr. Block to stop.

Mr. Block had further comments on allowed use and the court case.

Chair Willeke said the court case was not part of the hearing.

Mr. Block said that he had been shut down and not been able to speak. The Board was trying to shut him down and do away with the court case.

Chair Willeke asked if he had any input on the amendment.

Mr. Block said he could talk about the negative side.

Chair Willeke asked him to stop.

Mr. Block said that the amendments should be tabled so that people could learn more.

Some audience members clapped.

Mr. Robblee said that he had been disappointed that the Blocks were not at the Grange event.

Mr. Block said that they had planned to attend but the Grange invited Eolian and he did not want to hold a debate.

Mr. Robblee repeated that he had been disappointed.

Ms. Crockett asked if the question was to change the amendment – not about accepting a wind facility – correct or incorrect?

Ms. Nelkens began to say that the Blocks had been invited.

Chair Willeke asked Ms. Nelkens to stop.

Ms. Nelkens continued.

Chair Willeke said that the hearing this evening was not about what has happened at the Grange.

Ms. Nelkens said that she had been at every meeting and she has not been able to give input on an industrial wind farm, yet Eolian has had plenty of time to speak.

Chair Willeke said that he had heard her speak many times.

Ms. Nelkens said that she did not know all the impacts [of the wind farm]. She said that she had heard that there would be \$200,000 in tax benefits but, she wanted to know if everything had been weighed. She said that she agreed with Mr. Moore and that things should be taken slow and asked “what is the rush?”

Mrs. Moore said that she had forgotten what ordinance was being discussed. She said that the language is to allow a permitted use. And what it really comes down to is - permitted use rather than by special exception. “Permitted use is the problem!”

Mr. Gutgesell stated that many residents have complained about gas and electric prices. He said that he would like more information and felt that all should keep an open mind. He said that he is not for or against, and that all should be open minded.

Mr. Cleland said that he agreed with Mr. Moore and that Antrim is not the only town with the problem [an industrial wind farm] and that other environmental groups are holding forums in Maine. He said that he felt more education was needed. He thought the issue should be tabled. He felt that one person is trying to push it thru – because he would benefit from it.

Ms. Volker said that she lived less than a mile away from possible flicker factor. She was concerned about [a wind farm] “going into the Rural Conservation District – a huge corridor of wild life –it flies in the face of the Master Plan”. She said that it should not be a permitted use. She had been listening to WGBH about a Cape Cod town – the whole town hates it[wind turbines]. She talked about bus trips to Lempster – sounded like a jet plane and she does not want to hear that sound. She was also concerned about flicker factor – “she did not want it crammed down their throats and that some experts should think about this”.

Ms Longgood stated that she wanted to go on record as being against Amendment #4 and specifically “principal permitted use in the RCD”. She would like to see the ZO amendment tabled and hoped that the new Planning Board Members would be against wind energy in the RCD.

Mr. Klinger – how long will it be before there is a construction date?

Chair Willeke – no idea [no application has been submitted].

Mr. Klinger stated that there should be no rush to judgment. He asked why it should be “jammed down our throats” He said that he agreed with Mr. Moore – that more education is needed, it has been very biased and one-sided, no due process has been done, the Planning Board’s job is to educate the people, the Planning Board was elected to serve the people. He continued that he agreed with wind energy but this is not for the right purpose.

Ms. Zaluki-Stone said that more time was needed. She felt that it was the general consensus and asked to please allow that to be done.



Ms. Law said that she agreed with those who had asked for the issue to be tabled, education is needed, and there should be no principal permitted use.

Ms. Penney stated that she felt the ZO is “sketchy” about meanings of Special Exception and Principal Permitted Use. She said that she feels “sort of educated” and wanted to be able to vote and agreed with Ben Pratt.

Ms. Schacht thanked the Board members for serving on the Planning Board. She knew that it could be a thankless job. She thought that the people should be allowed to vote.

Chair Willeke asked for some of the letters to be read:

1. Cynthia & Mike Kettle – strongly support Antrim Wind Energy and Special Town Meeting
2. Apryl Perry – Requested the right to vote on the amendments
3. Nancy Burnham – Vote to hold special town meeting
4. Jim & Bev Schaefer – Expressed concern for wind power in Antrim, they had seen the benefits of wind power in Texas. Their Antrim neighbors had caused conflict. The noise of their dogs is 24/7. They asked the support of renewable energy with a special vote.
5. Christian Phillips – Believed that the proposal should be allowed.
6. Judith Bertoglolo-Giffin – Against #4 –She felt that it was a complex ordinance and that maybe there should be an ad hoc committee to discuss the possibilities.
  - Ms. Bartlett – Against the adoption of #4 and #5. She said that they had not been adequately addressed and she had questions concerning the statistics.
  - Loranne Block – Asked that the issue be tabled.
  - Robert Reeser – Against #4 and #5. He felt that there would be a significant impact on 80% of the land in the town. If it were to pass, there would be a Site Plan Review before the Planning Board. It would not go before the Zoning Board of Adjustment. An ad hoc committee should be formed.
10. Linda Tenney – Opposed to the adoption of #4 and #5. She was concerned about its affect. She worried about wildlife and a rush to judgment. She questioned – “would you want this facility in your back yard?”
11. Jane Fluhr – In support of #1 and #4 – could be a positive change.

Ms. Gorman said that people are misinformed. Coal and carbon dioxide need intact green spaces. The earth can deal with carbon dioxide. She said that the methane from the dairy farm and land fill could be capped and energy derived from it.

Chair Willeke asked Ms. Gorman to stay on topic.

Ms. Gorman said that she will not be able to sell her house. Her father-in-law had chopped the way for the Kancamagus Highway. She continued that it [the wind farm] was not a good place for an industrial zone. She said that she was concerned about the steep slopes, the damage that the cranes would cause. She said that the people downtown don't care about the North Branch people. PSNH would sell outside of the state. The cost of electricity has not gone down but the cost of cordwood has increased three times. She said that she was going to work on secession. She said that she paid taxes but got no respect. She said that she was intimidated by the police and that the Planning Board members have an agenda. The voters need to be better educated.

Chair Willeke thanked her.

Letters continued:

- Peter Beblowski – Thanked CR Willeke and Joe Koziell for their hard work and thankless tasks. In a town wide vote, two new Planning Board members had been elected. The posting had been done in haste by Gordon Webber. “Done in haste, create waste”. There were still legal issues. A new committee should be formed.

13. Martha Pinello – Thanked CR Willeke and Joe Koziell. She was unable to attend the because it was Ash Wednesday - she thought it inappropriate to schedule a meeting on a night when there should be respect for religious holidays. She felt that there had been numerous clerical and typo errors or an egregious nature. She felt that the entire package should be removed.

14. Brendan Carey Block – He stated that he was a young citizen who will be paying taxes for many years. He questioned the technical changes and the rush into legislation. He felt that there needed to be more discussion.

15. Richard Block – Does not agree. There had been procedural errors – he specified the RSAs. He explained one of the errors – *excavation site* as opposed *excavation* – ...within 300’ of a disapproving abutter. The correction was not in the proposed amendments and that would be sufficient to raise validity.

16. Jack Kenworthy – (paraphrased by Mr. Moore) – Letter had been submitted to the Planning Board with a “few key facts”:

In support of the special town meeting

In 2010 straw poll – 100 voters – high percentage in favor of a wind as renewable energy

In 2011 straw poll – 64% were in support of a wind farm

In American Research Survey – 2/3 of the respondents were in favor of ordinance changes

The process was well documented with debates and public forums

After some noise from the audience, Chair Willeke asked for quiet.

Mr. Kenworthy said that the pertinent issue is that two parties are in lawsuits. If the use becomes a permitted use, Eolian would withdraw its lawsuit.

Ms. Nelkens asks for a point of order.

Audience gets upset – opposition does not want Mr. Kenworthy to speak.

Mr. Kenworthy wants to go forward with study.

Chair Willeke said that he has allowed numerous people go past 3 minutes.

Mr. Tatro stated that he was in support of the ZO amendments, and asked if the Town Hall was available for an educational forum.

Mr. Apkarian had not received the survey [American Research Survey]. He stated that the [March 8 Selectmen’s straw poll] was a “tainted process”. People were advised how to vote and “as a scientist – holds no water”. He said that an open forum was needed where data could be compared and then the data could speak for itself.

Chair Willeke said that a good way to get a feeling for the wind farm is to go to Lempster.

Mr. Mark Schaefer said that the Planning Board was doing a great job. He had a question on the words “principal permitted use” – could that language be changed to the other option of a special exception.

Chair Willeke said that in Deliberation, the Planning Board would decide upon the final language of the ZO amendments.

Mr. Mark Schaefer – Opposed to the industrial wind turbines and excavation. His property abuts one of the newly leased parcels. The RCD was preserved for special reasons. He repeated that he was fully against the proposed amendments.

Ms. Gard – She questioned Eolian. Since they were such a small company, she wondered if there was enough data to support a commercial operation. Was it a viable site. She also questioned the special exception, the possible site plan review, and several different ways to approach the project.

Chair Willeke said that he understood the site to have viable data.

Ms. Gard questioned if the appropriate vehicle was being used.

Mr. Lamb stated that he had heard multiple comments that no experts had weighed in on the issue. He said that was not true because there had been a Limrik article written by Steve Sawyer ( an Antrim property owner) who is now one of the top five environmental stewards of the world. He is now an expert of wind energy. Mr. Lamb and Mr. Sawyer were childhood friends and although, Mr. Lamb has disagreed with him on other things, he agrees with him on this issue. He said that he thought the article was eloquently written, told what Antrim is all about, and that the project has a real importance to the future of the town.

Ms. Moore-Lazar said that she had an idea “ maybe totally crazy” – but would the Planning Board consider – three questions – “Vote for One: Special exception, Permitted use, Not interested”.

Mr. Perry – He said he was not an expert, but he had taken the time to educate himself – even though he is busy with his own business and raising two teenagers. He had spent time in Lempster. He thought it would be a great use of the RCD and there would be no co2 emissions.

**Public Hearing closed.**

Amendment #2, #3, #7, #8 – no discussion or comments

Mr. Hankard said that at the straw poll there had been negative comments.

Chair Willeke reminded the audience that the Public Hearing had been closed.

Mr. Webber moved to table amendments #5 and #6.

Mr. Robblee suggested to go through the amendments in the order listed.

**#1**

Mr. Lazar said that he had a problem with the version of the proposal. He said that he thought the last version was the only usable language. He said that the current definition is something that will get response. A Bed & Breakfast can only be allowed by Special Exception, but if this amendment were to pass as a principal permitted use, an industrial wind farm would be allowed. He said that the Planning Board should have taken more time and he felt that they had failed in that regard. He said that the Zoning Ordinance similar to the Small Wind Energy Ordinance or the Personal Wireless Service Facility Ordinance – rather than just use ballot box to get a yes or no.

Mr. Lazar moved to table amendment #1. Mr. Dubois seconded.

**Roll call vote:** Mr. Koziell, no; Mr. Burnside, no; Chair Willeke, no; Mr. Robblee, no; Mr. Webber, no; Mr. Lazar, yes; Mr. Dubois, yes. **Motion does not pass**

Mr. Koziell moved to accept the definition as written. Mr. Webber seconded.

**Roll call vote:** Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#2**

Mr. Webber moved to accept Amendment #2 as written. Mr. Koziell seconded.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#3**

Mr. Koziell moved to accept Amendment #3 as written. Mr. Robblee seconded.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#4**

Mr. Lazar said that Amendment highlighted a lack of thoughtfulness. He motioned to table the amendment. Mr. Dubois seconded.

**Roll call vote:** Mr. Koziell, no; Mr. Burnside, no; Chair Willeke, no; Mr. Robblee, no; Mr. Webber, yes; Mr. Lazar, yes; Mr. Dubois, yes. **Motion does not pass**

Mr. Webber moved to accept Amendment #4 as written. Mr. Koziell seconded.

Roll call vote: Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#5 and #6**

Chair Willeke suggested tabling Amendment #5. Town Counsel saw some wording issues and suggested another Public Hearing.

Vice-Chair Burnside moved to hold a Public Hearing to correct the postings of Amendments 35 and #6. Mr. Robblee seconded the motion.

There was a discussion concerning the wording of the amendments, a Public Hearing, how this had become part of the agenda, a proper posting for public input, etc. The motion was withdrawn.

Vice Chair Burnside moved to hold a Public Hearing for Amendments #5 and #6. Mr. Koziell seconded.

**Roll call vote:** Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#7**

Mr. Webber moved to accept Amendment #7 as written. Vice-Chair Burnside seconded.

**Roll call vote:** Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

**#8**

Mr. Koziell moved to accept Amendment #8 as written. Mr. Webber seconded.

**Roll call vote:** Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

Mr. Webber made the motion to consider a Special Town Meeting for Amendments #1,2,3,4,7,8.

Mr. Lazar felt that no Special Town Meeting was warranted.

Mr. Robblee said that he disagreed. He felt that an overwhelming number of residents wanted to have the right to vote.

Mr. Lazar disagreed and said that only 61% had responded. The two newly elected Planning Board members clearly showed that people have changed their minds.

Mr. Robblee said that when there is a vote – the voters will answer.

Mr. Lazar asked “will the voters be educated on land use, will they continue to make the Zoning Ordinance uniform?”

Mr. Robblee said that the Planning Board can not hold every voters hand.

Mr. Lazar repeated that he did not think it was a good idea.

Mr. Lazar made the motion to table the request for the motion for a Special Town Meeting. Mr. Dubois seconded.

**Roll call vote:** Mr. Koziell, no; Mr. Burnside, no; Chair Willeke, no; Mr. Robblee, no; Mr. Lazar, yes; Mr. Dubois, yes. **Motion does not pass**

Mr. Webber restated his motion.

Vice-chair Burnside said that he was worried that not enough people will turnout for the vote.

**Roll call vote:** Mr. Koziell, yes; Mr. Burnside, yes; Chair Willeke, yes; Mr. Robblee, yes; Mr. Webber, yes; Mr. Lazar, no; Mr. Dubois, no. **Motion passes**

At 9:50pm, Mr. Koziell motioned to adjourn the meeting. Mr. Burnside seconded the motion. The meeting was adjourned.  
Respectfully submitted, Diane Chauncey, Secretary of the Planning Board

Mr. Lazar's Prepared Statement

Mr. Chairman,

The decision to hold another emergency meeting this month was a poor choice, and the notice was poorly written. This puts the Planning Board in a poor light. How can residents respect our Board when we cannot properly notice. How can they respect our impartiality? There is no reason we should be here for this as an emergency meeting. This matter would more appropriately be addressed at our next regularly scheduled meeting. What do you plan to do when we receive a petition to reconsider our actions from this meeting?

We met as board on February 10th for an emergency meeting and addressed the issue of whether we would recommend a special town vote at that time. We then cancelled the subsequent regularly scheduled meeting, and now we are back at another

emergency meeting, despite the fact that our next scheduled meeting is March 3<sup>rd</sup>.

There is no new information to be heard on the case, simply a petition by citizens who want us to reconsider having a special vote. There is simply no justification for this emergency meeting. Nothing that we as a board are going to address now could not have waited until March 3<sup>rd</sup>.

Jesse Lazar

|

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings Calendar](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)

Site
  This Folder

[Advanced Search](#)



# Planning Board Minutes

## 04/07/2011

[Printer-Friendly Version](#)

### ANTRIM PLANNING BOARD MEETING

April 7, 2011

#### **Members & Staff Present:**

Scott Burnside (Vice-Chair)      Diane Chauncey (Secretary)      David Dubois (Member)  
 Jesse Lazar (Member)      Charles Levesque (Member)      Peter Moore (Planner)      Martha Pinello (Member)  
    Andrew Robblee (Member)      John Robertson (Ex-Officio)  
 Stephen Schacht (Alternate)

#### **Members & Staff Absent:** None

#### **Public Attendees:**

Shelly Nelkens      Jon Soininen      Mike Genest      Ben Pratt  
 Don Winchester      Rob Michaelson      Jack Kenworthy      Janet McEwen  
 Margaret Warner      Annie Law      Mary Schacht      Gordon Webber  
 Ron Haggett      Molly Moore Lazar      Mike Tatro      Stephen Ullman  
 Marcia Ullman      Don Winchester      Mary Schacht      Bob Cleland

#### **7:00 PM – Organization of Board:**

Vice-Chair Burnside opened the meeting at 7:10pm.

#### Election of officers

The following items were discussed:

- Antrim Planning Board By-laws – Section 2.1
- Interpretation of Section 2.1
- At least one year of experience before office of vice-chair or chair
- Parliamentary procedure and voting
- A handout concerning parliamentary procedure

Mr. Robertson nominated Mr. Robblee as Planning Board chair. Mr. Dubois seconded the motion. Roll call vote: Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, yes; Mr. Dubois, yes; Mr. Robblee, yes; Mr. Schacht, yes; Mr. Robertson, yes.

Mr. Schacht nominated Mr. Lazar as Vice-Chair. Mr. Burnside seconded the motion. Roll call vote: Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, yes; Mr. Dubois, yes; Mr. Robblee, yes; Mr. Schacht, yes; Mr. Robertson, yes.

Appoint alternates to sit for absent members - Not necessary

#### **Business Meeting:**

Approve Minutes of the following:

March 3, 2011 - Mr. Schacht moved to approve the minutes as written. Mr. Dubois seconded. All yeses to approve

March 9, 2011 – Mr. Burnside move to approve the minutes as amended. Mr. Schacht seconded. All yeses to approve.

MEP Exh D - 86

March 17, 2011

A Board member had corrections to the March 17 minutes.

Mr. Lévesque moved to table the March 17 minutes. Mr. Lazar seconded. All yeases to table.

Consideration of potential Alternates to the Planning Board

The following residents were interested in the Alternate positions: Janet McEwen, Don Winchester, and Mike Tatro. It was suggested that the potential alternates attend several meetings before committing to the responsibility.

Chair Robblee said that Mr. Koziell had expressed interest in serving as an alternate.

Three Board members said that they would not vote for Mr. Koziell.

A long time Board member said that Mr. Koziell brought knowledge to the Board.

Ms. Pinello motioned that the potential alternates attend the next two meetings. Mr. Schacht seconded the motion. All yeases to the motion.

Eolian Jurisdictional request to the Site Evaluation Committee (SEC) – Planning Board action?

A draft petition to be presented to the SEC had been reviewed by the Town Administrator. (Attached)

Mr. Levesque brought forward a draft petition to the Site evaluation Committee to grant the Antrim Planning Board Intervener status relative to a petition put forth by Antrim Wind Energy LLC asking that the SEC take jurisdiction over their proposed wind project in Antrim.

This petition to SEC had been reviewed by the Town Administrator.

A memo from the Town Administrator with advice from Town Counsel stated that the Board of Selectmen was the governing body for the Town of Antrim and that the Planning Board could not be granted intervener status. (Attached)

—Mr. Levesque moved to adopt the *draft* petition. Mr. Lazar seconded.

The Board discussed the following:

- The petition drafted by Mr. Levesque should be adopted.
- A full discussion should occur.
- The Town Administrator's information was incorrect.
- Town Counsel is incorrect.
- It would be proper for the Planning Board to intervene
- A former NH court decision said that only the governing body of Town can intervene
- SEC - Chapters 100 (Organization) and 200 (Practice and Procedure) were quoted from and suggested as important reference documents
- When considering legal matters, the importance of the question asked, as well as the response given was stressed
- The Planning Board has equal standing. The SEC can make the decisions. There is no hierarchy among interveners.
- The Planning Board can request to intervene and the SEC will decide who will intervene.
- If the Planning Board became an intervener, the Board would receive all the paperwork including the legal documentation. The Planning Board's interest is to be fully informed, and to be part of the process.
- Individuals could intervene
- The Board of Selectmen's information stated that the Planning Board can not intervene
- Receiving the SEC paperwork is very important

- The motion should be tabled until Town Counsel can be consulted
- Time would be too short – necessity to file by April 15
- The possibility of a special meeting
- The Planning Board should petition as an intervener – if wrong the SEC would throw it out

The motion had been made and seconded to adopt the draft petition and send it to the SEC.

**Roll call vote:** Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, no; Mr. Dubois, yes; Mr. Robblee, no; Mr. Robertson, no. **Motion passes**

The discussion continued – some of what was said:

- Legal opinions should be written
- There would be no negative consequences to the submission of the petition – if it is not proper, the SEC will deny it
- More information was needed on what will happen further down the road.

Ms. Pinello motioned that the Board of Selectmen would work with the Town Counsel to provide written copies of the questions and the responses.

- Numerous comments concerning legal counsel and that the Planning Board may need representation by other legal counsel
- Town Counsel represents the Town of Antrim and not just the Board of Selectmen
- Possibly Town Counsel should be asked for the first response, LGC for another
- Too many lawyers could be costly

Mr. Burnside seconded Ms. Pinello's motion.

**Roll call vote:** Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, yes; Mr. Dubois, yes; Mr. Robblee, yes; Mr. Robertson, yes. **Motion passes.**

Mr. Burnside moved that if there is a tie vote regarding the interpretation of any legal counsel, a second opinion should be sought.

A short discussion occurred.

Mr. Burnside withdrew his motion.  
The Board continued to discuss legal matters and how questions should be handled.

Mr. Lazar motioned that the question be asked of the legal department of the Local Government Center.  
Mr. Burnside seconded.

**Roll call vote:** Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, yes; Mr. Dubois, yes; Mr. Robblee, yes; Mr. Robertson, yes. **Motion passes.**

Mr. Levesque stated that Step 1 was done. He said that he disagreed with the Board of Selectmen and that testimony should be provided to the SEC of why jurisdiction should not be granted in the case of the Antrim wind Energy petition.

Mr. Levesque moved that a letter should be sent to the SEC under the Planning Board Chair's signature, objecting to the petition by Antrim Wind Energy asking the SEC to take jurisdiction over what is not yet a proposed project in Antrim. The Motion was Seconded by Mr. Dubois.

Mr. Levesque stated reasons that should be stated in the letter:



- Local control is preferred
- Planning Board has legal authority under statute to take on this kind of project
- The TOA has a Master Plan and Open Space Plan that speak to the project
- The TOA has Planning Department staff
- The TOA has been working on wind power for the last year
- The SEC should not take jurisdiction – should be local control and the project should go through the Site Plan Review process.

The Board discussed Mr. Levesque's proposed letter:

- Some Board members thought that the SEC would work with TOA
- The TOA has had a long history of Zoning
- The SEC jurisdiction causes concern because their authority preempts local concerns
- The Planning Board should come forth and work toward an ordinance. A delay should be requested – so that the community's role will not be eliminated – maybe the SEC will play a role but not now.
- Questions of whether it would be an allowed use, a special exception – more clarity needed
- Local control overlay and an overlay district a possibility
- The ad hoc committee will complete the ordinance within 6 months and would expect the Board of Selectmen to respond within 3 months
- Noticing needed to be added to the time frame
- The ordinance should not be so restrictive that an applicant can't work within it

Mr. Dubois suggested that the Planning Board ask SEC to delay deliberation on acceptance of jurisdiction of the Antrim Wind energy project until there is legislative body vote on an ordinance.

Mr. Levesque accepted this friendly amendment to his original Motion so that the Motion now read: that a letter should be sent to the SEC by the PB under the Planning Board Chair's signature objecting to the petition by Antrim Wind Energy at this time and asking the SEC to delay its deliberation relative to taking jurisdiction over what is not yet a proposed project in Antrim. until the Antrim Planning Board has developed an ordinance for consideration by the legislative body.

Mr. Dubois who seconded the original motion, agreed with this change.

Roll call vote: Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, no; Mr. Dubois, yes; Mr. Robblee, no; Mr. Robertson, abstain.

Mr. Levesque will draft the letter to the SEC and it should be sent by email to the Planning Board members, for review and comments.

*Wind Energy Facility Ordinance – Discuss mechanics of creation, responsibilities and schedule*

Ms. Pinello moved:

The Antrim Planning Board will name a nine-member ad hoc committee to oversee the investigation of, and to make recommendations for, comprehensive oversight procedures concerning industrial wind- energy generating facilities within the Town of Antrim.

The committee's work *may* include the development of procedures, zoning overlay plans and criteria, the development of zoning district boundaries, detailed site-plan review regulations for wind energy, and suggestions for matters that might be covered by letters of agreement between the Town and a wind-energy developer, including recommendations for project escrow accounts and performance bonds.

The recommendations of the ad hoc committee, which should include at least four Antrim Planning Board members, and four community members, and a member of the Board of Selectmen will be forwarded to the full

Planning Board for review and implementation within six months of the committee's creation.

The Antrim Planning Board will deliver a final report, including its recommendations and any proposed changes to the Antrim Planning Board procedures, Zoning Ordinance or site plan regulations, to the Antrim Board of Selectmen within three months of receiving the ad hoc committee's report.

Mr. Levesque seconded.

**Roll call vote:** Mr. Levesque, yes; Mr. Lazar, yes; Ms. Pinello, yes; Mr. Burnside, yes; Mr. Dubois, yes; Mr. Robblee, yes; Mr. Robertson, yes. **Motion passes**

Robert's Rules of board procedure and operation in public meetings

Mr. Levesque had a handout of Parliamentary Rules of Procedure, excerpted from Robert's Rules of Order, 10<sup>th</sup> edition. He said that it was easy to read language and thought it could be helpful. (Attached)

Mr. Levesque motioned to adopt the handout as part of the by-laws.

Ms. Pinello seconded.

Mr. Lazar moved to table the decision until the next meeting. Mr. Robertson seconded. All yeases to table until the next meeting.

Lempster Wind Tower site visit- CANCELLED for Saturday, April 16 - Date TBD

Mr. Genest suggested a trip in early May

Community Supper - April 21 - Town Hall sponsored (all Boards can be involved) - Soups, chilis, salads - Mr. Robblee moved that the Planning Board assist.

**Correspondence & Communications:**

- Planning Board Roster
- Planning Department Hours of operation & contact info\*
- Land Use Board Organization and Procedure Guide - Atty Donovan - FYI
- SPNHF Statement on Northern Pass Project - FYI
- Southwest Region Energy Gathering - April 28<sup>th</sup> - Railroad - Square Keene - FYI
- OEP Planning & Zoning Conference - Saturday, June 11<sup>th</sup> - Manchester - Reg begins 15<sup>th</sup>
- New England Wind Energy Education Project Conference/Workshop Tuesday, June 7<sup>th</sup> (see flyer)
- Citizen Planner Collaborative Event - Information Sheet

9:20 pm, Mr. Burnside motioned to adjourn. Mr. Dubois seconded. All yes to adjourn.

Respectfully submitted, Diane Chauncey, Secretary of the Planning Board

**Town of Antrim, NH** P.O. Box 517, 66 Main Street Antrim, NH 03440  
Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm  
**Virtual Town Hall Website**



# Town of Antrim

## NEW HAMPSHIRE



# Zoning Board of Adjustment Minutes

## 07/28/09

[Printer-Friendly Version](#)

### ANTRIM ZONING BOARD OF ADJUSTMENT

July 28, 2009 Meeting

**Members & Staff Present:** Diane Chauncey (Staff)      Doug Crafts (Member)  
 Ron Haggett (Member)      John Kendall (Chair)      Peter Moore (Planner)  
 Frank Scales (Member)

**Members & Staff Absent:** Don Winchester (Alternate)  
 John Giffin (Member)

**Public Attendees:**

Shelly Nelkens (resident)	Bonnie DuBrino (resident)	
Michael Pon (Villager)	Travis Bullard (Eolian)	Marshall Gale (resident)
Ben Pratt (resident)	Ellen Druan (Abutter)	Jack Kenworthy (Eolian)
John Soininen (Eolian)	Annie Law (Resident)	Steve Sawyer (resident)
Elsa Voelker (resident)	Doug Stone (resident)	Laurie Bryan (Harris Center)
Drew Kenworthy (Eolian)	Richard Block (resident)	Loranne Carey Block (resident)
Connie Vandervort (resident)	Peter Beblowski (resident)	
Barbara Berwick (Abutter)	Robert Cleland (resident)	

**7:00 pm Review Session:**

Review materials for Antrim Energy LLC and July 14, 2009 minutes.

**7:15 pm Public Meeting:**

**Area Variance request by Antrim Wind Energy LLC for the height of a meteorological tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District.**

Chair Kendall opened the Public Meeting at 7:16 pm and introduced the Board members. Chair Kendall explained the meeting procedure. The applicant would present their proposal. The Board may ask questions. The Public Hearing would be opened and all those in favor of the proposal or not in favor of the proposal would be given an opportunity to speak. The time for each speaker would be limited to 5 minutes. The attendees would address *only* issues involved with the meteorological tower. Chair Kendall explained that the Board had four voting members not five members and gave the applicant the opportunity to defer the meeting to another night. Eolian would proceed with four members.

Chair Kendall asked Mr. Moore to read the Public Notice:

Notice is hereby given that a public hearing will be held at 7:15 P.M., Tuesday, July 28, 2009 at the Antrim Town Hall concerning a request by Antrim Wind Energy, LLC for an area variance from Article XIV-D, Section D.1.b. (...In no situation shall the tower exceed 150 feet) to permit the construction of a meteorological tower on property located at 354 Keene Road (Tax Map 212, Lot 30) in Antrim, NH 03440, located in the Rural Conservation District. The applicant proposes to erect a 60 meter (197 feet-8.25 inches) tower to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system. You are invited to appear in person or by agent or counsel to state reasons why you think this request should or should not be granted. Written concerns should be submitted to the Antrim Town Office prior to the meeting. The application and supporting documents are available for review at the Antrim Town Offices Monday through Thursday 8:00 A.M. to 4:00 P.M. Diane Chauncey, Planning Assistant, Antrim Zoning Board of Adjustment. The notice had been posted in the Ledger on July 14, 2009. One letter – Clark Craig read by Mr. Moore. Two Phone calls – Ellen Druan who objected and also brought in a letter and information from the website concerning wind farms. Mr. Moore read the letter (which is available for viewing at the Town Hall, Monday – Thursday, 8 -4).

MEP Exh D - 92

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site     This Folder  
   
[Advanced Search](#)



Chair Kendall asked the applicant to present their proposal for the area variance for height of a meteorological tower on Tuttle Hill.

Mr. Kenworthy presented a PowerPoint presentation which covered the following points:

Antrim Wind Energy LLC

- Project entity established for a potential wind project
- Wholly owned subsidiary of Eolian Renewable Energy, LLC
- Using standard industry practices

Application to ZBA

- Request for an area variance from Article XIV-D, Section D.1.b.
- Proposed to erect a 60 meter (197 feet-8.25 inches) meteorological tower to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system.
- No further development under consideration

Met Tower Characteristics

- Less than 200 feet
- No lighting required (following FAA standards)
- No foundation and no new access road required
- Silent
- 12" diameter tubular tower with guy wires to single anchor radius
- Tower height is required to measure wind velocity at optimal elevation
- All materials for tower can be transported in on a 4-wheeler
- Temporary – maximum 3 years, 2 years estimated

Proposed Location

- Topographical map of general location – dot represents tower location
- Second topographical map – showed area zoomed in

Schematic

- actually clearer in hard copy packet

Met Tower Installations

- Three photos - tower itself, anchor, picture of tower laying flat
- Comes as a kit, carry in, carry out, can be used again

Opportunities for Further Discussion

- Eolian Renewable Energy LLC is available to discuss all questions surrounding their Company, wind energy development model, and any potential future project in Antrim by phone or in person

Chair Kendall asked the Board if they had *questions* for the applicant. The following are some of the *questions* that were asked.

*How long had Eolian had been in business and had the company successfully constructed a project?*

Mr. Jack Kenworthy said that Eolian presently had seven projects ongoing. The Antrim project would be the first of the seven. The company has had experience in towers. They are a private company.

*How would the towers be anchored and stabilized?*

Mr. Jack Kenworthy explained that the towers are stabilized by guy wires.

*What would occur with the data collected by the met tower?*

Mr. Jack Kenworthy said that their company wished to build and operate their own projects and that they considered their models as a community scale wind – not a mega project. They wanted to make power close to where it will be used. He continued that collection of wind data is necessary for a preliminary analysis to determine economic viability. Many studies would need to be completed (avian, wildlife, environmental impact, permitting, off-taker for the power, etc.)

*Would the applicant need to find capital?*

Mr. Jack Kenworthy said that capital was needed.

Chair Kendall expressed his concern that there was a lot of curiosity about the Wind Farm, and that there were many questions, but that the Board and public attendees should not be side tracked by wind energy.

*A question was asked concerning the meteorological tower's elevation. Was it above the average tree canopy?*

Mr. Jack Kenworthy said that it was above the average tree canopy (mixed spruce and hemlock)

*Was there any tree clearing needed?*

Some selective clearing would occur. The tower will be assembled on the ground, but will need paths for construction – ultimately there would be a series of paths.

*How is the data recorded?*

Mr. Jack Kenworthy said that there are twelve separate sensors: anemometers at various levels, temperature and humidity sensors, etc. All the information is transmitted to a collector (which is a solar driven system) that will deploy the information to a satellite.

*How crucial is it to have the met tower at the requested height?*

Mr. Jack Kenworthy said the banks control data requirement and that Eolian had to determine the variability of the incoming data. It was not just velocity, but also, a function of shear, which decreases the amount of air and gives better predictions. Sixty meters is the minimum height to gather such data.

*What about the FAA lighting requirements and the height of the tower?*

Mr. Jack Kenworthy said that any tower that constructed at a greater height than 200 feet would require lighting and a greater base.

Mr. Soininen said that the collected information determines the correct turbine for the area.

#### **Public Hearing :**

Chair Kendall opened the public hearing portion of the meeting, *questions were asked* by public attendees as well as Board members.

#### **Abutters in favor:**

**Barbara Berwick 72 Reed Carr Road** *Mrs. Berwick had no problem with the proposal but was interested in where the tower would be situated and did Eolian have a tie-in with Lempster?*

Mr. Jack Kenworthy showed the location of the meteorological tower on Tuttle Hill on the Town of Antrim map and on a topographical map.

#### **Abutters not in favor:**

**Bonnie Dubrino-398 Keene Road** *She wanted to know how the company planned 'to get there' (to the top of Tuttle Hill), and what protection would there be for moose and her horses. She also read the definition of Rural Conservation District from the Antrim Zoning Ordinance.*

Mr. Bullard explained that there is a visible plastic cover on the guy wires with visible flags up to 8 feet, but that it could be higher if requested.

*What was the outer diameter of the guy wires?*

Mr. Jack Kenworthy said that the completed area would be a 200' diameter circle, and that area would not be fully cleared.

*Chair Kendall asked how high up the yellow markers would be placed and if a fence needed to be constructed around the perimeter of the meteorological tower.*

Mr. Bullard said that the flags would be placed 16' up the wires, and that a fence is not usually needed on a met tower.

**Ellen Druan - Keene Road**, *She has researched lots of information on wind farms and feels that they can be a serious problem and that the college boys should not be allowed to experiment on anyone's property. She is totally against the wind farms and wanted to voice her objection. The wind farms would be a danger to the community. Eolian should look at the abutters – there are many of them.*

#### **In favor :**

**Steve Sawyer – 7 Gregg Lake Drive** (seasonal) *Global Wind Energy Council – Belgium said that wind energy is the fastest growing energy source in the world. Seventy five countries have wind farms – 40 states in the United States have wind farms. He summarized by saying that the potential wind farm would be a wonderful project for the Town of Antrim and wishes Eolian the best of luck. He offered assistance to the Town with his knowledge and pointed out that one of the top engineering companies in wind turbine technology is based in Peterborough.*

Not in favor:

**Shelly Nelkens- 11 North Main Street**, asked for a definition of "fatal flaw analysis".

Mr. Jack Kenworthy said that fatal flaw analysis is a process by which an investigative analysis would be applied to various aspects of the project in order to determine the viability of continuing with the project. Some of the aspects that would be investigated could be endangered species, migratory birds, conservation land, access issues (too difficult or too expensive), etc. – any constraints that would put up a red flag. As far as the impact of the met tower is concerned, Eolian has been working with DES (Tim Drew), and that determinations would be made from site walks and existing literature concerning the Tuttle Hill area. If the development were to go forward, there would be a 'full blown' impact study.

**Shelly Nelkens** stated that there should be a minimum impact study. The Board needs more information.

**Peter Beblowski –318 Smith Road** had questions concerning the diameter of the guy wires and the ice load capability, considering the serious ice storms experienced in Antrim.

Mr. Jack Kenworthy said that there were 1/4" multiple wires, which would attach to four anchors. The wires with ice load were rated to withstand wind up to 150 mph. The tower is very heavy duty, made by a Vermont company who understands strong winter storms.

**Peter Beblowski** compared the tower to a mast on a sailboat. He questioned the wildlife moving through the area; and the erection of the tower, the tracked vehicle, and large equipment necessary to construct the tower.

Mr. Jack Kenworthy said that there would be zero impact on wildlife. There would be no foundation. A 4-wheeler could carry in the material and the guy wires would be put in place with a rotary drill.

**Loranne Block - 63 Loveren Mill Road** told how she lived directly across from Tuttle Hill and would need to look at the tower every day. She had tree canopy questions and did not understand that if the Antrim Zoning Ordinance said no higher than 35 feet above the tree canopy and no tower higher than 150 feet - how could a tower be allowed. She felt that the tower was inappropriate in any portion of Antrim. She submitted her letter to the Board to document her concerns for the proposed project.

Chair Kendall asked The Eolian group if it were possible for people to climb on the tower, and would insurance be in place.

Mr. Kenworthy said that there would be signage to prohibit climbing, but that the pole is a monopole that would not be easy to climb. Insurance would be in place.

Mr. Haggett asked if the tower should fail (or fall down) would Eolian realize it?

Mr. Jack Kenworthy said that the data created by the sensors would be sent to the satellite every day – should the information not be received – Eolian would recognize a problem.

**Marshall Gale - 286 Keene Road** (& Forest Fire Warden – Antrim Fire Department)- Mr. Gale is concerned about the height of the met tower, that the tree canopy is short, and as a resident, he would urge the Board to vote no.

**Richard Block- 63 Loveren Mill Road** – Mr. Block had a letter and an information packet to present to the Board as information that he wanted the Board to read and understand. Mr. Block felt that the company presenting the application had solely intended to pave the way for a large wind farm. His letter to the Board explains that (in his opinion as a Professor of Communications with 40 years of experience in marketing and advertising )that the information presented by Eolian's installation of wind turbines on Tuttle Hill "to be ludicrous misrepresentations of what this industrial complex would really look like". Mr. Block also had a personal letter from Dr. Nina Pierpont, MD, Ph.D. which concerned the Wind Turbine Syndrome (her letter to the Blocks is available at Town Hall, Monday – Thursday, 8am – 4pm) Mr. Block presented his material to the ZBA and the public. The material is available for viewing at the Town Hall, 8-4, Monday – Thursday.

Chair Kendall recognized the information from Mr. Block as information for the Wind Farm discussion but not for the meteorological tower. He asked for further discussion on the met tower.

**Elsa Volka -97 Old Pound Road** – Ms. Volka was annoyed with the way NH "makes pin cushions out of its mountains". She said that in European countries, the wind turbines are placed much lower in fields of crops with no people around.

MEP Exh D - 95

Chair Kendall reminded the Public Attendees that the discussion concerned the meteorological tower.

**Ellen Druan** – Ms. Druan wanted said that she felt the wind farm was not safe.

**Shelly Nelkens** Ms. Nelkens did not like the compartmentalization of the meeting. She did not like the “not having to talk about the wind towers”.

Chair Kendall reiterated that the Board was trying to determine information concerning the met tower and not what will occur ‘down the road’. The Board would try to determine the impact of this tower on this site, and not to determine the wind farm.

Chair Kendall asks if any others would like to speak:

**Doug Stone, 334 Keene Road-** *As a resident of Keene Road, Mr. Stone was concerned about the value of his property. He questioned, “Who would buy a place on Keene Rd. if a wind tower was part of the scenic view?”*

Mr. Jack Kenworthy said, “if you can see Tuttle Hill, you will see the tower.” The impact to property values is not known, but Eolian feels that the met tower should not have an impact on homes.

**Ellen Druan** - *Ms. Druan said that she had been buying property for a long time and paying property taxes. She has bought “lovely homes, but then growth occurs, so she would sell and move to another home. Mrs. Druan then moved to a peaceful place like Antrim and the last thing she wanted was to have wind towers.*

Chair Kendall said that he would need to talk with Town Counsel about some of the issues that had been raised.

**Annie Law - 43 Farmstead Road** Ms. Law told how she enjoyed waking each morning to the view of Tuttle Mountain and does not want to see any structures on Tuttle Mountain.

Chair Kendall asked if there were any further comments from the Public Attendees. The Board then discussed the proposed meteorological tower. The following are some of the issues they discussed:

- Maximum height of the tower
- the variance for height of the tower
- information concerning wind farms does not apply to this proposal.
- must meet engineering standards
- Possible benefit of a site walk

The Board determined that a site walk should occur. Chair Kendall asked Mr. Kenworthy if they would secure permission from the landowner and flag the tower site. Mr. Haggett moved to continue the Public Hearing to August 11, 2009 at 5:00pm at the Town Hall. Mr. Crafts seconded it and it was approved.

Details for the continued public meeting:

August 11 (rain date August 12), 5:00pm, meet at Town Hall, proceed to Tuttle Hill  
August 18 – Public Meeting continued 7:15pm

MEP Exh D - 96



**Business Meeting:**

Approve July 14, 2009 minutes - Mr. Haggett moved to approve the minutes as amended. Mr. Crafts seconded the motion and the minutes were approved by all.

Notice of Decisions The Special Exception and Variance Decisions which came out of the New Cingular application for the proposed cell tower were reviewed by the Board.

At 9:30 pm, Mr. Haggett moved to adjourn the Public Meeting. It was seconded by Mr. Crafts, and approved.

Respectfully submitted,

Diane M. Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH** P.O. Box 517, 66 Main Street Antrim, NH 03440  
Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 08/11/09

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site  This Folder

[Advanced Search](#)



#### ANTRIM ZONING BOARD OF ADJUSTMENT

Site Walk - Tuttle Hill  
August 11, 2009 Meeting

**Members & Staff Present:** Diane Chauncey (Staff) Doug Crafts (Member)  
Ron Haggett (Member) John Giffin (Member) John Kendall (Chair)  
Peter Moore (Planner) Frank Scales (Member -Town Hall,  
only)

**Members & Staff Absent:** Don Winchester (Alternate)

**Public Attendees:** Annie Law (Resident) Robert Cleland (Resident)  
Gordon Webber (Selectmen) Ellen Druan (Abutter) Richard Block (Resident)  
Michael Pon (*The Villager*)  
Drew Kenworthy (Eolian Renewable Energy, LLC)  
John Soininen (Eolian Renewable Energy, LLC)  
Peter Beblowski (Resident, Chair of Con Com)

#### **Business Meeting:**

Approve meeting minutes of July 28, 2009 Mr. Haggett moved to approve the minutes of July 28, 2009 as amended. Mr. Scales seconded the motion and the minutes were approved.

**Weather:** Hot, humid, partly cloudy, buggy

#### **5:00 Meet at Town Hall for continued Public Meeting:**

Continued Public Meeting for an Area Variance request by Antrim Wind Energy LLC for the height of a meteorological tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District. Site walk – hike to height of land on Tuttle Hill to view proposed meteorological tower site.

Carpool to 354 Keene Road and then proceed up a well-marked trail - muddy, wet, and steep in places. At the location of the proposed meteorological tower (the top of Tuttle Hill), Mr. Kenworthy explained the construction of the tower, its placement, and the location of the pegs that will anchor the guy wires. After Mr. Kenworthy and Mr. Soininen answered questions from the group, the participants traveled back to the bottom. The meeting will be continued August 18, 2009 at 7:00 pm in the Town Hall.

At 7:15 pm, Mr. Haggett moved to adjourn the Public Meeting. It was seconded by Mr. Crafts, and approved.

Respectfully submitted,  
Diane M. Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment



# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes 08/19/09

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site
  This Folder

[Advanced Search](#)



### ANTRIM ZONING BOARD OF ADJUSTMENT August 18, 2009 Meeting

Members & Staff Present: Diane Chauncey (Staff) Doug Crafts (Member)  
Ron Haggett (Member) John Giffin (Member) John Kendall (Chair)  
Peter Moore (Planner) Frank Scales (Member)

Members & Staff Absent: Don Winchester (Alternate)

Public Attendees:

Annie Law (Resident )	Robert Cleland (Resident)	Amy Zaluki- Stone (Resident)
Richard Block (Resident)	Shelly Nelkens (Resident)	Bonnie Dubrino (Resident)
Ellen Druan (Abutter)	Brenda Schaefer (Resident)	Steve Noble (Resident)
Michael Pon (The Villager)	Gordon Webber (Selectman)	Ben Pratt (Resident)
Loranne Block (Resident)	Janice Longgood (Resident)	Josh Bond (Ledger/Transcript)
Sarah Gorman (Resident)	Andy Robblee (Resident/PB)	
John Soininen (Eolian Renewable Energy, LLC)		
Jack Kenworthy (Eolian Renewable Energy, LLC)		
Gordon Webber (Resident/Selectmen)		

7:00 Continued Public Meeting #2009-02ZBA Variance Request for a Height Variance:

All information submitted to the ZBA Members is available at Town Hall. The information is summarized in the minutes but can be read in its entirety at the Town Hall.

Continued Public Meeting for an Area Variance request by Antrim Wind Energy, LLC for the height of a meteorological (met) tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District. Chair Kendall opened the meeting at 7:14pm, introduced himself and the other Board members. There was a five-person board. Chair Kendall stressed that this evening's meeting concerned a height variance for a temporary meteorological tower and that was the only subject to be discussed. Chair Kendall asked if there were any new information. Mrs. Chauncey read two letters that had been received on August 18, 2009. One letter (letter on file) was from Peter Bean, son of Charles Bean, owner of Antrim Realty Trust - an 884-acre property abutting Lot 30 (many residents know the area because they have traveled the "Hattie Brown Road"). The letter stated support of the Antrim Wind Energy LLC Project. The second letter was from Michael H.J. Ott, owner of 354 Keene Road. He stated in his letter (letter on file) that although he wished to participate in the meeting, his work schedule did not allow it, and that he fully supported the proposed met tower on his property.

Jack Kenworthy (CEO Eolian Renewable Energy LLC) presented FAA certification that stated that no lighting is necessary for a 60-meter tower.

Mr. Kenworthy continued with a summary of Antrim Wind Energy LLC's position. He thanked all who had hiked the met tower site. Mr. Kenworthy expressed the fact that he understood the concern of some of the abutters and he had a committed effort to directly contact all abutters and listened to their concerns. He has an extensive background and information in the alternative energy world. It is his effort to be as transparent as possible with the people attending the meeting but he would request that at this time only the met tower should be addressed and nothing else.

MEP Exh D - 99

Mr. Kenworthy stated the following facts:

Eolian represented the property owner  
Variance height request for 60 meters  
The structure is a temporary tower  
There will be no noise, no light  
The structure will be removed after use  
The only road will be an existing 4-wheeler road  
The guy wires will have a color - to be visible  
Department of Environmental Services is not involved and requires no additional permits  
The tower will have no pegs (not easy to climb)  
There will be a large setback  
The installation is on private property  
Met Towers are allowed uses in areas zoned Rural Conservation  
There are no health risks  
Eolian has supplied plans for the proposed met tower - well tested and widely used  
The met tower to be installed is an industry standard

The Site Walk on Tuttle Hill on Ott's Land (Map212 Lot 30) in the western portion of the Town of Antrim - the proposed site for the Met Tower - had occurred a week previous to the 8/18/2009 meeting. The Planning Department Staff had taken pictures of the event and a short video was shown (in which Drew Kenworthy explained the construction of the Met Tower). The presentation intended to give the non-participants of the site walk - the flavor of the Met Tower site, the surrounding area, and to hear some of the questions presented to the Antrim Wind Energy LLC representatives.

Public Hearing:

The Public Attendees were asked if they had any questions for Jack Kenworthy concerning the construction of the met tower. There were no questions from the public attendees or the Board.

Chair Kendall stated the procedure for the next portion of the Public Hearing. Each speaker would have an opportunity to speak once, state their concerns, and limit the time to five minutes.. The order would be: abutters in favor of the proposal, abutters not in favor of the proposal, others in favor of the proposal, others not in favor of the proposal. Chair Kendall stated that the Area Variance presented is an important variance. It would come down to five people making a decision. The decision would not determine a potential wind turbine farm; the decision would determine the construction of a Met Tower. He further explained that it would be important to understand that the variance would be strictly a height variance for a Met Tower, and if the data were to prove an ideal location for a Wind Farm, there would be intense scrutiny of the potential wind farm. The height variance is for a single tower on top of a hill.

Chair Kendall asked if there were any abutters in favor of the proposal who would like to speak:

Ellen Druan , Keene Road -The town can be sued for the damage being done. Big birds are being killed. The Wind Turbines are a dangerous, communist thing that the town can not take lightly. Ms. Druan submitted handouts to the Board and the attendees. The handouts (on file) gave information about birds affected by wind turbines and that a town may be sued because it allows a wind farm to be constructed.

Chair Kendall thanked Ms. Druan for her comments and informational handouts and agreed that there was much information to absorb, but asked again if there were any in favor of the proposal for a Met tower who would wish to speak.

Sarah Gorman, 286 Keene Road - Ms. Gorman stated that she lives where she lives for the environment, for the river, for the wildlife, for the natural environment. The North Branch River is an important water shed to the Contoocook River. Zoning laws are in effect to prevent eyesores on top of hills - destroying the view. Ms. Gorman expressed her concerns that the same neighborhood had fought against a nuclear waste dump, a prison, and a cell tower. She said that people will come together and show solidarity in fighting the wind farm. Ms. Gorman felt that the Wind Farm will not help citizens of Antrim. She discussed other alternative energy methods that Antrim had available: (methane from the dairy farm, wood-fired electric facility, etc.). Ms. Gorman stated that greed is the motivation not the environment. She worried about the value of property values and stressed the importance of the environment. Zoning laws are to prevent something like the meteorological tower going up. She stated that she felt the wind turbines would destroy the scenic view and would be "selling out the environment to do it" (put up a wind farm). Ms. Gorman stated that she has been a resident of North Branch for 27 years, is part Native American, and the top of Tuttle Hill is sacred.

Chair Kendall asked if there were any who would like to speak in favor of the proposal:

MEP Exh D - 100

Ben Pratt, 64 Littles Lane - Mr. Pratt hoped that the variance would be approved. The proposed structure is a temporary structure of minimal environmental impact. It will gather a great deal of useful data - no matter what happens because of the data - it will be useful - barometric, humidity, temperature, wind velocity, wind shear, wind currents pressure variations etc. - all will be added to a body of knowledge that will increase the knowledge of the world we live in. Mr. Pratt did not see a significant downside to the construction of a Met Tower.

Gordon Webber, 19 Old Hancock Road - Mr. Webber said that his family has lived in Antrim since 1965. His parents and brothers support the Met Tower and the possibility of a Wind Farm - we see it as an asset to the town, the country, and the world.

Shelly Nelkens, 11 North Main St, asked if the information would be available to all.

Jack Kenworthy, Antrim Wind Energy, LLC- He said that it would not be generally available - it took much experience to gather the information. The time, effort, knowledge, money, and experience would not be public information but would be shared with the universities, etc.

Chair Kendall asked if there are other met towers in NH. How many have been erected and what kind of data has been accumulated?

Jack Kenworthy - Mr. Kenworthy stated that the information is not easily accessed. Much of it involves business trade information. The Dept of Environmental Services is not involved in the permitting process. The Met Tower is geared toward wind energy assessments and weather models. The Met Tower will gather for the specific area and is not standard weather information.

Shelly Nelkens - She said that if she realized that a Met Tower is going up, she would not buy land in that town because a Met Tower means the possibility of a wind farm.

Chair Kendall - The discussion is limited to the Met Tower and the height variance.

Shelly Nelkens - The variance - "there is no necessity for it in and of itself " Ms. Nelkens stated that the Met tower is tied into the Wind Farm and she is not sure how the Board can get around that fact.

Chair Kendall agreed that the Board does have to vote on a height variance and that the Board has been appointed by the Selectmen and the Board should be relied upon to make a good decision for the town.

Sarah Gorman felt that the Board may be setting a precedent by allowing the Met Tower and that the Board represents the people. Some people may have to look at the Wind Farm every day.

Chair Kendall explained that the Board reviews all information and makes a decision based on that information. The Town should have faith in the Board.

Steven Noble , 146 Pierce Lake Road - Mr. Noble would like to go on record that he is in favor of the study (data collection by the Met Tower). He wanted to find out if the Town of Antrim could get a lower kilowatt rate because a wind farm is located in its borders. He stated that the Met Tower does not mean that a Wind Farm will be constructed within the town; that will not be known until the data is collected. Mr. Noble had been in the fuel oil business for 30 years and realizes that there is a need to find another means of fueling the country. The Met Tower is just trying to find information. He agreed with Ben Pratt that the data collection is necessary.

Janis Longgood, 156 Salmon Brook Road - She stated that she had lived in Antrim on her property for 25 years. Ms. Longgood felt that making an exception on Rural Conservation land would be traveling down a slippery slope. The Rural Conservation land is the wildest area in Antrim. A cell tower or multiple family housing is not allowed in the Rural Conservation District. She had been thinking about placing her land in conservation but not if this should happen. She enjoyed the area for the wildlife, bats, hawks, etc. She stated that she would not want to live here (with a wind farm), and instead of seeing hawks, she may look at wind turbines, and felt that it would ruin the entire town, and wanted to go on record she did not agree with the met tower variance.

Sarah Gorman said that the Met Tower opens the door for future and agreed with Ms. Longgood's 'slippery slope' statement. She called the construction of the Met Tower 'destruction not construction'.

Bonnie Dubrino, 398 Keene Road said that she had read in the Zoning Ordinance that a structure was to be no higher than thirty-five feet and in another section - that under no circumstances was a tower to be higher than one-hundred-fifty feet. So she did not understand how the 60-meter Met Tower could be allowed.

Mr. Haggett stated that the height variance is for a 60-meter Met Tower, and that the ZBA has the authority to adjust the zoning ordinance.

Chair Kendall explained that the Met Tower did fit into the regulations stated in the Zoning Ordinance and that was the reason for the relief from the Zoning Ordinance - the height variance request. He further stated that after the cell tower proposal, he can not imagine what it would be like for a wind farm proposal, and that he will want to hear from all to help make an appropriate decision.

Bonnie Dubrino -She had gone to a realtor and the realtor had said that she should not place her property on the market.

Mr. Crafts said that no one can predict the future. He did not know what would happen with property values and that we all would need to wait for the results. He said that no one knew what would happen in three years.

Chair Kendall, after some disruption, repeated that only one person will speak at a time.

Bonnie Dubrino said that she can not wait three years (to sell her home), and she felt that she was waiting the ZBA's decision.

Loranne Carey Block, 63 Loveren Mill Road - petition for the board under category of 'public interest' 66 signatures - would like the board to note that the signatures are people who live in the area and are directly related to the area. (petition on file at Town Hall)

Shelley Nelkens felt that the ZBA was looking at the Zoning Ordinance incorrectly. The Met Tower should not be constructed above 150', and it is clearly written and does not understand how it can be looked at differently when the phrase 'under no circumstances' is used.

Mr. Haggett said that the Met Tower does not meet the Zoning Ordinance requirements and that is the reason for requesting a variance.

Mr. Moore said that the Small Wind Ordinance was chosen because it addressed Met Towers. The Planning Staff, the ZBA, Town Counsel, and advice from the Local Government Center determined that it was the best ordinance to go with. Provisions are built within the ordinance for a temporary structure. Antrim Wind Energy could have asked for a variance under Rural Conservation District which allows Public Utilities as a principal use and the Met Tower as an accessory to the principal use. Mr. Moore read the definition for a Public Utility as defined by RSA 362:2 (attached).

Richard Block, 63 Loveren Mill Road - Mr. Block read a letter submitted to the Board (letter on file at the Town Hall). He stated that the request for a variance be declared invalid. These are some of the important points:

- " Spirit of the Ordinance violated - can not change the ordinance 5 specific criteria
- " Read letter about negative impact on property and uncertainty
- " Paul Hardwick letter (realtor in Antrim) expressed concern about met tower and possible negative impact on resale value of properties in area
- " Quotes from Boccia legal decision
- " Criteria not addressed particularly criteria 4 and 5

Chair Kendall attempted to stop Mr. Block but he continued with his summary, and what he felt was the short coming of the application.

John Soininen said that information presented by Mr. Block was subjective and incorrect; that it was not facts but opinions.

Robert Cleland, 43 Farmstead Rd - Mr. Cleland stated that he felt that wildlife would be destroyed, and that property would be devalued.

Ellen Druan She said that she is not trying to be mean - elderly members of board, could do whatever they want, can do what they want, not Germany, concerns many towns, only a handful of people here, need the whole town and surrounding towns to know about it, all taxpayers in town should know about it

Janis Longgood - did not find any information about the Public Meeting on the website.

Chair Kendall said that maybe better communication was needed.

Brenda Schaefer, 47 Salmon Brook Road had bought her property in order to live in the Rural Conservation District and she agreed with other opposing residents and that it is a slippery slope and would like to go on record that she is opposed to the Met Tower.

Chair Kendall had thought that the Public Hearing would have gone a little smoother. He chose not close the Public Hearing - there was too much information to absorb. He did want to make one point -factual evidence was needed to make decisions, not just opinions.

Shelly Nelkens asked if opinions of the people in the area did not matter?

Sarah Gorman said that the ZBA member's individual opinion should not matter - they should stand up for the people in the town - do not allow the met tower and make it easier in the future - there will be no wind farm - keep the zoning laws with the intent they were written for or we will secede from the town.

Chair Kendall tried to restore order.

Richard Block said that the application must be considered as presented and it was not presented properly.

Chair Kendall asked if the agents for Antrim Wind Energy, LLC wished to speak.

Jack Kenworthy said that there was obviously a lot of emotional response, a lot of interest in what may happen in the future. The applicant is not requesting a wind farm, but rather requesting a Met Tower. There are many deep and complex areas. The question of how properties are valued - the preponderance of evidence is that wind farms increase the value of the property. All the arguments presented have been future based arguments that are related to the wind farm. The matter at hand is the temporary Met Tower. He disagreed that a Wind Farm would be of no value to the Town of Antrim - it is a sought after form of development because of the tax revenue that is increased - decreasing property taxes ready. He would be willing to discuss the facts.

Chair Kendall closed the Public Hearing, but continued the Public Meeting to September 15, 2009 at 7:15 in the Antrim Town Hall. The Public Meeting does not need to re-noticed (because it has been continued to a date certain) but it will be on the [www.antrimnh.org](http://www.antrimnh.org) website on the Meetings Calendar page.

Business Meeting:

Approve August 11, 2009 minutes (site walk meeting) Mr. Haggett moved that the minutes should be accepted as presented. Mr. Scales seconded the motion and the minutes were approved.

Update on Cell Tower status On September 8, 2009, the ZBA will meet to deliberate (deny or grant) the #2009-01ZBA Appeal application submitted by four abutters.

should sign up on line.

Update - "Flood Insurance Study for the County of Hillsborough, NH, dated September 25, 2009 - updated page for insertion to Article XII - Zoning Ordinance - new handout to replace page XII-1 and XII - 2 in Board member's Zoning Ordinance Manual.  
Any other business No new business

At 9:30 pm, Mr. Haggett moved to adjourn the Public Meeting. It was seconded by Mr. Crafts, and approved.

Respectfully submitted,  
Diane M. Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**





# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 09/15/09

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site
  This Folder

[Advanced Search](#)



#### ANTRIM ZONING BOARD OF ADJUSTMENT September 15, 2009 Meeting

**Members & Staff Present:** Diane Chauncey (Staff)      Doug Crafts (Member)  
 Ron Haggett (Member)      John Giffin (Member)      Peter Moore (Planner)  
 Frank Scales (Member)      Don Winchester (Alternate)

**Members & Staff Absent:**      John Kendall (Chair)

**Public Attendees:**

Annie Law (Resident )      Robert Cleland (Resident)      Richard Block (Resident)  
 Bonnie Dubrino (Resident)      Brenda Schaefer (Resident)      Steve Noble (Resident)  
 Gordon Webber (Selectman)      Ben Pratt (Resident)      Lorraine Carey Block (Resident)  
 Janice Longgood (Resident)      Brendan Block (Resident)      Michael Ott (Applicant)  
 Sarah Gorman (Resident)      Mark Schaefer (Resident)      Maud Cogliano (Resident)  
 James B. Schaefer (Resident)      Karen Walsh (Resident)      Francie Von Mertens (Peterborough)  
 James Hankard (Resident)      Carla Bankwell      Louise Carignan (Resident)  
 Ed Carignan (Resident)      Margaret Warner (Resident)      Sharon Monahan  
 Colleen Giffin (Resident)      Jonas Taub (Resident)      Spencer Garrett (Resident)  
 Doug Stone (Resident)  
 Joel Harrington (The Nature Conservancy)  
 Lyman Gilmore (*The Villager*)  
 Josh Bond (*Ledger/Transcript*)  
 John Soininen (Eolian Renewable Energy)  
 Jack Kenworthy (Eolian Renewable Energy)

**Location: Town Hall (Upstairs)**

**7:00 Continued Public Meeting:**

All information submitted to the ZBA Members is available at Town Hall. The information is summarized in the minutes but can be read in its entirety at the Town Hall and some of the information is on the website.

Continued Public Meeting for an Area Variance request by Antrim Wind Energy, LLC for the height of a meteorological (met) tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District. Vice-Chair Giffin opened the meeting at 7:14pm, introduced himself and the other Board members. Mr. Winchester was appointed to sit for the absent Chair Kendall. Vice-Chair Giffin asked Mr. Moore to read the Public Notice.

**Mr. Moore** read the Public Notice: *Notice is hereby given that a public hearing will be held at 7:15 P.M., Tuesday, July 28, 2009 at the Antrim Town Hall concerning a request by Antrim Wind Energy, LLC for an area variance from Article XIV-D, Section D.1.b. (...In no situation shall the tower exceed 150 feet) to permit the construction of a meteorological tower on property located at 354 Keene Road (Tax Map 212, Lot 30) in Antrim, NH 03440, located in the Rural Conservation District. The applicant proposes to erect a 60 meter (197 feet-8.25 inches) tower to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system.*

**Vice Chair Giffin** stated that the only information to be discussed this evening would concern the Met  
 MEP Exh D - 105

Tower. Eolian Renewable Energy had not been able to respond to the questions and comments of the August 18, 2009 Public Hearing, therefore were given an opportunity to respond to the comments made at the August meeting.

**Mr. Kenworthy** spoke for Antrim Energy, LLC (a subsidiary of Eolian Renewable Energy, LLC). He presented a PowerPoint presentation which expressed some of the following points in "Eolian Renewable Energy (Distributed, Utility Scale, Wind Energy) Presentation":

- Energy and Climate crisis
- Problem is carbon based energy
- Energy source chart which depicted the US Energy flow = 58% of all energy purchased and generated in the US is wasted.
- Electricity Flow – losses are great – 63% is at loss and the preponderance of which is coal
- Us carbon flow graphic – 6 billion tons of CO<sub>2</sub> emissions /year
- Wasted Carbon – 60% of the emissions come from energy production that we get no value for
- Climate Change Threat Graphic – depicts the average air temperature
- Responses to Threat – "Climate Change seen as threat to US Security" – expressed what the changing climate will do
- Clean Energy Ramp-up – Wind and solar energy growth has accelerating drama
- Installed Wind Capacity as of 4/09 map - showing states with wind energy
- Installed US Capacity – graph showing exponential growth curve
- Recent US Energy Capacity Additions – much of which is wind
- Wind Penetration – US very low – 2%
- New England Market demand map – depicted states and their renewable energy target
- NH Energy Supply – pie chart showing supply by fuel type
- NH Carbon Emissions – wind is an appropriate solution
- Statements from leading Conservation groups stating strong support of wind energy

(Audubon, Nature Conservancy, World Wildlife, Sierra Club)

- Tuttle Hill site – 2003 aerial photo – unique location - transmission corridor –proximity to Rt 9

a site that stands out

In summary, an energy supply of wind is leading the way. New Hampshire wants wind power. The proposed site is well suited. Mr. Kenworthy thanked the attendees and turned the presentation to Mr. Soininen.

**Mr. Soininen** said that Mr. Kenworthy had explained (via the presentation) some of the wind concerns that had been expressed by the abutters. Mr. Soininen wanted to discuss the criteria of 60-meter tower. He had a handout that clarified the nature and reasons that the variance request should be granted. The handout was available before the meeting, at the meeting, and on the website.

**Section I:** Further clarification relative to the 5 criteria to be met to grant a variance.

1. The value of surrounding properties will not be diminished because:
  - a. No substantiated evidence that Wind Development reduces local property values and there is little or not statistical analysis that has been done relative to the effect of met tower installation on property values.
  - b. No evidence to support the notion that the height of a met tower affects property value
  - c. No empirical data to support the claim that wind development in NH has or will decrease property values.
2. The variance will not be contrary to the public interest because:
  - a. The need for a stable, secure, reliable source of energy is fundamental to the stability

MEP Exh D - 106

of our economy.

b. Antrim was one 164 towns in NH to adopt the NH Climate Change Resolution

c. Quote from Section IV of Antrim's final draft of the Master Plan

d. According to RSA 362:1-F which states that in the best interest of the public to facilitate the development of renewable energy.

3. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship as follows:

a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property because:

Unique property with 18 different criteria. Some of which are elevation, proximity to electrical transmission lines and access to major state highways.

b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because:

There is no substitute for the empirical data collected from a met tower.

4. Granting the variance would do substantial justice because:

5. The variance is consistent with the spirit of the ordinance because:

**Section II** "Additional Supporting Documentation":

1. NH Case Law supports the issuance of a variance in order to protect property owners' rights.

1.] Uniqueness of the property

2.] Article XIV-D of the Zoning Manual pertains to small wind systems and was identified as the appropriate ordinance to apply for a variance from due to the fact that it deals with the installation of temporary meteorological towers and is an allowed use in all zoning districts where buildings are allowed.

3.] Granting this area variance will not injure public rights. It will benefit the public.

2. RSA 674:33 I(b) eliminates the separate "unnecessary hardship" standard for "area" variances.

3. Section C-1 of Article XIV D of the Antrim Small Wind Ordinance states "Small Wind energy systems and **met towers** are an accessory use permitted in all zoning districts where structures of any sort are allowed.

4. Variance request at hand has no direct correlation to the development of a wind farm on this site or anywhere else in Antrim.

In summary, preventing a landowner from evaluating the potential to develop a renewable energy generation facility on his property could be argued to be an illegal taking of that landowner's rights. He would like to request that the Board review the information and come to a vote this evening.

**Vice-Chair Giffin** said that there would probably not be a vote this evening. He stated that there were many new faces among the Public Attendees and the ZBA would want to hear from all who wanted to speak.

**Vice-Chair Giffin** asked if there were any who would like speak in favor of the application.

Mr. Moore said that there were two documents that had been received that were in favor of the application:

1. **Ben Pratt's** letter, which was read by Ms. Chauncey, stated that

2. Petition submitted by **Mr. Webber** with signatures of 46 residents who were in favor of the variance to allow erection of a Met tower.

**Vice-Chair Giffin** asked if there were any opposed to the application:

The following residents spoke in opposition to the proposal. Some of their points are listed.

**Mark Schaefer 128 Salmon Brook Road (Abutter)**

- Has lived at his home for 25 years
- Has raised four children in this location
- Not against wind energy
- Had bought his land with covenants in the Rural Conservation district
- Rural Conservation is for the town to enjoy
- The site is unique but it is the last wild vestige in Hillsborough County

MEP Exh D - 107

- Once the 8 towers go in, resale values will go down – local realtor said property will diminish
- The RFFP Appraisal info was done in 2003 by a wind lobbying coalition
- This is not Texas – (Eolian) would better off to move operation out west
- Many homes would be affected

**Wes Enman - 16 Pierce Lake Road**

- Is in favor of the met tower and that it needs to be investigated
- The tower should be allowed.

**Janis Longood - 156 Salmon Brook Road**

- Prefaced remarks by saying that she is in favor of alternative energy
- Has thought of conserving her 50 acres

She requested that the town not partner with a company that will not share its collected data  
Should not partner with a company that is here for economical reasons  
Opposed to the met tower

**Sarah Gorman- 286 Keene Road**

- Wind turbines drive animals crazy
- Clean energy – how so- if the top of mountain is blasted off
- It would take a million pounds of dynamite to build the towers
- Not an appropriate site
- The ZBA is charged to uphold zoning laws in town
- Not against alternative energy
- ZBA should hold up zoning laws
- She is opposed to wind towers
- The ZBA members were put on the Board to uphold the Zoning Ordinance
- Eolian is profiteering
- She would never buy a home if a met tower was in place

**Doug Stone - 334 Keene Road**

- Unfair that Eolian can speak of wind towers and the attendees can not
- Thinks the unknown of the towers will devalue his property
- Loves his land and seeing the towers go up will decrease his property value

**James Hankard – 322 Clinton Road**

- Our right should not be infringed upon by one person
- It feels like it is a done deal
- It will impact property values

**Colleen Giffin - 137 Concord Street (Resident)**

- Question – is met tower temporary? Vice-Chair Giffin answered yes

- How long will the Tower be in place? Answer - 18 Months
- Will the information be private?

**James Hankard**

- There should be more meetings for the residents to express their opinions.

**John Soininen (Eolian)** – He stated that Eolian had presented wind energy information in order to respond to town's people specific questions at the August 18, 2009 meeting. The ZBA is a judicial board that looks at the information in the application that has been submitted. The Board needed to vote on the Variance request, and he felt that they (the applicants) had submitted all the needed information.

**James Hankard**

- The ZBA should follow the ordinance and uphold what it says
- Climate change is subjective
- ZBA should not interpret the ordinance
- Infringement on the rights of many

**Sarah Gorman**

- Anyone on the board who is prejudicial should recuse themselves.

**Loranne Block – 63 Loveren Mill (letter available for viewing at Town Hall)**

- Property owners should be safeguarded by zoning
- The met tower is not a permitted use
- Approving this – would be a change in ordinance – not allowed to do this
- Just a temporary installation – but just the tip of the iceberg for industrial wind project
- Opens the door to an industrial use
- Mere presence of the met tower will decrease value of their 233 acres.
- She and her family have worked hard to protect Rural Conservation district.
- She has lobbied for conservation.
- She had worked on the open space committee and is a Coverts Cooperator.
- Ask that their rights be respected

**Wes Enman**

- Suggestion to go to Lempster (to see the existing Wind Farm).

**Mark Schaefer**

- Could Eolian direct him to a met tower location that has been erected by their company.

**Richard Block - 63 Loveren Mill Road (letter available for viewing at Town Hall)**

- Urged ZBA to carefully review all information and not rush into a vote. He had reviewed the information that had been submitted by Eolian that he felt was a direct rebuttal to the 4-page letter he had submitted on August 18, 2009.
- Has letter from area realtors that states grave damage will occur to the property values
- Local realtor has stated that his business has been seriously affected

- He felt that the REPP (Renewable Energy Policy Project) information was not independent and that the methodology was flawed.
- Data collected from western states – no value to support this (Antrim)case
- He felt that it was unfortunate that Eolian has not realized it is not the height that is the problem, the potential wind farm is the problem.
- he felt that the *Boccia* case not the *Simplex* case should be used in determining a decision

The vote should be determined on current law not a future law.

- The entire application is questionable
- The application is not consistent with the spirit of the ordinance

**Vice-Chair Giffin** asked Mr. Block if he were coming to the end. Mr. Block felt that Eolian had 32 minutes to speak; he should be able to rebut what had been stated.

**Michael Ott 354 Keene Road (Owner/Applicant)**

- He had bought the property three years ago and had built a house on his land.
- He had no idea that when he bought the land he would be in the middle of a controversy.
- He would like to see the met tower go up to collect the data. Personally, he feels that there may not be enough wind to support the project.
- He saw no harm in going forward. What happens beyond the met tower is unknown.

**James Hankard**

- The ZBA should think about the over all thoughts of the town
- Conservation land
- He felt dismayed by his first meeting and that the people were not being properly represented.

**Janis Longgood**

- The construction of the met tower is a slippery slope. She felt that it had already been pre-determined. The board members had their minds made up.

**Mr. Winchester (Alternate ZBA member)** stated that he did not know why the attendees felt that the Board members had already made up their minds. A 5-minute time limit had been set. As Chair of the Board for many years, he did not feel that there are any prejudicial treatment was going on. The Board is a volunteer board and takes the job and the concerns of the citizens very seriously. Mr. Winchester explained that the applicants may have more time to explain because they are the applicants.

**Joel Harrington – Nature Conservancy**

- Owns Loverens Mill Preserve – actually “the people” own it he corrected
- The statement attributed to the Nature Conservancy (in the earlier presentation by Eolian) was about their position on wind farms, not met towers
- Two forest legacy projects have been noted by his organization – Willard Pond and Robb Mt
- Mr. Ott should look at options in conservation
- One of the differences with other wind farm projects is that they have sat with organizations such as Nature Conservancy, which was done in Lempster.

Eolian should work together with organizations like the Nature Conservancy

**Elsa Voelcker - 97 Old Pound Road**

- Able to be seen from Gregg Lake and will ruin the Town lake

The power that is made by the Wind Farm will be for someone else and we get nothing from it  
Opposed to the met tower

**Gordon Webber - 19 Old Hancock Road**

- Wanted to speak in favor of the met tower.
- At this time, the discussion is on the met tower and many have brought the conversation to wind towers.
- The ZBA is not only tasked with the zoning ordinance but also to grant variances.

**Mr. Soinin** asked how much longer would the Board be taking testimony and he urged the Board to close the Public Hearing and begin deliberation.

**Mr. Kenworthy** questioned how much longer the hearing would go on. He felt that he and Mr. Block could go back and forth forever (countering with opposite information).

**Mr. Moore** explained that there was too much information to absorb and that the data would need to be reviewed carefully.

**Vice-Chair Giffin** explained that at some point the information would become redundant. At that time, the Board will close the Public Hearing and deliberate on the decision.

**Vice Chair Giffin** continued the meeting to a date certain of **September 29, 2009**.

**Mr. Soinin** asked a procedural question –is there a requirement that new evidence be submitted 7 days before the meeting - so that the Board has time to evaluate the information.

**Mr. Moore** said that the Board should have ten days to review the information.

**Mr. Soinin** thanked the ZBA for their consideration. He stated that he would be happy to provide information for the residents and he did not want to rush the process, but Eolian had started the process months ago and was concerned about weather and time constraints.

**Mr. Haggett** moved to continue the public meeting to a date certain of September 29, 2009. Mr. Scales seconded the motion, and it was approved by the Board. The attendees slowly left the Town Hall.

**Business Meeting:**

*Approve September 8, 2009 minutes* Mr. Haggett moved to accept the minutes as presented. Mr. Scales seconded the motion and the minutes were approved.

*Reminder - OEP Annual Fall Planning & Zoning Conference - October 17, 2009  
Registration starts 8/20/09@ [www.nh.gov/oep/events/fall\\_conference/index.htm](http://www.nh.gov/oep/events/fall_conference/index.htm)*

*Any other business: None*

At 9:15 pm, Mr. Haggett moved to adjourn the Public Meeting. It was seconded by Mr. Crafts, and approved.

Respectfully submitted,  
Diane M. Chauncey

MEP Exh D - 111

Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**





# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 09/29/09

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site
  This Folder

[Advanced Search](#)



#### ANTRIM ZONING BOARD OF ADJUSTMENT September 29, 2009 Meeting

**Members & Staff Present:** Diane Chauncey (Staff) Doug Crafts (Member)  
Ron Haggett (Member) John Giffin (Member) John Kendall (Chair)  
Peter Moore (Planner) Frank Scales (Member)

**Members & Staff Absent:** Don Winchester (Alternate)

**Public Attendees:**

- |  |                                |
|--|--------------------------------|
| Annie Law (Resident)                     | Robert Cleland (Resident)      |
| Richard Block (Resident)                 | Ellen Druan (Abutter)          |
| Ben Pratt (Resident)                     | Loranne Carey Block (Resident) |
| Janice Longgood (Resident)               | Michael Ott (Applicant)        |
| Sarah Gorman (Resident)                  | Marie Harriman (Resident)      |
| James Hankard (Resident)                 | Carla Bankwell (Resident)      |
| Spencer Garrett (Abutter)                | Shelly Nelkens (Resident)      |
| Chris Condon (Resident)                  | Kara Penny (Resident)          |
| Paula Clemente (Appraiser)               | Steve Noble (Resident)         |
| Riley Pierce                             | Brendan Block (Resident)       |
| Michael Pon (The Villager)               |                                |
| John Soininen (Eolian Renewable Energy)  |                                |
| Jack Kenworthy (Eolian Renewable Energy) |                                |
| Drew Kenworthy (Eolian Renewable Energy) |                                |
| Gordon Webber (Resident)                 |                                |

**Location: Town Hall (Upstairs)**

**7:00pm**

- Review materials
- Review September 15, 2009 minutes

**7:15 Continued Public Meeting:**

All information submitted to the ZBA Members is available at Town Hall. The information is summarized in the minutes but can be read in its entirety at the Town Hall. The documents submitted at this meeting, September 29, 2009 are on the website and at Town Hall in a booklet named "Information submitted on September 29, 2009".

The meeting was a continued Public Hearing for an Area Variance request by Antrim Wind Energy, LLC, for the height of a meteorological (met) tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District. Chair Kendall opened the meeting at 7:14pm, introduced himself and the other Board members.

**Chair Kendall** explained that he and the Board members have been reading all submitted information but because the information is new, it had taken time to absorb. He urged the Public Attendees not to get side tracked – the hearing concerned the meteorological tower - not a possible wind farm.

**Shelly Nelkens, 11 North Main Street** said that a plethora of information from the applicants had been given to the Board, and there has not been an opportunity to rebut that information. She wanted to know what can be done about that.

**Chair Kendall** said that everyone will get a chance to be heard.

**Shelly Nelkens** said that the applicants had already crossed the line.

**Chair Kendall** said that the Board would take in information and make the correct decision.

**Mr. Moore** announced that the meeting is being recorded.

**Chair Kendall** asked if any new information had been submitted.

**Mr. Moore** said that two letters had been emailed:

Peter Beblowski – in opposition – letter may be read online or at Town Hall

Francie Von Merten – in opposition – letter may be read online or at Town Hall

And new information had been submitted by the Applicant – the information can be read online or at the Town Hall.

**Mr. Moore** read the Public Notice: *Notice is hereby given that a public hearing will be held at 7:15 P.M., Tuesday, July 28, 2009 at the Antrim Town Hall concerning a request by Antrim Wind Energy, LLC for an area variance from Article XIV-D, Section D.1.b. (...In no situation shall the tower exceed 150 feet) to permit the construction of a meteorological tower on property located at 354 Keene Road (Tax Map 212, Lot 30) in Antrim, NH 03440, located in the Rural Conservation District. The applicant proposes to erect a 60 meter (197 feet-8.25 inches) tower to analyze the environmental factors needed to assess the potential to install, construct or erect a wind energy system.*

**Chair Kendall** said that he had questions for the Applicants that he would like answered at some point during the meeting:

Height – what is the explanation for the height of the Met Tower

Criteria – what is the hardship – ZBA needs to be presented information that will show hardship

**Chair Kendall** asked if there were any abutters who would like to speak in favor of the proposal – there were none.

**Ellen Druan, Keene Road** Ms. Druan wanted to make three points:

1<sup>st</sup> – Jack Kenworthy called her (early in the Met Tower application process) to tell her of the proposed project

2<sup>nd</sup> – The next time she heard of the project, she read in the newspaper that her property was one of the potential sites. She had no knowledge of this and had given no permission.

3<sup>rd</sup> – Ms. Druan asked the question: “Shouldn’t the board have engineers available who are knowledgeable - to assist the board in understanding.”

**Chair Kendall** said that the Board members have been diligently working to acquire as much knowledge as they can to make the appropriate decision.

**Ellen Druan** – interrupted Chair Kendall and said that this is very dangerous.

**Chair Kendall** said that the Board receives information from the applicant and the attendees - the Board studies all the information and then will carefully make a decision.

**Spencer Garrett – 63 Reed Carr Road** – Mr. Garrett said that he was an abutter and that it may be selfish but he does not want a wind farm in his backyard. The Town of Antrim has a unique area in the Rural Conservation District and he wanted the area to remain that way.

**Chair Kendall** asked if any Non- abutters would like to speak in favor of the proposal – there were none. He asked if any non-abutters would like so speak who are not in favor of the proposal.

**James Hankard, 322 Clinton Road** Mr. Hankard asked the question of the applicant – “Do we have to watch the same presentation?”

**The applicant** assured the resident that there would be a different presentation.

**James Hankard** – He had wanted to present information concerning Mars Hill, Maine which explained in

MEP Exh D - 114

great detail the difficulties that had occurred there (in Mars Hill) because of a wind farm – but since the words *wind farm* were not to be discussed, he could not detail his information. He then asked if anyone will benefit from the wind farm?

**Chair Kendall** said that the meeting was not about the wind farm.

**James Hankard** said that if we (the public attendees) are to be subjected to a slide presentation (by the applicant), then he should be able to submit his information.

**Chair Kendall** said that it has been difficult from the start of the Met Tower proceedings. If it should come to a wind farm proposal, the information to the ZBA would be ten-fold to what is involved with a met tower. He repeated that there will be no wind farm info – anyone who mentions *windfarm* will have to stop. When the Public Hearing is closed, there will be no further discussion from the Attendees.

**James Hankard** submitted that everyone's land is unique and that the decision made should be in the best interest of the Town of Antrim.

**Gordon Webber, 19 Old Hancock Road** submitted 31 more signatures on a petition which was in favor of the Met Tower.

**Loranne Block** asked if the projector, which she felt was too bright, could be turned off.

**Shelley Nelkens** asked if the Board's questions (from the beginning of the meeting) could be answered.

**Kara Penny, 20 West Street** asked if the tower had not been higher than 150 feet could the applicant just construct it? If the tower were another height – the applicants would not need a variance.

**Shelley Nelkens** – The ordinance is for met tower

**Ellen Druan** said “Over and over the same thing. The whole purpose is to have a wind tower – it is hypocritical not to acknowledge it. If the Board caves into met tower – it will cave in to a wind farm.”

**Chair Kendall** A Met Tower is a temporary construction. The Met Tower does not mean that a Wind Farm will be approved.

**Ellen Druan** said “face the facts, the Met Tower are for a Wind Farm”.

**Marie Harriman** asked, “Won't there be a separate wind farm meeting?”

**Sarah Gorman, 169 Keene Road** spoke in opposition to the Met Tower and asked if she could speak without interruption. She continued with a statement that said that there is no good reason for the Town of Antrim to grant a variance to analyze wind data. She added that it is a commercial venture that should not be allowed. The land is an active greenway along a watershed. She said that property values will decrease by 50% if there is a wind farm; property values have decreased 30% because of the economy – so that would equal an 80% loss to property values. She demanded a revaluation of all properties in the area. Ms. Gorman's letter and documentation can be read on the antrimnh.org website or at the Town Hall.

**Steve Chelminski, 49 North Main Street** wished to speak in favor of the Met Tower. He discussed the limited availability of fossil fuels and that we as a people should be forward thinking. The population should think about what fossil fuels have been used and what is still out there.

**Janis Longgood, 156 Salmon Brook Road** spoke in opposition to the Met Tower. Although, she is in favor of a small wind energy system, if it should be suitably situated. She felt that points should be well taken from the Audubon Society, who has said that a wind farm would be best suited in the ocean and wind swept fields. Ms. Longgood stated that she had been a resident who had lived in Antrim for many years and she would not want to look out and see a wind farm. She felt that the Zoning Ordinance should protect a very special area and that the entire area (around the wind farm) would be negatively affected.

**Marie Harriman, Butterfield Farm, 69 Clinton Road** Ms. Harriman stated that she and her husband live at Butterfield Farm and that her family has lived in Antrim for over 200 years, and that she understood the concerns of some of the attendees, but as an engineer she had a different perspective. She said that there were specific reasons for the proposed property's uniqueness, and that for the investors it would take 20 -25 years to pay off. She continued to say that Met Towers are not dangerous, and that with her degree in mechanical engineering she would be happy to explain the details of construction of a Met Tower to any of those concerned. She went on to say that from a sustainable energy standpoint – the

opposing attendees should think of the children for whom there may be nothing to talk about in 50 years.

**Shelley Nelkens** expressed concern for the structural integrity of the towers, the birds that are killed, and the deep tremendous, base sound which she imitated with a whoompf, whoompf, whoompf... She continued by saying that the (Tuttle Hill) area is a precious resource for the future, they will not change our dependency on fossil fuels, and reiterated the whoompf sound again.

8:00

**Kevin Onella (Lempster) 10 of the 12 Lempster Mt. wind turbines are on his land** Mr. Onella said that he had come to the meeting to answer questions. He had assisted in erecting two meteorological towers and no one realized that they were there.

**Sarah Gorman** questioned how much money he made.

**James Hankard** said that the group was starting to stray (from the met tower subject) and that they should be careful.

**Chair Kendall** had advised the ZBA to stay on the met tower subject. The Board continued to try to be courteous to all but that the whoompf sound is something the Board will not consider.

**Kevin Onella** said that Lempster's Wind Farm is a resource for the town – that it is tax money to be had for the town, and that the attendees should keep an open mind.

**Chair Kendall** said that in respect to Eolian, he felt that they should have a chance to rebut. Chair Kendall repeated that he has tried to run a fair meeting.

**Elsa Volker, 97 Old Pound Road** questioned the spirit of the ordinance and what the Board will be considering and why isn't the 150' acknowledged?

**Chair Kendall** explained the 'spirit of the ordinance' and that the spirit of ordinance will be discussed in the deliberation.

**Loranne Carey- Block, 63 Loveren Mill Road** asked if they would be able to speak later. Ms. Block had a letter in opposition to the Met Tower, which has been submitted to the Board (on the website and available to read at Town Hall). The letter (on the website and at Town Hall) addressed her concerns regarding the REPP (Renewable Energy Policy Project - available for viewing at Town Hall):

Ms. Block visited the town of Searsburg, Vt  
Significance of Searsport, Vt, in a comparison to Antrim, NH. - does not compare - only 96 full time residents, many seasonal homes  
She had visited Searsburg said that it does not compare to Antrim – not as many people and a lot of seasonal snow mobilers  
No houses are visually impacted  
Searsburg residents have received no money in taxes  
Statistics are inaccurate and do not compare to Antrim  
Mars Hill is a more appropriate comparison. Many members of Mars Hill have filed a suit against the town for devaluation of property and unsellable land.  
REPP report is inaccurate  
Tuttle Mt is a significant component of the unfragmented Monadnock Supersanctuary and the Quabbin-to-Cardigan Corridor as well as the abutting Stoddard Preserve.  
What is the point of creating special places if exceptions will be allowed?  
ZBA decision is not about wind power nor a temporary met tower but rather whether to allow a non-permitted industrial use in the rural conservation district.

**Annie Law, 53 Farmstead Road** read a letter (on website and at Town Hall) in opposition to the met tower. Listed are some of her points:

Antrim is a well-preserved environmental place  
Possibility of Antrim being damaged by the construction of a Met Tower  
She has experienced right in front of her home - moose with babies, black bears and their cubs, fisher cats, albino deer, white tail deer, hawks, falcons, blue herons...  
She is in favor of renewable energy but only in open meadows where the wind flows freely  
She does not want the environmental corridor destroyed  
Feels that NH is the most beautiful state - and she has traveled extensively  
Pleading with ZBA not to grant the variance - a much larger problem would be created for the future

**Robert Cleland, 53 Farmstead Road** read a letter (on website and at Town Hall) in opposition to the Met Tower. He stated some of the following points:

He is in favor of renewable energy in certain locations.  
Appalachian Mountain Club sponsoring and educational seminar on October 6, 2009 entitled "Blowing in the Wind: Managing Renewable Energy Siting Conflicts"  
More research needed  
It would be a tragedy to ruin the environment in order to try to save the environment

**Brendan Block, 63 Loveren Mill Road**

Has lived in Antrim since 1986  
Travelled to many different places, and enjoys returning to Antrim  
Cedar Swamp – when Nature Conservancy building cedar swamp – helped to cut trails with a broken leg  
He has grown up in the hills and would like to raise his family in the same place  
Parents have wonderful tract of land that will someday be his  
"For sake of everyone – please do not take my mountains away"

8:22

**Richard Block, 63 Loveren Mill Road** read a letter (on website and Town Hall) in opposition to the Met Tower, in which he responded to the letter that the applicants had submitted to the town. Mr. Block felt that the five criteria have not been met, and explained why he thought so in his letter.

**Chair Kendall** said that the maximum time for closing the meeting would be 9:30pm.

**John Soininen (applicant)** spoke in favor of the proposal with a letter (on the website and at Town Hall) which he felt summarized aspects of the application, clarified a few issues which seemed to be causing confusion and requested the clarification of several procedural matter.

Several Important Points:

1. Application is for an area variance not a use variance
2. It is within the landowner's rights
3. This variance will not set a precedent
4. The property in question is not conservation land

**Mr. Soininen** discussed the two-prong test for finding hardship in area variance. He further explained 1. the uniqueness of the property with a series of maps (of Antrim's topography, physical features, etc.) present by Mr. Jack Kenworthy; and the requirement for the 60-meter height of the met tower as a standard industry, because financial institutions will only accept data of a 60-meter tower. He stated that wind projects do not negatively impact property value. He read several letters from realtors and appraisers that acknowledged his statement. (on website and Town Hall)

**Chair Kendall** said that he felt the Board had reached a saturation point and that he wished to close the Public Hearing. The Public Attendees objected and Chair Kendall said speakers could speak for one minute.

**Richard Block** stated that he felt the biggest problem is that the applicants have based their application on a false assumption that a Met Tower is allowed in Antrim. The mistake is not the physical presence of the met tower - the problem is that" this specific pole would be a foreshadowing of a major wind farm, it is related to a wind installation and it will affect property values".

9:00

**James Hankard** concurred with Mr. Block. He didn't understand the argument and felt it was an injustice.

**Shelly Nelkens** had a question. Does this refer to small wind system.

**Mr. Moore** read the definition of a small wind energy system was quoted (Antrim Zoning Ordinance \_ Article XIV-D)

**Mr. Soininen** said that the reason this issue has come up is because there is no variance which addresses the particular situation, and that as an applicant, they had been guided Article XIV-D as the most appropriate. They had not tried to be underhanded and sneak anything in – there was no clear

MEP Exh D - 117

definition for the height of a met tower in their circumstances.

**Chair Kendall** said that it is a dilemma and that the applicants had a right to ask for a variance from the zoning ordinance through the ZBA. He continued by saying that the Board would try to come to the best decision.

**Mr. Jack Kenworthy** substantiated that there is no diminution of property, that a met tower does not equal a wind farm and that a wind farm does not mean that property will be devalued.

**Loranne Block** asked if legal counsel told them to apply this way.

**Mr. Moore** explained the way in which the ordinance use was determined that there was nothing else. And confirmed to Ms. Block that opinions from two separate sources of legal council had concurred with this direction.

**Loranne Block** said that the Michael Ott land is in the Rural Conservation district and that he knew that when he bought it.

**James Hankard** said that there would be a drop in value of land.

**Shelly Nelkens** said that loggers had decimated the land.

**Sarah Gorman** said that a logging operation *destroying property* is a misnomer. The opened land creates an enormous amount of browse. Ms. Gorman took task with (the applicants) implying that they have looked at multiple sites and that they have never done and industrial complex. "They are willing to destroy our backyard for their venture. An industrial wind turbine complex is an enormous impact - roads, blasting, concrete, logging, etc."

**Chair Kendall** said that the Board has received a wealth of information. the ZBA needed to start deliberation.

John Giffin moved to close the Public Hearing. Mr. Scales' seconded the motion and it was unanimously approved. The Board will start deliberation on a date certain of October 13, 2009. Chair Kendall said that the public can attend but no comments will be allowed.

#### **Business Meeting:**

**Approve September 15, 2009 minutes** Mr. Scales moved to approve the minutes as amended. Mr. Haggett seconded the motion and the minutes were approved.

Mr. Moore said that there had been a request by Peter Burwen (on behalf of the applicants for rehearing) to correct the minutes of June 16, 2009 and September 8, 2009. The minutes were approved at subsequent meetings and cannot be altered; however, the board can consider the purported errors by noting them in tonight's minutes.

#### **9/8/09**

Mr. Haggett stated that he did not say what Mr. Burwen purported him to say.

#### **9/16/09**

After some discussion, it was determined that Mr. Moore's email (addressing both sets of minutes) to Mr. Burwen should become a part of these minutes:

Peter,

Your concerns relative to meeting minutes from two Zoning Board of Adjustment meetings that took place, have been noted. Because these meeting minutes were reviewed by the members of the Board in draft form at the meetings that followed subsequent to the June 16th and September 8th meetings, respectively, and approved by vote of the vote of the Board, the minutes of record can not be changed or altered.

The Board can however consider to note in the meeting minutes of a current meeting, such as this evening, corrections to substantial fact, and/or corrections in dates, attendee records or stature, that may be brought forth by request. The Board can not however consider for the record any request for additions or suggested changes in statements, questions or conversations that were purported to have taken place in past meetings, once the meeting minutes have been approved by the Board.

MEP Exh D - 118

So, that said, we can tonight, request that the Board consider noting in the meeting minutes of the current meeting:

02 "Statement of Valid evidence and Petition" has been incorrectly referred to as "A Petition of 82 Signees", in reference to the petition submitted as evidence with 82 signatures on September 8, 2009.

03 "Tony Koban listed as being present at this meeting, was not in attendance," at the meeting of September 8, 2009.

The other two issues you raise are statements, and/or questions purported to have been stated on the meetings of June 16 and September 8 and cannot be entered or considered by the Board. Note, relative to meeting minutes, according to Right to Know Law, RSA 91-A:1: "Minutes must be kept at all public meetings and must be made available to the public upon request within 5 business days after the meeting. Minutes must include the names of members present, others participating, a brief summary of the subject matter discussed, and any final decisions of votes. "In other words, minutes are not transcripts of the proceedings, and it can not be expected that every detail, conversation and statement be recorded, as might be if a stenographer was on hand, such would be the case in a court of law. This matter will be presented to the Board during the Business Meeting following the Public Hearing.

Regards, Peter, Peter Moore, Town Planner

Mr. Haggett moved that the minutes of tonight's meeting should have the above addition via Mr. Moore's email correspondence. Mr. Crafts seconded the motion, and the Board approved the addition.

*Reminder - OEP Annual Fall Planning & Zoning Conference - October 17, 2009  
Registration starts 8/20/09@ [www.nh.gov/oep/events/fall\\_conference/index.htm](http://www.nh.gov/oep/events/fall_conference/index.htm)*

*Any other business: None*

At 9:15 pm, Mr. Scales moved to adjourn the Public Meeting. It was seconded by Mr. Giffin, and approved.

Respectfully submitted,  
Diane M. Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 10/13/09

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site
  This Folder

[Advanced Search](#)



#### ANTRIM ZONING BOARD OF ADJUSTMENT October 13, 2009 Meeting

**Members & Staff Present:** Diane Chauncey (Staff) Doug Crafts (Member)  
Ron Haggett (Member) John Giffin (Member) John Kendall (Chair)  
Peter Moore (Planner) Frank Scales (Member)

**Members & Staff Absent:** Don Winchester (Alternate)

**Public Attendees:**

- |  |                                       |
|--|---------------------------------------|
| Annie Law (North Branch)                 | Robert Cleland (North Branch)         |
| Shelly Nelkens (Resident)                | Ben Pratt (Resident)                  |
| Margaret Warner (Resident)               | Joe Koziell (Resident/Planning Board) |
| Steve Noble (Resident)                   | Loranne Carey Block (North Branch)    |
| Michael Pon (The Villager)               | Josh Bond (Ledger/Transcript)         |
| Marshall Gale (Resident)                 | Richard Block (North Branch)          |
| Gordon Webber (Resident)                 |                                       |
| Jack Kenworthy (Eolian Renewable Energy) |                                       |
| Drew Kenworthy (Eolian Renewable Energy) |                                       |

**Location:** Little Town Hall

**7:00pm**

- Review materials
- Review October 6, 2009 minutes

**7:15 Continued Public Meeting:**

The meeting was a continued Public Meeting for an Area Variance request by Antrim Wind Energy, LLC, for the height of a meteorological (met) tower proposed to be constructed on property located at 354 Keene Road (Map 212, Lot 30) in Antrim, NH located in the Rural Conservation District. Chair Kendall opened the meeting at 7:14pm, introduced himself and the other Board members. He explained that the public hearing had been closed and that the Board's deliberation would begin. The Board would not be taking any information from the Public Attendees, unless the Board felt additional information was necessary. All information that had been submitted to the ZBA Members is available at Town Hall.

**Deliberation:**

The Board began a discussion of the evidence that had been previously submitted and their rationale for approving or disapproving the Area Variance.

Mr. Crafts felt that the way in which the application had been written bothered him.

Mr. Giffin said that the application had been submitted properly according to Town Counsel and the Local Government Center. The Small Wind Energy Ordinance was the only ordinance that addressed a meteorological tower. The variance is for a tower not a wind farm.

Mr. Moore read two definitions of towers:

MEP Exh D - 120



Meteorological Tower- includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Tower - The monopole, guyed monopole or lattice structure that supports a wind generator.

Mr. Giffin said that a Met Tower has no height limits.

Mr. Haggett referred to the Supplemental Regulations (Article XIV-H. Height Regulation Exceptions,). Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks and water towers that require a greater height than allowed in the district may be erected provided:

- a. The structure shall not occupy more that twenty five (25) percent of the lot area
- b. The yard requirements of the district in which the structure is erected shall be increased by one (1) foot for each foot of height over the maximum height permitted.

He reasoned that certain uses are height sensitive. The met tower is a permitted use. The met tower needed the height in order to be effective.

Chair Kendall was concerned about the height limitations stated in the ordinance.

Mr. Haggett said that the met tower is an accessory use. The ordinance does not fit exactly and therefore bits and pieces of the ordinance have been used in order to adjudicate the application. The proposal is height dependent.

Mr. Giffin said: "If the height variance were denied then it would effectively prohibit anyone from having a met tower in any district due to the height sensitive nature of such towers. They would all need to be over the tree canopy or the 150' height."

Mr. Haggett said it could be argued either way; there are substantial grounds to deny or grant the variance.

Chair Kendall questioned its industrial use and if it is an allowable structure.

Mr. Moore said that in the rural conservation district, it could be an accessory use for a permitted use – only sees it for small wind.

Mr. Haggett and Mr., Giffin concurred that it was a permitted use.

Mr. Scales said the height was the issue.

Mr. Haggett said that hardship needed to be established - was it the property or the use?

Mr. Giffin said that the property is unique because it has the highest peak on the ridge. He said that the wind above the ridge should be considered a resource (like water, minerals, timber, etc.), and that the wind resource of the proposed site made the property unique.

Mr. Moore clarified that there are three properties that include the Tuttle Hill ridge. Hardship cannot apply to an area of town.

Mr. Giffin said that the parcel had the highest peak by four feet and that creates the uniqueness of the property.

Mr. Crafts said that it is unique for a wind turbine but that is not the request, and he did not see it as unique.

Mr. Giffin stated that the wind graph has shown that the peak had the highest wind value and repeated that the wind is a resource

Chair Kendall struggled and said that he tended to side with both. He said that the parcel was unique for

MEP Exh D - 121

what Antrim Wind Energy, LLC was trying to achieve; but he struggled with the Small Wind Energy Ordinance application, although it was the closest fit in the Zoning Ordinance, both Town Counsel and the Local Government Center had advised the choice. He questioned if the height variance was permissible, but did agree with the hardship aspect and that it fit the 'spirit of the ordinance'.

Mr. Haggett said a met tower precedes a wind farm. The met tower is a stand-alone application. The tower is as benign as it can get. There is no noise, no foundation, etc., but it does require a certain height. If the wind farm should occur, it would be a major endeavor. If the data does not prove that there is enough wind, then it would never happen. If it does prove enough wind, there would be a major site plan review.

Chair Kendall stated that it was possibly crossing the line for what the ordinance had intended.

Chair Kendall repeated that the Town Counsel and the Local Government Center had advised that the use was allowable.

Mr. Giffin said that maybe two variances had been needed.

Chair Kendall said he had no conflict approving the height except that the application was preempting what should have been a use variance.

Mr. Haggett read from Article XIV-D. "C.1. Building Permit: Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed."

He repeats that the application is for a permitted use for a specific height. How could the Board deny if based on the ordinance.

Mr. Giffin asked Chair Kendall if he could deny it?

Chair Kendall said he could not deny the height variance. He agreed that the property is unique, but he still struggled with the possibility that the variance should have been a use variance. There is a possibility that the Board should discuss the matter with Town Counsel.

Mr. Giffin felt that the Boards' "hands were tied".

Chair Kendall agreed that Eolian (Antrim Wind Energy, LLC) had presented their case under the direction of the Town (Town Counsel, Staff, and ZBA). He felt it was very difficult to determine what to do and difficult to make a decision.

Mr. Haggett said that even if the Board were to start all over again, they would still be left with the same thing.

Mr. Crafts felt that no minds would be altered.

At this point in the deliberation, the Board decided to consider each of the five criteria. Following the bolded, underlined criteria are some of the ZBA's points concerning the requested area variance for a meteorological tower.

**1.The value of the surrounding property will not be diminished.**

- . Temporary use – no impact
- . No lasting effect
- . Public's opinion can not be justified
- . Appraisers looking at both sides – opposing opinions
- . Difficult to determine the effect on real estate transactions
- . Relatively unpopulated area of town
- . Least concern is diminished value
- . Only evidence – letters from realtors that state either side
- . Much of the evidence was about a wind turbine not a met tower
- . Not as unsightly as power lines

**2. The variance will not be contrary to the public interest**

- Opposing petitions (for and against) had been presented
- Body of information regarding renewable energy sources and the collection of information presented had promoted an advantage to public interest and that a temporary structure collecting data was for the good of the public.
- There was a need to look at the whole town not just a portion of the town
- Public appears to be split – one portion – growth in energy sources for the future; but, keep NH scenic and as original as can be
- Not easy to call it black and white
- There is the climate change debate, as well as coal is bad, and acid rain is not good.

Mr. Moore intercedes that the zoning ordinance should be examined. He said that the Board should look at the definition of Rural Conservation and its purpose. He then read the definition: "The Rural Conservation District is intended to protect, conserve and preserve the remote mountainous portions of Antrim from excessive development pressures and/or activities that would be detrimental characteristics and qualities of this district and detract from the peaceful enjoyment and tranquility that this district affords local residents". And questioned, "Is this for the public interest?"

This evoked a discussion of whether or not it should be a height variance, Mr. Ott subdividing his property into multiple lots, that the met tower is a permitted use in all districts.

The Board continued with discussion of the criteria:

**3. Special conditions exist such that the literal enforcement of the ordinance results in unnecessary hardship as follows:**

**a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.**

- Location – highest point on the Tuttle Ridge
- Computer modes showed a positive wind data
- Necessity of having this use on this property for the data makes it unique

**b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue**

- Height of the tower is a necessity (60 meters – 197' 8.25")

Mr. Moore questioned the uniqueness of this particular property and read from information that Eolian had submitted – implying that there are two other properties within the Tuttle Hill that share the same high ridge. At that point, Chair Kendall said that he feels there is a fine line of allowable use and uniqueness – like splitting hairs. Mr. Moore continued quoting from Eolian's submission, and then hesitated, and said that he was possibly confusing the Board.

**4. Substantial justice would be done**

- Looking at the met tower only - 196 feet is necessary to collect data
- Reasonable use and does not change character of neighborhood
- Property rights of Michael Ott
- Public interest
- Reasonable use of land
- If a met tower is an allowable use – *jk reads from variance lgc book - ask john(peter does not know what john was saying.)*
- A fair and reasonable use of the property
- "substantial justice is the act of weighing the good of the public vs the rights of the property owner".

**5. The variance is consistent with the spirit of the ordinance.**

- Mr. Ott has property rights

There was a short discussion of how the application could have been done another way and should there be Conditions of Approval. It was determined that the application and its configuration could not change. The Board concluded that the vote should occur, and all agreed.

Mr. Crafts made a motion to take a vote.

Chair Kendall said that he was still conflicted.

Mr. Crafts said that is why there are five members on the Board.

A motion is on the floor, but, Mr. Moore inserts, that maybe the application should be nullified and more advice is sought from Town Counsel.

Mr. Crafts said a decision should be made.

Mr. Haggett said that there is an appeals process, the rehearing. No more delaying.

Mr. Haggett moved to approve the application of Antrim Wind Energy, LLC for an Area Variance from Article XIV-D, Section D.1.b. to permit the construction of a meteorological tower on property located at 354 Keene Road (Tax Map 212, Lot 30) in Antrim, NH 03440, located in the Rural Conservation District.

The following conditions apply to this approval:

All representations made during the course of the Zoning Board of Adjustment hearings (as well as representations, agreements, etc. made during the planning process) are binding as conditions of the approval.

The applicant shall obtain a building permit for any construction or alteration and adhere to all building, health and fire codes.

The applicant shall obtain any necessary state and/or federal permits required for this proposal.

Mr. Giffin seconded the motion and all were in favor of accepting the motion as read, with the three standard conditions and one additional condition that all guy wires from ground level to a minimum of eight feet vertical from the ground (8') should be housed by a plastic sleeve for visibility and safety purposes (which will be #4 on the Notice of Decision).

**Roll Call Vote:**

Mr. Crafts            yes

Mr. Giffin            yes

Chair Kendall        no

Mr. Haggett          yes

Mr. Scales            yes

Chair Kendall said that the motion is GRANTED. The Chair will sign the Notice of Decision that needs to be completed in five business days (October 20, 2009), and noted that any person affected directly by the decision has the right to appeal within 30 days. (November 12, 2009 – last day to appeal)

**Business Meeting:**

Approve October 6, 2009 minutes Mr. Haggett moved to approve the minutes as amended. Mr. Crafts seconded the motion and the Board approved the minutes.

Reminder - OEP Annual Fall Planning & Zoning Conference - October 17, 2009 -6:00 AM – Saturday Town Hall

Any other business: None

At 9:00 pm, Mr. Giffin moved to adjourn the Public Meeting. Mr. Crafts seconded it, and the Board voted to adjourn.

Respectfully submitted,  
Diane M. Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment



# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 04/10/10

[Printer-Friendly Version](#)

- [Antrim Community](#)
- [Meetings Calendar](#)
- [Hours & Contacts](#)
- [Town Departments](#)
- [Parks & Recreation](#)
- [James Tuttle Library](#)
- [Business Directory](#)
- [Subscribe to News](#)
- [Send Us Comments](#)
- [Home Page](#)

Site
  This Folder

[Advanced Search](#)



#### ANTRIM ZONING BOARD OF ADJUSTMENT April 20, 2010 Meeting

**Members & Staff Present:** Diane Chauncey (Staff) Doug Crafts (Member)  
 John Giffin (Member) Ron Haggett (Member) John Kendall (Chair)  
 Peter Moore (Planner) Frank Scales (Member) Don Winchester (Alternate)

**Members & Staff Absent:** None

**Public Attendees:**

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| Annie Law (Appellant)           | Jack Kenworthy (Eolian)               |
| Gordon Webber (Selectman)       | John Soininen (Eolian)                |
| Ben Pratt (Resident)            | Richard Block (Appellant)             |
| Jesse Lazar (PB & Resident)     | Mark Schaefer (Appellant)             |
| Brenda Schaefer (Abutter)       | Rachel Goldwasser (Atty – Eolian)     |
| Robert Cleland (Appellant)      | Richard Uchida (Atty – Eolian)        |
| Shelly Nelkens (Resident)       | Tim Anson (Student – Franklin Pierce) |
| Michael Donovan (Atty)          | Shelly Nelkens (Resident)             |
| Marshall Gale (Appellant)       | Loranne Block (Appellant)             |
| David Dubois (PB & Resident)    | Travis Bullard (Eolian)               |
| Josh Bond (Ledger/Transcript)   | Drew Kenworthy (Eolian)               |
| Richard Block (Appellant)       | Janis Longgood (Appellant)            |
| Scott Burnside (PB & Resident)  |                                       |
| Elsa Volker (Resident)          |                                       |
| Brenda Schaefer (Appellant)     |                                       |
| Steve Schacht (PB and Resident) |                                       |

**7:00 Review Session:**

*Review Minutes of March 30, 2010  
Review materials for meeting*

**7:15 Public Meeting:**

Chair Kendall opened the meeting at 7:16pm. He introduced the Board members - five members were present, Mr. Winchester would sit with the Board and deliberate, but not vote.

Chair Kendall stated that both the Planning Board and the Zoning Board of Adjustment have been through many meetings concerning the Met Tower and that there has been much information as well as emotional testimony. Chair Kendall stated that he felt there were two important points: the importance of the development of renewable energy and the rural conservation district.

Chair Kendall stated that it was very important for the Board, the Appellants, the Applicants and the attendees to stay focused on the hearing of the Appeal. Chair Kendall then read the procedure that Mr. Moore (Town Planner) had written out for him.

If the Appeal is denied, the use (the Met Tower) is permitted.

MEP Exh D - 125

If the Appeal is granted, the use (the Met Tower) is not permitted.

Chair Kendall stated that it was a very important decision of all involved and that he will allow as much time as needed for the deliberation.

Ms. Chauncey read the Public Notice as it had been publicized in the Villager on April 9, 2010. Ms. Chauncey also stated that all certified mail receipts had been returned except that of Mr. Ott's.

Chair Kendall explained the procedure – the Blocks would present their Appeal, and after their presentation, the Public Hearing would be opened. Chair Kendall said that if at 9:00 pm, if the Blocks' presentation had not culminated, he would stop them and the Public Hearing would occur.

Attorney Donovan presented the Appeal for the Appellants.

Attorney Donovan thanked the ZBA, said that he would not be speaking until 9:00 pm (a little laughter and relief) and thanked the Board for his "reserved" seating – he had never had his seat saved at a Board meeting. (Mr. Moore had set out front row 'reserved' seating for the lawyers and their clients).

Attorney Donovan stated that the Appellants were appealing on two errors of the Planning Board decision of March 18, 2010. He referred to his letter (April 13, 2010 letter titled "Administrative Appeal of Richard and Lorraine Block, et al"). The Blocks and others have appealed two PB administrative interpretations of the zoning ordinance relative to the subject met tower:

1. That it a permitted use or accessory to a permitted use.
2. That a height variance is not required.

#### 1. Use Issue

He said that the minutes of March 18, 2010 are not clear. He said that a Public Utility is not allowed in the Rural Conservation district, and that the Met Tower cannot be an accessory to a non-permitted use. He felt that the best definition of a Public Utility is stated in RSA 362:4-c, and said that RSA 363:4-c expressly exempts energy facilities such as wind farms from the definition of "public utility". He stated preemption and that the definition clearly states that exemption. The wind turbines of Lempster are not regulated by the Public Utilities Commission (PUC). He said that there is no evidence that Eolian had tried to achieve that status. He referred to an article in the Ledger/Transcript (written by Josh Bond) in which Mr. Jack Kenworthy claimed that they (Eolian) had never said that they were a Public Utility. Attorney Donovan stated that the Planning Board is wrong – Eolian is not a Public Utility, and therefore the Met Tower can not be allowed in the Rural Conservation District.

Attorney Donovan stated the definitions from page two of his April 13, 2010 letter. He said that the proposed Met Tower is not permitted by the Small Wind Energy Systems Ordinance, as stated in the Antrim Zoning Ordinance (Article XIV-D):

*Meteorological tower (Met Tower).....For the purpose of this ordinance, met tower shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.*

*Small wind energy system A wind energy system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.*

Attorney Donovan passed out a handout with the list of permitted uses. He said that in the definition for a Met Tower, the definition is for a Small Wind Energy System (SWES). The constructed Met Tower is not for a SWES. A Met Tower is not on the list of permitted uses. He stated that it is a fundamental doctrine of Zoning Ordinance law – if a use is not on the list, it can not be permitted. He continued that the accessory list is a "no brainer". After reading the definition of accessory use, he said that it can not be construed in any other way. He gave an example of getting a parking lot permit if a building permit has not been applied for; one does not apply for a medical incinerator if a hospital is not there.

Attorney Donovan said that the problem is the accessory use. On going back through the history of the Met Tower, it should be realized that the Met Tower and the Wind Farm will never be there at the same time, therefore it is not an accessory. Even if the Wind Farm is allowed, the Met Tower will not be there.

#### 2. Height Issue

Attorney Donovan continued by saying that the Planning Board erred by determining that a height variance is not required because the proposed met tower is a "special industrial structure". A Variance

was necessary for height. The ZBA had spent a lot of time listening, and then the Planning Board said it was a special industrial structure. Attorney Donovan said that "industries" are not an allowed use in the Rural Conservation District and "Antrim Wind Energy, LLC may not have it both ways. Either the use is a "public utility", which must abide by the height restrictions of the zoning ordinance or it is an "industry". Since industrial uses are not permitted uses in the RC District, the exemption for special industrial structures does not apply".

Attorney Donovan said that for all of the reasons expressed, the ZBA should reverse the decisions of the Planning Board.

Mr. Haggett asked Attorney Donovan what his feeling was on the Met Tower as an antenna.

Attorney Donovan said that an antenna does not gather information and has special regulations. He reinforced that the Met Tower is not a height special structure.

Chair Kendall asked how the state classified the Lempster Wind Farm.

Mr. Block said that he had a long talk with Meredith Hatfield. He also referred to RSA 83: f and RSA 362:c. He said that there is a difference between a Public Utility property and a property that generates power.

Attorney Donovan referred to Mr. Kenworthy's argument.

Chair Kendall said that he was trying to clarify 'what is a Public Utility?' If Lempster's Wind Farm is a commercial supplier, he could not come up with an exact difference.

Mr. Block said that a commercial supplier is a wholesaler to the grid. A Public Utility is generally used a corporate entity for use within the state.

Attorney Donovan said that the ZBA needed to think about the common meaning of a public utility.

Chair Kendall said that he has struggled with the definition.

Attorney Donovan said that the definition should be thought of as what the average person who voted for the Zoning Ordinance thought of as the common meaning of a Public Utility.

Chair Kendall asked if the appellants had any further information to give the attendees.

**PUBLIC HEARING** – 7:50pm

Chair Kendall said that Eolian would be given an opportunity to speak.

*In favor of the appeal*

Ms. Volcker said that she would like to see the Met Tower come down. She had been one of the people who was instrumental in the zoning of the Rural Conservation (RC) District. She said that it would be a travesty to have the Town Beach dominated by a wind farm. Two tons of cement would not be her idea of a conservation district. The RC District is a corridor for wildlife and the wind farm would not be a good use.

Ms. Block said that the rural conservation district has the largest contiguous unfragmented area outside of the White Mountain. Although the area could be developed by homes, the houses would not dominate the skyline as the wind turbines would. The Rural Conservation District contains Gregg Lake and Willard Pond which is dominated by Tuttle Hill. She wanted to reemphasize that the appellants would not get a "second shot" – once the request is submitted to the state. The proposal needs to be dealt with now.

Ms. Longgood wanted to go on record as opposed and that the application does not fit the spirit of the ordinance.

Mr. Schaefer said that it means further lawsuits for the town – and the law is black and white.

Ms. Law agreed with the appeal for the Rural Conservation District. It should be maintained.

Mr. Block commented on the Planning Board Survey (in the lobby of the Town Hall Town Election Day, March 9, 2010). He said that Mr. Kenworthy had included the result of the survey in his letter of April 13, 2010 and that he felt that the survey questions were ambiguous and unclear. The results were a “far cry” from the 80% of Antrim residents stated in the Kenworthy letter. He reiterated that the wind farm should not be placed in the shadow of Tuttle Hill.

Ms. Volker said that she never saw the survey.

Mrs. Schaefer said that she is in favor of the appeal.

Mr. Cleland said the he is in favor of the appeal.

Mr. Burnside is not in favor of the appeal and said that the wind farm is not part of the discussion.

Opposition to the appeal

Mr. Webber said that he is in opposition to the appeal. He referred to the definition of Public Utility and said that the definition was a gray area and that the ZBA should decide.

Chair Kendall said that the main object of the ZBA was to come to an agreement.

Mr. Pratt read from a letter which stated that he was troubled by a property owner not being able to explore the possibilities of using his land. Limiting this utilization of exploring the possibilities would be unreasonable. He felt that the issue should be kept in proper perspective – the temporary structure would not cause any significant difficulty. In both the ZBA and the Planning Board, Eolian has prevailed. If the ruling is against the applicant, it will go to Court. Given the facts and arguments presented, Eolian would prevail. The Town of Antrim would incur significant legal expense, the outcome would be unchanged, and this should not be forced on the Antrim taxpayer.

Attorney Donovan said that the Met Tower was not allowed by the SWES, but when the ZBA heard the case, limitations were set. It was his intent that towers do not escape height regulations.

Mr. Schacht said that does not answer the antenna question.

Chair Kendall said that he would make sure that there is a chance for rebuttal.

Mr. Burnside said that the Zoning Ordinance had been written in 1989. At that time, the PUC definition was not out there. He saw the use as an allowed use. The ZBA should follow the Zoning Ordinance of 1989.

Chair Kendall said that part of the hurdle was the Zoning Ordinance dating back 20 years. He would keep Mr. Burnside's comment in mind.

Ms. Nelkens said that the Met Tower is not a Public Utility. The discussion is just about the Met Tower.

Chair Kendall said that the attendees should try to keep the emotions out.

Mr. Schacht said that he was opposed to the appeal.

Mr. Burnside said that another way to look at the Rural Conservation District is the applicant proposes energy that is renewable and green – there fore it does fit into the RC District.

Attorney Uchida introduced Ms. Goldwasser as an expert attorney of energy law – he said that she knew the statutes of Land Use, as well as Public Utility Commission. He also introduced the members of the Eolian team, who he represented. He stated that the appeal should be confined to the Planning Board decision, and that the appeal did not have anything to do with the Small Wind Energy System. He said that the ZBA had an important role as a judicial board, and that their job was to interpret terms within the Zoning Ordinance that may not be defined as well as should be. He felt that Eolian had tried to present



the case according to the Zoning Ordinance. He said that the ZBA had different tools to work with: for definitions - refer to the Zoning Ordinance or common definition; legislative history - what was the implied meaning. He said that would be presenting the case with what the Zoning Ordinance said.

He continued. The Met Tower was collecting data, wind speed, temperature, etc., and needed to be at the 60-meter height. The Met Tower is an accessory and antecedent to a public utility use and it is accessory to an essential service use, both of which are permitted uses in the Antrim Zoning Ordinance in the Rural Conservation District. He said that Met Towers may remain up and continue to collect data after the wind farm has been constructed.

Mr. Soininen said that the Met Tower is critical to the use, and it must precede the Public Utility. He used the example of a fence going up before a house.

Mr. Kenworthy said that the Zoning Ordinance was not clear and does not define a "Public Utility". The definition and statutes must come from the State. Other definitions that have been used are unreasonable - there is a need for renewable energy. He read from RSA 674:17 which encourages the use of renewable energy.

Attorney Uchida continued the discussion of definitions by referring to various RSAs which include a definition for Public Utility (RSA 83F, 672, 674, etc.). He said that there is no doubt that the Antrim Wind Energy LLC project would be treated like other public utilities in the state. Eolian is a Public Utility. It would not be the kind of Public Utility that is regulated like PSNH - the "little guy" exemption was built in when the entire system was restructured (monopolies and how the consumer can be charged). Attorney Uchida urged the ZBA to closely look at the interpretation of the Zoning Ordinance and the State Policy.

Attorney Uchida presented the third "tool" for the ZBA - legislative history. The Antrim Zoning Ordinance did not make changes to its ordinance in 1998 (change in definition of Public Utility) and in 2007 (when the Town voted to go on record as supporting effective actions to address the issue of climate change).

Attorney Uchida then addressed the arguments made during Attorney Donovan's presentation.

Small Wind Energy Ordinance - not an issue  
RSA 362:4.c. - ?  
Met Tower, not a permitted use - but neither are transformers, utility poles, cables, etc.

Attorney Uchida Summary:

- Zoning Ordinance does not say that only PSNH can generate power.
- Public Utilities generate power. An accessory use can precede a principal use.
- Mr. Ott is retaining open space.
- Public Utilities are companies that generate power
- An accessory use can precede a principal
- The Met Tower is a special industrial structure that needs 60-meter height
- Public Utilities are allowed in the Rural Conservation District
- Not true that this is the one last shot in a discussion of a Wind Farm
- Meredith Hatfield is a PUC consumer advocate and will answer in PUC terms - the ZBA should be looking at land use terms
- Finally - look closely at the materials provided and let the Planning Board's decision prevail

Questions asked by Board members and *answered by Eolian Attorneys*

In 1989 would Eolian have been regulated as a Public Utility?  
*Yes they would have been regulated as a PU.*

Would Lempster have been classified as a Public Utility?  
*Yes they would have. In 1989, the PUC needed to regulate certain entities. PSNH could charge whatever they wanted. The point is more the use of the land and not how the PUC would regulate.*

Would the Wind Farm be like a franchise?

*Power generated by the wind turbines may stay in NH but may go elsewhere - the grid in NE is very complicated.*

Mr. Soininen added that today PSNH could develop a wind farm on that same property. The entity (Eolian) should not be discriminated against.

Mr. Kenworthy stated that the newspaper article in which he said Eolian was not a Public Utility was taken out of context.

Mr. Giffin asked Attorney Uchida a question concerning a portion of RSA 676:5, 3.

Chair Kendall questioned the interpretation of the Zoning Ordinance.

Attorney Uchida said that can bring in new info – under 1<sup>st</sup> agenda item – interpretation of PB

Mr. Haggett – statement of original intent – ZO of 1989 – height exemption – what limits can the ZBA exercise – mechanism for height exemption

Attorney Uchida said that the Antrim Zoning Ordinance should be seen as written and gave examples of permitted uses. listen to tape

Ms. Block said that twenty-one years when the Rural Conservation District was adopted, the intent was to preserve that area of Antrim, and that would include not to allow a Public Utility.

Attorney Donovan said that the applicant gets to rebut.

There were some questions as to who gets to go last. The applicant felt he should go last.

Attorney Uchida stated - that as a matter of procedure appellant goes last – but if new information or misstatement occurs, he would like to be able to speak in rebuttal.

Attorney Donovan – correction – the chair will summarize and then if there is a rebuttal it could go on forever. The Appellants should be entitled to go last.

Chair Kendall said that he was not in favor of closing the public hearing - motion for continuance – and to possibly allow rebuttal at that point. He needed a chance to talk to Town Counsel.

Mr. Giffin questioned the awkwardness of that procedure.

Chair Kendall said that he was not closing the Public Hearing.

Attorney Donovan said that the rebuttal would take less time than the preceding discussion had taken, and asked if Attorney Uchida agreed.

Attorney Uchida agreed that Attorney should give his rebuttal.

Attorney Donovan – some of his arguments:

- stuck with words in the Antrim ZO, as it is written today and must be read as a whole
- As Attorney Uchida said it is not the words that you wish for but what is in the ZO – the ZBA must go back and sort that out
- The tax statute has a better way to define “Public Utility” – taxes deal with valuation and property value – a special formula
- Utilities are assessed differently ; in RSA 83: f - the word public is not in there and utility is a broader term
- Although it has been argued that the ZBA should look back to 1989 statute – The Public

- Utility definition then – Lempster is not a Public Utility as that type of project did not exist
- The ordinance should be seen as what it means today
  - Policy argument – irrelevant – A commercial wind farm will not be subject to Antrim's Zoning Ordinance - it will be governed by the State Site Plan Review Committee
  - Antennas – not an antenna
  - Concept of antecedent use – antecedent use never comes into play – an accessory use to a Public Utility when the commercial wind farm is not approved by anybody – not like putting up a fence – no approval

Mr. Haggett asked if the state would come in and pre-empt the Antrim Zoning Ordinance?

Attorney Uchida said that the state could come and do that for certain large projects. The policy argument is attractive but not relevant – not limiting.

Mr. Moore said that the proposed wind farm is less wattage and so the Town of Antrim could oversee the Site Plan Review but the Town could petition the state to review the project. Cited RSA 162-H.

Mr. Crafts asked if PSNH could develop such a project.

Attorney Goldwasser said the PSNH could acquire permission but it would not supersede the Antrim ZO. PSNH could come in and build a wind farm on Tuttle Hill. The legislature would like to see renewable projects. If PSNH could build, why not Eolian?

Mr. Soininen points out that it is land use – should not be that one entity can and one entity cannot.

Mr. Kenworthy said PSNH is a Public Utility. Public Utilities are allowed – but not by Eolian – that is an argument in itself.

Attorney Donovan said it is not as simple as Eolian makes it out to be.

Attorney Uchida said that the argument has been made that there were no wind farms in 1989 but that is not true. He pointed out that in the early 80's, Crotched Mountain had a number of wind turbines. Interpretation of SWES – should read RSA 672. Finally the tax statute (RSA 83F) contains a section on how utilities are valued.

Attorney Donovan – “public” is not in the statute.

Chair Kendall said that in deliberation, the ZBA members will attempt to resolve the classification of Eolian as a utility, whether or not the Met Tower is a special industrial structure, an accessory use, and whether or not there should be height limitations. The “spirit of the ordinance” from 1989 to the present and how it pertains to 2010 will be part of the deliberation.

Attorney Donovan – declare as a public utility is the accessory use allowable?

Mr. Kenworthy said there should be no restriction of height – Eolian has done what is necessary according to the site plan review.

Chair Kendall asked for a motion to close the Public Hearing. Mr. Haggett moved to close the Public Hearing, and Mr. Giffin seconded. All approved. The continuance will be May 18, 2010. (There was some difficulty finding an agreeable date)

Attorney Donovan asked if would be just deliberation?

Chair Kendall said that it would be just deliberation and the attorneys did not need to attend. There would be no new information (no emails, letters, etc.).

**Business Meeting:**

- Approve Meeting Minutes of March 30, 2010 Mr. Haggett moved to accept the minutes as

MEP Exh D - 131

written. Mr. Scales seconded. All voted in favor.

**Workshops and Trainings:** *17th Annual Spring Planning & Zoning Conference* - May 8, 2010 - Saturday - Nashua Radisson sign up tonight if planning to attend

At 9:50 pm, Mr. Crafts moved to adjourn the meeting. Mr. Haggett seconded it, and the meeting was adjourned.

Respectfully submitted,  
Diane Chauncey  
Planning Assistant, On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH** P.O. Box 517, 66 Main Street Antrim, NH 03440  
Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm  
**Virtual Town Hall Website**



# Town of Antrim

NEW HAMPSHIRE



## Zoning Board of Adjustment Minutes

### 05/18/10

[Printer-Friendly Version](#)

#### ANTRIM ZONING BOARD OF ADJUSTMENT

May 18, 2010 Meeting

**Members & Staff Present:** Diane Chauncey (Staff) Doug Crafts (Member)  
John Giffin (Member) Ron Haggert (Member) John Kendall (Chair)  
Peter Moore (Planner) Frank Scales (Member)

**Members & Staff Absent:** Don Winchester (Alternate)

**Public Attendees:**

Ben Pratt (Resident)	John Soininen (Eolian)
Jesse Lazar (PB & Resident)	Janis Longgood (Appellant)
Rachel Goldwasser (Atty – Eolian)	Molly Moore (Resident)
Richard Uchida (Atty – Eolian)	Spencer Garrett (Abutter)
Michael Donovan (Atty)	Jack Kenworthy (Eolian)
Shelly Nelkens (Resident)	Michael Pon ( <i>The Villager</i> )
Loranne Block (Appellant)	Richard Block (Appellant)
Joe Koziell (PB & Resident)	Margaret Warner (Resident)

**7:00 Review Session**

- Review Minutes of April 20, 2010

**7:15 Public Meeting:**

Continuance:

File # 2010-02ZBA – Appeal from an Administrative Decision of the Planning Board  
File # 2010-02PB – Minor Site Plan Review for a Met Tower on Map 212 Lot 30.

Chair Kendall opened the meeting, introduced the Board, and read the portion of the Public Notice that referred to the Appeal:

Notice is hereby given that a public hearing will be held at 7:00P.M., Tuesday, April 20, 2010 at the Town Hall concerning a request by Richard Block, et al. to an Appeal from an Administrative Decision of the Antrim Planning Board made on March 18, 2010 approving the application of Antrim Wind Energy, LLC for a Minor Site Plan Review for a Meteorological Tower on property owned by Michael Ott located at 354 Keene Road (Map 212 Lot 30) in Antrim, NH 03440 in the Rural Conservation District.

Mr. Moore said that no new information had been submitted (by agreement of all parties).

Chair Kendall said that the Appeal from and Administrative Decision of the Planning board meant:

Deny the appeal: Allow the Planning Board decision to stand

MEP Exh D - 133

- Antrim Community
- Meetings Calendar
- Hours & Contacts
- Town Departments
- Parks & Recreation
- James Tuttle Library
- Business Directory
- Subscribe to News
- Send Us Comments
- Home Page

Site  This Folder  
  
  
[Advanced Search](#)



Grant the appeal: The Planning Board Decision does not stand

**Deliberation:**

Chair Kendall asked that the Board members begin the Deliberation.

Mr. Haggett said that the ZBA's role in the administrative appeal will be to examine the proposed use of the property and whether that use is or is not allowed under the Town Zoning Ordinance.

Chair Kendall read the definition of the Rural Conservation District from the Antrim Zoning Ordinance (ZO). He then said that the decision would be based on whether or not it is an allowed use in the District. Moreover, if it is a permitted use, is a height variance necessary? The ZO was adopted by the Antrim voters in 1989. Chair Kendall felt that he must consider the spirit of the ordinance in 1989 – and how it pertains to the residents of Antrim today. He then read all the permitted uses in the Rural Conservation District. He felt that the uses are of general description. The definitions in the ZO are limited without much detail. He questioned the Board – how did they perceive “public utility”?

Chair Kendall found it difficult to believe that a coal, hydro, or wind energy plant could come into the RCD, but a Bed & Breakfast would need a Special Exception. The definition of “public utility” was a very broad range. He said that possibly there should have been a variance for a special business.

Mr. Giffin said that the definition of “public utility” in 1989 may not be the same as the present definition. The definition in RSA 362:4.c. does not include a power generating plant. He felt that the public utility described in the ZO meant power lines, transmitting lines. A wind turbine is a power generating plant and when it is looked at in that way, a public utility is not a power generating plant and therefore it is not a permitted use.

Chair Kendall asked if the commercial use was a permitted use, and even if it was, is the accessory structure allowed at this time. He stated that the principal use had to be in place in order for the accessory to be an accessory.

Mr. Giffin agreed with Chair Kendall.

Chair Kendall said that even if it were determined to be an antenna, it would still need a height variance.

Mr. Giffin asked the question – is an accessory use allowed if the principle use is not allowed?

Mr. Haggett agreed with Mr. Giffin – is this a permitted use? He read a “dictionary” definition of a public utility. He said that when the ZO was written, the Public Utility Commission (PUC) had not been established. Mr. Haggett summarized the past year for Eolian. They had come before the Town of Antrim as an applicant for a met tower. They were given advice – which they followed. They had been told which ordinance to use - Small Wind Energy Ordinance – for a variance of height. Mr. Haggett felt that they should have applied for a variance for use. He went on to say that it should never have happened in the manner that had occurred. And now the board must decide if it is a permitted use – and it looks like it is not.

Chair Kendall concurred that the applicant should have applied for a variance for use and for height. The Small Wind Energy Ordinance was completely off-base.

Mr. Giffin added to what Mr. Haggett had said. The Town of Antrim had guided Eolian in the wrong direction. If they had originally come in for a height and use variance for a met tower – there may not have been problem. The Planning Board decision had added the “public utility” aspect to the package – and with it the entire package of what to do in the future. The Small Wind Energy Ordinance should not have been used. The variance should have been for use and height.

Mr. Haggett repeated that the application should have been for use for the met tower, but now the met tower can not be dealt with alone - making it very complicated.

Mr. Crafts said that the ZBA had tried to separate the two. He said that the variance for height had been granted.

Mr. Haggett said the question is – is this a permitted use – yes or no?

Mr. Crafts said it is a utility.

Mr. Haggett said that there are opposing views of the definition of a “public utility”.

Mr. Crafts said that he could not say what the intention was in 1989.

Mr. Haggett said that utilities are energy sellers to the general public.

There was a moment of silence.

Mr. Scales said that the crux of the matter was – it is a public utility or not. The Planning Board (in the decision that it made) thought that it was a public utility.

Chair Kendall said that even if the public utility status was decided, would the accessory structure have been allowed.

Mr. Haggett said that it stopped and started with a permitted use.

Chair Kendall read the accessory use definition from the ZO:

*ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.*

and then said – at this point there is nothing there.

Mr. Giffin read the definition of accessory structure:

*ACCESSORY BUILDING or STRUCTURE: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.*

- he then said it all became irrelevant, and does not see that the accessory use can proceed.

Mr. Haggett said that in the original concept, there was a physical component to a permitted use. But there can not be an accessory use if there is never to be a principle use. An accessory use is a moot point.

Chair Kendall said that there no definition to public utility. He repeated his Bed & Breakfast theory.

Mr. Crafts said that a lot of uses are allowed, but were power generating plants something that residents wanted there?

Chair Kendall said that he thought the list was too generalized and that a coal burning plant could just move in.

Mr. Haggett said that it never got to that point. The original application for a met tower on Tuttle Hill and the SWES ordinance tried to avoid the issue.

Chair Kendall said that there had been a lot of time and expense for all involved.

Mr. Crafts agreed with Mr. Haggett. He wished he knew what the voters were thinking in 1989. Did allowing a public utility as a permitted use mean that the residents would have allowed a coal burning plant.

Mr. Giffin said that he and others can all be for renewable energy, but there is no law for that use.

Mr. Scales said that what was written in 1989 meant telephone lines, electrical lines, sewer pipes, etc, and that it appeared that the ordinance did not intend to have public utility as power generators.

Mr. Haggett said that public utilities were under the control of the PUC – not local control, and now with

MEP Exh D - 135

deregulation, the definition has changed. The original application had nothing to do with public utilities; the tower was a means to collect data.

Chair Kendall compared the meetings to those of the Personal Wireless Service Facility (Cell Tower)

Mr. Haggett said what was needed was someone at the legislative level to handle this situation because renewable energy is necessary and the application should never have been done in the manner in which it had occurred. ("It should never have been done this way.")

Chair Kendall read from RSA 672:1, III.d., and the definition of the Rural Conservation District.

Mr. Haggett repeated that Eolian had been told how to apply for their application and had been told the incorrect information. The Met Tower was put up to collect data.

Chair Kendall said that if there were a yes vote for the appeal what would happen?

Mr. Haggett said that the ZBA should not be dealing with a decision that never should have happened. The ZBA should be dealing with the Rehearing of the Height Variance.

Mr. Giffin said that if the appeal were to be granted, then the ZBA would deal with the Height Variance

Mr. Haggett said - I don't know how you "square that circle" - it is unfortunate but there you are.

Mr. Moore said that if the Appeal were to be granted, the use is not allowed; and then to continue with the Rehearing to finish that chapter as well.

Mr. Haggett - "easily said, don't know how that is done".

Mr. Moore said that both attorneys had said that the Rehearing should not be on the same night as the Appeal.

Chair Kendall asked if the Board were ready for a vote.

Mr. Haggett moved to vote on the Appeal. Mr. Giffin seconded, and all agreed to vote

Mr. Haggett moved to GRANT (Yes)/~~DENY (No)~~ the Appeal by Richard Block, ET AL from the Administrative Decision of the Planning Board made on March 18, 2010 approving the application of Antrim Wind Energy, LLC for a Minor Site Plan Review for a Meteorological Tower on property owned by Michael Ott located at 354 Keene Road (Map 212 Lot 30) in Antrim, NH 03440 in the Rural Conservation District.

Mr. Scales seconded the motion.

**Roll Call Vote:**

Name	Yes	No
Doug Crafts	x	
John Giffin	x	
Ron Haggett	x	
John Kendall	x	
Frank Scales	x	
Don Winchester		

Unanimous vote 5 -0. The Appeal was granted.

Attorney Donovan said that he believed that it is not a permitted use; and therefore, the Height Variance Rehearing should not happen. He thought the next hearing date should be kicked out thirty days to see



what Eolian would do. And then everything should be scheduled for one evening.

Mr. Haggett wanted to know if the whole process was to start all over again. Could Eolian put in a new application for a use variance and also a height variance.

Chair Kendall said that if the case ends up in court, there should be closure. He agreed with Attorney Donovan on the date and would be willing to set the date out thirty days.

Attorney Donovan said that the Board could discuss it with Town Counsel, but he felt that the Height Variance was "dead in the water". But whatever occurs, the meetings should be consolidated.

Chair Kendall felt that the Rehearing should be continued.

Attorney Donovan said that he did not understand the rationale and was not sure it was correct.

Chair Kendall said that he wanted to accommodate everyone and to assure that the process had been done correctly.

Attorney Uchida said that he agreed with the thirty days to determine what Eolian should do. He felt that the Height Variance was not a "dead" issue.

Chair Kendall said that Eolian would have thirty days to appeal the ZBA decision. He said that the Board would need time to read any new information and would not want the meeting immediately after the possible appeal date. He said that he was open to discussion on the possible date.

There was a discussion among the participants concerning vacations, other scheduling restraints, need to re-notice, the granting or denying of a rehearing of the appeal of the decision of the appeal

It was determined that the Height Variance Rehearing would be continued to July 20, 2010 at 7:15pm in the Little Town Hall.

REHEARING of File #2009-02ZBA – Variance from Article XIV-D, Section D.1.b. for Met Tower on Map 212 Lot 30. continued to July 20, 2010.

**Business Meeting:**

- Approve Meeting Minutes of April 20, 2010 Mr. Scales moved to approve the minutes as amended. Mr. Haggett seconded the motion. All approved the minutes.

At 8:30 pm, Mr. Haggett moved to adjourn the meeting. Mr. Scales seconded it, and the meeting was adjourned.

Respectfully submitted, Diane Chauncey , On Behalf of the Antrim Zoning Board of Adjustment

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**  
Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**

**ANTRIM ZONING BOARD OF ADJUSTMENT  
July 20, 2010 Meeting**

**Meteorological Tower Height Variance**

**Members & Staff Present:** Diane Chauncey (Staff)      Doug Crafts (Member)  
John Giffin (Member)      Ron Haggett (Member)      John Kendall (Chair)  
Peter Moore (Planner)      Frank Scales (Member)

**Members & Staff Absent:**  
Don Winchester (Alternate)

**Public Attendees:**

Galen Stearns	Jack Kenworthy	Ian Johnson	Luke Johnson
Ben Pratt	Gordon Webber	Janis Longgood	Steve Sawyer
Richard Block	Loranne Block	Richard Uchida	Michael Donovan
Ray Ledgerwood	Drew Kenworthy		

**7:00 Review Session**

- Review Minutes of July 13, 2010

**7:15 Public Meeting:**

**Continuance of Public Hearing from May 18,2010 for the REHEARING of File #2009-02ZBA – Variance from Article XIV-D, Section D.1.b. for Met Tower on Map 212Lot 30**

Chair Kendall opened the meeting at 7:16pm, introduced the Board members, and asked Mr. Moore if there

Mr. Moore stated the history of the case by way of a Case Chronology (attached to these minutes). Essentially, this meeting is a DO OVER of the variance case.

Chair Kendall stated the procedural order. He also stated that all notated testimony , evidence and information from prior proceedings will be incorporated by reference to the record, and become a part of the evening's information.

Chair Kendall yielded the floor to Attorney Uchida (of Orr& Reno law firm for Eolian).

**Attorney Uchida**

Attorney Uchida began by stating that a Height Variance from Article XIV-D had been granted to Antrim Wind Energy LLC (AWE) on October 18, 2009. A rehearing requested by the Blocks et al and this meeting tonight is the result of that request.

Attorney Uchida said that he wanted to address whether or not AWE had satisfied the unique circumstances of the Met Tower. He said that he would address some of the concerns and then as a second

C:\AWE SEC\Town Minutes\ZBA\07-20-10\_ZBA (W).doc

part of the presentation, Jack Kenworthy would show a Power Point that further clarified the merits of the Height Variance Request. The five criteria that would be used to assess the merits would be under the 'old' rules because of the time frame in which the application was filed. (No longer distinguish between a use and area variance as of January 2010)

### Issue of use

The time for challenging Small Wind Energy Ordinance had long since passed and it was improper to revisit the issue. The issue of use can not be used to deny the Met Tower, and even if the challenge had been successful, the ZBA has no law that allows them to do such a procedure. The record was clear that Antrim Wind Energy (AWE) had been in discussion with the Town of Antrim (TOA), and had applied for a building permit. The building permit was denied because the Met Tower was taller than what was allowed. The denial did not say that the grounds did not qualify as use. The first indication that use was an issue was at the July 8, 2009 ZBA meeting. AWE had been advised by the TOA Planning Department, Town Counsel (Attorney Matt Serge) and the Local Government Center (LGC). They had all said the best way to present the application would be under Article XIV-D (SWES). Although, AWE had expressed some skepticism, they were encouraged to apply in that manner.

The second indication that the issue of use had been determined was in the Planning Board Minor Site Plan Review (approved March 18, 2010) - when it was stated that Town Counsel had said that the application had been appropriately filed. Attorney Uchida said that here had been at least five or six determinations in which the issue of use had been discussed.

Attorney Uchida said that in state statute, there are thirty days to appeal. The deadline in which to do appeal had been missed. The issue can not be heard. He stated the rules of municipal estoppel and stated his reasons for its use. He summarized by saying that AWE's application had been presented in a manner that had been assured as correct by two different sources Town Counsel and Local Government Center and that there had been failure to appeal in a timely manner.

Attorney Uchida said that he would answer any questions.

There were no questions from the Board

### **Jack Kenworthy** – Merits of the Area Variance

Mr. Kenworthy presented a PowerPoint. He had a hard copy for the Board as well as a cd that would be available to the Board for later viewing. The hard copy Power Point Presentation is available at Town Hall 8- 4, Monday - Thursday.

### Power Point -

(numbered by point made, not slide number)

1. Variance Request Facts – back ground information
2. Use – summary by Atty Uchida - not question/issue before the ZBA - seeking an Area Variance only
3. The Site - location and footprint
4. Tower Overview (4 slides) - tower specifications - height driven by purpose - industry standard
5. Anchors - cardinal directions – rock anchors (drilled into rock) –pull-out strength – 24000lbs – all will be removed – designed for loads
6. Schematics (3 slides ) Manufacturer of the Met Tower - NRG Systems – designed for harsh conditions - base plate geometry - tower layout - site layout - Schematics – base plate assembly (7.7 sq ft) – tower layout – site layout (plan view of layout) – used laser pointer to show layout – outside anchor – 110'

7. Tower Overview – height driven by purpose – industry standard - – measures wind speed at 3 levels – measures bar , humidity, and temp – sensors attached via signal wires to a logger which is mounted to the lowest section – attached to “ipack” – daily emails – strong indicator if there is a problem
8. Access and Removal – no new roads – no trucks or heavy equipment- will be completely removed anchors will be removed and the holes grouted
9. Images – Access Road, Access Road and Vehicle, Rock Anchors, Rock Anchors with dog, Base plate and Tower, Lift, UTV at Base, Gin Pole, Logger, Tower Up
10. Other Permit Requirements – no additional permits were necessary – no FAA determination - no hazard so no requirement
11. Light Sound Utilities – emits no light – no noise – on private property – no safety hazard
12. Site Plan – topo map – shows met tower footprint
13. Area Variance Requirements – 5 Criteria must be met to legally grant a variance

- [1]The value of surrounding properties will not be diminished
- [2]The variance will not be contrary to the public interest
- [3]Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship
- [4]Granting the variance would do substantial justice
- [5]The variance is consistent with the spirit of the ordinance

14. Criteria [1] : Value will not be diminished

[1A] No evidence that the presence of meteorological towers reduces local property values.

- Claims by opposition based on false assumptions: Met tower is an announcement of a wind farm; wind farms negatively impact property values; a 198 ' Met tower has a greater impact on property than a 150' tower which is allowed by right.
- Presented a Multi-Site Hedonic Analysis - the impact of wind power projects on residential property values in the United States - studies have relied on surveys of homeowners or real estate professionals, rather than trying to quantify real price impacts based on market data - an abstract of the study was read - hedonic pricing model was explained - 3 stigmas defined
- Conclusion - no evidence is found that home prices surrounding wind facilities are consistently, measurably, and significantly affected by either the view of wind facilities or the distance of the home to those facilities.

[1B] Opponents have made the argument that the approval of a variance to permit the erection of a meteorological tower, which is taller than one that is allowed by right, means a wind farm will be developed which will (or that the mere potential will) deter potential buyers from purchasing property in Antrim - no evidence to support the notion

[1C] Property values in Antrim, in New England and across America are currently being impacted by a multitude of very complicated dynamics.

Conclusion - "AWE has provided ample evidence, based on professional, multi-year statistical studies, using thousands of actual home sales in the vicinity of wind facilities, demonstrating that property values are not impacted after the announcement or construction.

15. Criteria [2] : Not contrary to the public interest

- [2a]Need for clean, renewable power and is in the best interest of the residents of Antrim and the State of NH

- [2b] Antrim was one of 164 towns in NH to adopt the NH Climate Change Resolution in 2007
  - [2c] quote from Section IV of Antrim" Master Plan
  - [2d] RSA 362:1-F - stimulate investment in low emission renewable energy generation technologies in NE
  - [2e] Positive response from residents in Election Day (March 2010) survey - in favor of commercial wind energy development
16. Criteria [3] – Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship - Uniqueness
- NH Supreme Court's opinion in *Boccia v. City of Portsmouth* discussed
  - Elevation, adequate wind resource, proximity to transportation, proximity to electrical transmission, lack of conservation easements, lack of wetlands, distance from residential structures and previous impact to the property make this property truly unique - maps to support - maps to support this - General Terrain and Geography; Predicted mean wind speed at 70 m above ground; Viable Community Scale Wind Resource areas; Viable wind resource areas with conservation easement overlay; transmission constraints to community scale wind
  - NH Supreme Court case - *Rancourt v. City of Manchester* and *Farrar v. City of Keene* - clear from these cases that a variance may be reasonable even if the subject property shares certain relevant characteristics with other properties in the area
  - No other feasible method for evaluating the wind resource on this property
  - EAPC wind letter - stressed height as way in which to collect data
  - Garrad-Hassan - method of measuring
  -
17. Criteria [4] - Granting the variance would do substantial justice
- Quote from *Farrar v. City of Keene*
  - Unique factors of the property make it well suited for commercial scale wind energy development
  - Master Plan and NH RSA 361:F-1 state the importance of renewable energy
  - Presence of tower does no harm
  -
18. Criteria [5] – Consistent with Spirit of Ordinance
- Antrim ZO allows for the temporary erection of met towers – many allowed uses – mischaracterizing by naming it conservation – only purpose of tower is to measure wind resource at the specific location - a taller tower is necessary
  - Other commercial uses are allowed in the RC district
  - RC district is not "conservation land" and allows many forms of private development
  - Title LXIV - Planning and Zoning - Chapter 672 - General Provisions - III-a and III-d
19. Summary Slides :
- Not applying for a use variance - area variance only
  - Installation - within the rights of the landowner
  - Unique property
  - Area variance will not change the zoning
  - Not conservation land - could be subdivided and developed

- No evidence that a met tower that is taller than a tower allowed by right in the RC district will cause any impact to property values - ample evidence provided
- Closing statement - the ZBA must find that its original ruling was proper and lawful and that it must uphold that decision
- 

Mr. Kenworthy said that he would take questions from the Board - there were none.

### **Public Hearing:**

Chair Kendall asked if there were any abutters in favor of the proposal: None

Mr. Crafts asked if a Public Attendee who was not an abutter but had come along way would have an opportunity to speak.

Chair Kendall said that he wished to stay with the Public Hearing procedure. He asked if there were any abutters opposed to the proposal who would like to speak.

### **Attorney Donovan**

Attorney Donovan wished to speak for the twenty-five people that he represented who are not in favor of the proposal. He said it would only take 15 minutes. He thanked the Board for the opportunity to speak.

Attorney Donovan stated that in the record it should state that the Blocks et al felt that the hearing was not necessary because the Board had made a previous decision, in the appeal from an administrative decision of the Planning Board that the Met tower was not a permitted use. He said that it should go on record that the hearing was not necessary and should not be heard at all.

Attorney Donovan said that Attorney Uchida was trying to get around clear facts. It was never a permitted use until the Planning Board granted the application of the minor site plan review. He stated that Eolian had consistently maintained that it was a public utility. The Building Inspector had denied it because of what is allowed by right. The ZBA ruled that it was not a public utility. That ruling now stands. Attorney Uchida has skirted the issue and muddled things up with the use issue. The ZBA reversed the decision. He said that only the height limitation applied and Eolian only needed a height variance.

Attorney Donovan said that the applicants were attempting to get the ZBA to say that it is an allowed use. He said that the ZBA can not make administrative decisions nor can it give advice; the ZBA can only adjudicate.

Attorney Donovan further stated that the use issue had been resolved in favor of his clients. Eolian should have raised the issue and he referred to the April 13, 2010 letter that he had written. He said that the ZBA's task is to determine criteria. Estoppel is not a zoning question. Eolian took a risk when they constructed the tower. As far as the Town Officials and their knowledge of the application – he felt that the Board should forget all that, and determine whether the criteria had been met. All arguments in motion for the rehearing should be incorporated.

Attorney Donovan's three arguments:

1. The height variance should not be granted because it not allowed in the Small Wind Energy Ordinance. A variance can not be given for what is not a permitted use.
2. There is no unnecessary hardship because there are no special conditions of the land causing unnecessary hardship.
  - *Simplex* decision (including *Boccia*) - a variance can only be granted when "owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship." If there are no "special conditions" affecting the property of the applicant, the applicant may not be entitled to variance relief
  - Several other properties on hills equal to or higher in elevation than Tuttle Hill could support a wind farm - the Ott property is not unique in that respect
  - No circumstances special to this piece of land that necessitate a height variance. Any parcel in Antrim would require a variance.
3. The proposed met tower does not observe the spirit of the zoning ordinance
  - Met towers greater than 150' in height are expressly prohibited by the ordinance
  - The Board cannot change the ordinance
  - Article XIV-D 1.b. expresses "that in no situation" may towers be higher than 150 ft
  - Contrary to the purposes of the RC District
  - Tall towers are inconsistent with the purposes of the RC District.

Attorney Donovan stated that AWE had failed to meet the burden of proof with all five criteria. He said that the Board should forget the stuff in Atty. Uchida's July 13, 2010 memo to the board, that it was a Red Herring, that there was no unnecessary hardship, and it is inconsistent with the spirit of the ordinance.

Attorney Donovan asked for questions from the Board.

Mr. Giffin said something about "expressly prohibited - October 2009 - page 14.

Chair Kendall asked if the Blocks would like to speak. They said that other interested parties could speak first.

Steve Sawyer – He said that he had been a resident for 5 or 6 generations. He said that he had been on his sailfish on Gregg Lake and was amazed at how the Met Tower disappeared in the sunlight. He did not see it as a visual impediment. He had watched the Town of Antrim for his whole life. The town had its political peak in 1850 with the Goodell factory on Great Brook. He saw the potential wind farm and an economic opportunity, and in the bigger picture, he felt that it would be a good investment in the Town of Antrim. Economic viability would allow people to stay in town by lowering property taxes. He said that he was strongly in support of the Wind Farm.

Ian Johnson – He stated that green energy was a good selling point and that there were definite benefits to having a renewable energy in the Town. He thought that to let this go by would be a lost opportunity and a shame. Having listened to all of this (tonight's ZBA meeting), he thought that there was compelling evidence - black and white- of what should be done. He was fully in support of the proposal.

Gordon Webber – As a resident, he wanted to state that he was in strong support of the height variance. He saw it as a huge economic boom and had great possibilities for the town. As a Selectman, he also thought that it would be a huge financial boon to the Town of Antrim. The Building Inspector had denied because of height, not because of use. He was strongly in support of the variance being granted.

Janis Longgood –As an abutter, she was opposed to the height variance. The difference between 150' and 195' is significant and it is not allowed in the Rural Conservation district. A cell tower is not allowed in the district and a met tower does not fit the spirit of ordinance. She wanted to state her opposition.

Mr. Moore read a letter of February 10, 2010 from abutters Robert and Janice Earley in opposition of the height variance. The Earleys main objection was that they felt there was a "...lack of evidence in the record of previous Board meetings or deliberations to prove the existence of hardship stemming from some unique deficiency in the physical characteristics of Lot 30, as is required by the variance. To support a finding of such hardship, the law requires evidence sufficient to prove that the physical characteristics of the underlying land, itself, are so uniquely adverse that they bar any reasonable use of the property as it is zoned. (Rural Conservation District) *Crossley v. Pelham*, 133 NH 215"

Loranne Block chose to speak at the next meeting.

#### Richard Block

- By State law – all 5 criteria must be satisfied
- OEP – had stated that the Small Wind Energy Ordinance was very inappropriate
- Impact of property values – not met tower but what it foreshadows – it is a massive industrial application. Antrim Realty had said the very presence is problematic because of wind farm potential
- People have turned away because of the potential
- Eolian consistently misrepresented what was a permitted use – and that he and Loranne were challenging that
- Although they had presented information from Mars Hills that said that some properties were unsellable- the criteria is public interest
- More people signed the petition against the industrial wind farm than the Election Day survey
- His quality of life would be diminished – the moon and sun would be right behind tower
- They will experience serious shadow flicker
- Should not an allowed use by any stretch of the imagination
- The met tower will not fit into the spirit of the ordinance
- To Mr. Webber – nothing that proves that Antrim will have any financial gain

Chair Kendall stated that the meeting would be continued. Others will have an opportunity to speak.

There was a short discussion of the procedure.

Chair Kendall said that he would limit the length of time in which the attendees can speak.

Mr. Kenworthy asked if there would be a time for a rebuttal argument.



Attorney Donovan said that if there was to be a rebuttal, new information could not be slipped in - it would need to be a rebuttal of what had already been said.

Mr. Haggett moved to continue the meeting to August 17. Mr. Crafts seconded it. Voted unanimously to continue the meeting to August 17, 2010.

**Business Meeting:**

- Approve Meeting Minutes of July 13, 2010 - Mr. Haggett moved to approve the minutes as presented. Mr. Scales seconded the motion. The minutes were approved.

At 9:40 pm, Mr. Haggett moved to adjourn the meeting. Mr. Crafts seconded it, and the meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Zoning Board of Adjustment

**ANTRIM ZONING BOARD OF ADJUSTMENT**  
**August 17, 2010 Meeting**

**Meteorological Tower Height Variance–Continued Meeting**

**Members & Staff Present:** Diane Chauncey (Staff)      Doug Crafts (Member)  
John Giffin (Member)      Ron Haggett (Member)      John Kendall (Chair)  
Peter Moore (Planner)      Frank Scales (Member)

**Members & Staff Absent:**  
Don Winchester (Alternate)

**Public Attendees:**

Jack Kenworthy	Ben Pratt	Shelly Nelkens	Doug Stone
Richard Block	Loranne Block	Richard Uchida	Michael Donovan
Elsa Volker	Janis Longgood	Robert Cleland	

**7:00 Review Session**

- Review Minutes of July 13, 2010
- Case Chronology – Rehearing of Case #2009-02ZBA – one-page handout prepared by the Town Planner (attached as a part of the minutes in the Planning Department)

**7:15 Public Meeting:**

Continuance of Public Hearing from July 20, 2010 for the REHEARING of File #2009-02ZBA – Variance from Article XIV-D, Section D.1.b., for Met Tower on Map 212 Lot 30.

Chair Kendall opened the meeting at 7:15pm, introduced himself and the other Board members. He explained that it was a continued meeting from July 20, 2010.

The minutes of the July 13, 2010 meeting were discussed. Both Attorney Donovan and Uchida would like to have made suggestions to the wording of the minutes, but the minutes had already been approved by the ZBA. It was decided that the attorney's letters would be added as an addendum to the minutes.

**Public Hearing (continued from 7/20/2010) :**

The following public attendees spoke in opposition to the Met Tower's Height Variance:

- **Loranne Carey Block** – spoke in opposition to the met tower - letter attached as a part of the minutes in the Planning Department
- **Annie Law** – Opposition to the Met Tower Does not want to look at the turbines. She camped at Pillsbury Park and could hear the turbines. The Antrim turbines would be as close to where she now lives and wants to preserve what she has.
- **Elsa Volker**–prepared statement in opposition to the met tower attached as part of minutes in the Planning Department

Chair Kendall thanked the attendees for their comments. He reminded the attendees that the ZBA would be looking at only the met tower and the height variance.

- **Robert Cleland** – He is against any tower in the Rural Conservation area – the area is a gem in the town
- **Shelley Nelkens** – stated that sound travels over water and that the sound at Gregg Lake will be annoying. The wind turbines will destroy the town.

Chair Kendall reminded the Public Attendees that although the met tower preceded a wind farm, the ZBA's decision this evening is about the height variance FOR A Meteorological Tower.

- **Doug Stone** – Spoke in opposition – had moved to the area because of the land and the woods – if the Wind tower moves in – he would have to move
- **Schaefer, Mark and Brenda** – a letter that the Schaefers had written in opposition to the Met Tower was read by Ms. Block – attached as part of the Public Record
- **Attorney Uchida** (Orr & Reno, representing Antrim Wind Energy, LLC [AWS]) - emphasized that the Hearing concerned the Met Tower not the Wind Farm. The two main thrusts concerned the height variance which had met all legal definitions and that a met tower was a permitted use. The issue of use could have been raised but the filing date to raise the issue had passed. Only the issue of height should be addressed. The only reason for denial of the building permit was height. AWE had asked if the correct ordinance was being addressed – advice and direction was given by both the Town Planner and Town Counsel. No decision on use was determined until the Planning Board Minor Site Plan Review proposal that was granted, but that decision was a different application and should have no relevance to the height variance. Attorney Uchida continued by discussing Simplex in relation to the case, the OEP Handbook, page 14, and municipal estoppels. He said that if AWE had been told that the Small Wind Energy System Ordinance did not apply, then no one would be here this evening. In summary, the Zoning Board of Adjustment has no jurisdiction over use – just height.
- **Jack Kenworthy–Five Criteria for the Height Variance**
  1. The value of the surrounding property will not be diminished.
    - \* Appleshed Realty – this type of testimony is 3<sup>rd</sup> party hearsay – not substantiated in anyway
    - \* Property value damage – legal obligation to disclose
    - \* Shadow flicker – met towers do not cause
    - \* Mars Hill project – Fort Kent Maine – not a study – rather an opinion
    - \* No evidence of property devaluation
    - \* Graph of Property values - showing market drop – focus on authoritative study - 7500 actual real estate transactions – no evidence that values are affected – not released until 12/2009
  2. The variance will not be contrary to the public interest.
    - \* Need for clean domestic energy
    - \* In the public interest - RSA is black and white
    - \* Master Plan – states “should not unreasonably limit the installation of solar, wind or other renewable energy systems

- \* Antrim residents responded positively to a Survey for wind power in the March 2010 Town Meeting election
- \* Public health, safety and welfare are not affected
- \* NH Climate Change Action Plan – 25% renewable – Antrim gets most of power from oil and coal – since adoption of SWES – not a single swes has been applied for

3. Special conditions exist such that the literal enforcement of the ordinance results in unnecessary hardship

- \* Boccia – use and dimensional – two prong test
- \* 60 meters needed
- \* Uniqueness has been demonstrated
- \* A property need not be the only property in area to share unique characteristics
- \* Earley letter – not proper standard
- \* In summary – the property has excellent wind characteristics and height Of 60-meters is absolutely necessary

4. Substantial Justice would be done.

- \* Property is exceptionally unique
- \* Right to use and enjoy property
- \* Property owner could subdivide and develop the property
- \* Met tower – just for information
- \* Public benefits for the town of Antrim and the State of NH – benefits to the public – large and obvious

5. The variance is consistent with the spirit of ordinance.

- \* Variance is consistent
- \* ZO list of permitted uses
- \* Not conservation land
- \* Right to subdivide and develop land
- \* No light, sound, etc
- \* Unique property – no alternative to the tower
- \* No evidence that it will affect property values

In summary, Mr. Kenworthy said that the question of use should not be brought up, and that he would hope that the ZBA would uphold their original decision.

Chair Kendall said that he realized estoppel is not a ZBA decision, but rather a land use issue. The ZBA does not oversee the Building Inspector. AWE had come to the ZBA for a height variance and he did not think there could be a height variance without an allowable use.

- **Attorney Donovan stated** that there was sufficient information to grant a rehearing and then another building permit application had been submitted. He said that it had taken a year to get to this point.
- **Attorney Uchida** asked the Board to look at the record. Chair Kendall had said that use is not the issue – only a height variance should be addressed. In October 2009, the issue of use could have been addressed, but it was not.  
Chair Kendall was concerned about the administrative estoppel.

- **Attorney Uchida** said that estoppel was a defense of enforcement.
- **Attorney Donovan** wanted to speak about use. He had been aware of the 30-day administrative rule. The Planning Director had said there was no decision on permitted use. The Building Inspector had said that the height exceeded what was allowed (in the Zoning Ordinance). He said that the use issue should be forgotten – that the use issue would be before the court, and that the ZBA should stay with the five criteria.
- **Attorney Uchida** cautioned that the ZBA should not confuse municipal estoppel with timeliness. The Small Wind Energy System ordinance was the appropriate use.

### **Deliberation**

Mr. Moore stated that the matter before the Board was to uphold or reverse the decision. He read the suggested motion for approval.

Chair Kendall said that the matter was to accept or deny.

Attorney Donovan stated that the Board should not make a procedural error.

It was agreed by the Board that the five criteria would be discussed.

Mr. Haggett said that the SWES had been used. He had asked at the first meeting – did the application need to be accepted. He had relied on what was handed to the Board that the SWES was appropriate and that the height variance was the purpose of the process. He felt that the criteria for the height variance had been satisfied.

Mr. Giffin concurred that relief from the height variance was the issue not the use.

Mr. Crafts said that the procedure had been difficult and that it had been hard to separate the two (use and height) and that the two had been intertwined with the possibility of a commercial wind farm. He continued that no one knew what the future held and it was hard to separate the emotions of the abutters. He has lived on Gregg Lake for many years, but realized that the decision would take in the entire town, but the “rural conservation” could be logged out and made into home sites.

The Board deliberated the five criteria. Some of their comments are as follows:

1. The value of the surrounding property will not be diminished.
  - Opinions are not necessarily facts
  - Evidence of both sides – equal and opposing – equal out each other
  - Met tower will not affect values
  - Reasonable use because the met tower is so temporary
2. The variance will not be contrary to the public interest.
  - No traffic
  - The met tower is just to collect data

3. Special conditions exist such that the literal enforcement of the ordinance results in unnecessary hardship.

Eolian explained it well

Boccia case shows that it is uniquely different

Difficulty of permitted use to place the tower in its present location

Abutting properties can be unique – wind resource is just as unique as a mineral resource

The ZO appreciates that certain uses are height dependent – 60 m is what is needed for this application

SWES permits accessory structures – the tower was allowed – just need the height

4. Substantial justice would be done.

Temporary structure

5. The variance is consistent with the spirit of the ordinance

Chair Kendall said for him the first four criteria can not be denied. Both Eolian and the Blocks presented their cases well. But in his mind, the Met Tower precedes a commercial structure and the Zoning Ordinance was written before the thought of a Wind Farm. If he could look at just as a Met Tower, it would be one thing, but to bring it in under the SWES, he felt that the spirit was to have a SWES on private property, and so, not in the spirit of the ordinance.

Mr. Giffin said that he had looked at personal wind energy systems and their height varies from 65' to 150' and so even for a SWES, a variance would be needed. The biggest problem has been the inability to differentiate between a met tower and a potential wind farm. If the Wind Farm had never been mentioned, there probably would have been as few as three meetings. It has been difficult to separate, but the ZBA can not tell what the future will hold and at this time – just the Met Tower should be viewed.

Chair Kendall repeated his frustration.

Mr. Crafts said Chair Kendall should vote his conscience. The debate should be over.

Mr. Haggett said that the ZO permits the Met Tower. The height of the Met tower is needed to tell “which way the wind blows”.

Mr. Giffin said that the Board needed to look at the facts in front of them.

Mr. Haggett said that they can not predict the future. If all the criteria are satisfied, the variance should be granted.

**Vote:**

Mr. Giffin moved to vote on the variance. Mr. Haggett seconded the motion. The ZBA voted for a roll call vote.

Move to UPHOLD (REVERSE) the Decision of the Antrim Zoning Board of Adjustment made October 13, 2009 to approve the application of Antrim Wind Energy, LLC for an Area Variance from Article XIV-D, Section D.1.b. to permit the construction of a meteorological tower on property located at 354 Keene Road (Tax Map 212, Lot 30) in Antrim, NH 03440, located in the Rural Conservation District.

*The wording was changed from UPHOLD (REVERSE) TO DENY (APPROVE). A yes vote is to approve the height variance. A no vote is to deny the height variance.*

The following conditions apply to this approval:

1. Planning Board requirements, commitments and agreements made by the applicant and/or his agent as recorded in the meeting minutes dated July 20, 2010 and subsequent meetings as they pertain to this application are a conditional part of this approval.
2. The applicant shall obtain a building permit for any construction or alteration and adhere to all building, health and fire codes.
3. The applicant shall obtain any necessary state and/or federal permits required for this proposal.
4. The Met Tower shall be disassembled and removed from the site by November 30, 2012.

**ROLL CALL VOTE:**

**Date: August 17, 2010**

**Motion made by: Mr. Giffin Motion seconded by: Mr. Haggett**

<b>Name</b>	<b>Yes</b>	<b>No</b>
Doug Crafts	x	
John Giffin	x	
Ron Haggett	x	
John Kendall		x
Frank Scales	x	
Don Winchester		
Shelley Nelkens		

The motion passes 4- 1 in favor of the height variance. Block et al have the right to appeal to Superior Court within 30 days.

**Business Meeting:**

- Approve Meeting Minutes of July 27, 2010 - Mr. Haggett moved to approve the minutes as presented. Mr. Scales seconded the motion. The minutes were approved.

At 9:40 pm, Mr. Haggett moved to adjourn the meeting. Mr. Scales seconded it, and the meeting was adjourned.

Respectfully submitted, Diane Chauncey, On Behalf of the Antrim Zoning Board of Adjustment

## ANTRIM ZONING BOARD OF ADJUSTMENT

### May 5, 2011 Meeting Variance #2011-04ZBA Antrim Wind Energy LLC

#### Members & Staff Present:

Diane Chauncey (Staff)	Doug Crafts (Member)	Ron Haggett (Member)
John Kendall (Chair)	Ray Ledgerwood (Alternate)	Shelly Nelkens (Alternate)
Frank Scales (Member)		

#### Members & Staff Absent:

John Giffin (Member)

#### Public Attendees:

Richard Uchida	Joshua Pantesco	Jack Kenworthy	John Soinien
James Hankard	Mary Allen	Stuart Gross	Rick Wood
Gordon Webber	Clark Craig	Keith Klinger	Gordon's neighbor
Dave Duffy	Bob Cleland	Annie Law	Ben Pratt
Brian Beihl	Janis Longgood	Richard Block	Bob Bernstein
Peter Beblowski	Martha Pinello	Dave Duffy	Loranne Block
Rob Michaelson	Mark Schaefer	Margie Warner	Elsa Voelker
Barbara Gard	Sam Apkarian		

#### 7:00 PM –Review Session:

- Review Minutes of April 5, 2011
- Review Public Hearing materials
- Appoint alternates to sit for absent members -

#### 7:15 Public Meeting:

Case # 2011 -04ZBA concerning a request by Antrim Wind Energy, LLC for a variance pursuant to Article IX B. (Use) and Article IX C. 8 (Height) of the Town of Antrim Zoning Ordinance, to construct and operate a temporary meteorological tower at 354 Keene Road, Antrim, NH (Map212, Lot 030) in the Rural Conservation District.

Chair Kendall opened the meeting (upstairs Town Hall) at 7:22pm, introduced himself, the Board. He explained the meeting procedure:

- The applicant presents the variance request.
- The ZBA members ask questions
- The Public Hearing would be open. The Chair asked for respect from all speakers – that all would receive the length of time needed for their comments.
- He asked for no redundancy and to be fair.
- The meeting would close at 9:30.
- If the Public Hearing was closed in a timely way, Deliberation would occur.



Chair Kendall appointed Mr. Ledgerwood to sit for the absent Mr. Giffin.

Mr. Webber stated that Ms. Nelkens had been prohibited from sitting on the Meteorological case because she had publicly stated her position on Met Towers and Wind Towers. He said that if an alternate is not seated, he/she should not be allowed to sit at the table.

A lengthy discussion ensued.

Legislatively, the law referring to alternates had changed in July 2010. The Antrim ZBA by-laws had not been changed to reflect the new law.

Chair Kendall said that Ms. Nelkens would not be able to ask questions.

Ms. Nelkens said that the last time around, the way in which the Met tower variance was sought was inappropriate. Now that the variance was being sought after under the appropriate ordinance, she stated that the case was different and that she should be allowed.

Ms. Pinello said that she might be able to help with the legislative ruling of July 2010 – she read from that.

Chair Kendall said that Ms. Nelkens could sit, but she could offer no questions or comments.

Ms. Nelkens said that many have expressed their opinion and that possibly everyone would have to recuse themselves.

The discussion continued with numerous public attendees offering their comments.

Finally, Chair Kendall stated that Ms. Nelkens could remain at the table and ask no questions or sit in the audience – where she could ask questions. She chose to remain at the table.

The Public Notice was read by the Secretary. The notice had been properly posted. There had been no comments by letter, telephone, or at the counter.

Chair Kendall asked the applicant (Antrim Wind Energy LLC [AWE]) to present their variance request.

Attorney Uchida began by introducing those present who represented AWE. He then gave a summary of the history of the Met Tower to date.

- The application was for a temporary Met tower only
- AWE applied for a variance request under the Small Wind Energy System Ordinance – it was granted – reheard – and is presently in court
- AWE switched courses and applied to the Planning Board for a Site Plan Review. The Planning Board approved the request.
- The height of the Met tower was challenged.
- Two Court cases were consolidated to the same hearing date
- Now – a third avenue – the present request for a variance from Article IX (Rural Conservation District [RCD]) for height and use

- The variance request, if approved, would save the Town of Antrim time and money
- The consideration of the Met Tower' s use – should be just that – the Met tower and not “opening the door for anything else”
- The ZBA application had not been updated to reflect the legislative change in variance requests (Use and Area – not a separate test) and so - AWE added an addendum to the application to list the variance criteria
- The critical difference in the new criteria - “hardship” (#5 of the criteria)
- Farrar vs. the City of Keene was used as an example
- Uniqueness of the Met tower site was emphasized
- Documents from past hearings to be entered into current case as part of the record
- Public utility – not a consideration – just the height

Mr. Kenworthy (AWE) presented the variance request with a history of the proposal and then gave a Power Point presentation. (The application and the Power Point are available via email with a request to the ZBA Clerk – [antrimplan2@tds.net](mailto:antrimplan2@tds.net))

The variance request purpose would be for use and height of a temporary Met tower to measure wind to evaluate the potential for a wind farm. He repeated the background of the Met Tower. He stated that the Planning Board Site Plan approval had not been appealed – still a valid plan – the use was allowed – it was no longer appealable.

Mr. Kenworthy continued with a Power Point presentation. The following lists some highlights of the presentation:

- The physical site on the NE peak of Tuttle Hill – map and location
- Project elements and existing access to site
- Map of Route 9 and access – topographical
- Met tower overview – specifications of structure and temporary nature
- Access and removal - no new roads – 4wd accessibility
- Sensors measure wind velocity, barometric pressure, relative humidity, emails information twice a day
- Images of actual Met tower
- Permit requirements – no hazards, no lighting, no waste, no public safety hazards

Mr. Kenworthy listed the criteria and the reasons that AWE had satisfied each of the criteria. (The application attachment which states the AWE reasons for granting relief is available at the Town Hall or by requesting the application via email – send email to [antrimplan2@tds.net](mailto:antrimplan2@tds.net))

The following are some of the reasons explained by Mr. Kenworthy:

**Criteria #1 –The variance will not be contrary to the public interest**

- a. Need for a stable, secure, reliable source of energy is fundamental to the stability of our economy.
- b. Antrim was a NH Climate Change Resolution town

- c. Antrim Master Plan states that the Zoning Ordinance should not unreasonably limit the installation of renewable energy systems.
- d. NH State law states that facilitating renewable energy development is in the best interest of the public.
- e. Straw polls in Antrim have overwhelmingly favored the development of wind energy.
- f. A Met tower must be established to record wind data

**Criteria #2 The variance is consistent with the spirit of the ordinance because:**

- a. The purpose of the Antrim Zoning Ordinance [ZO] (Article I, Section B) states that the regulations of the ZO are made in accordance with the Town's Master Plan and designed to secure safety from fire, panic and other dangers, to promote health and general welfare, to provide adequate lighting and air, to prevent the overcrowding of land, to avoid undue congestion of the population, and to facilitate provision of transportation, water, sewerage, schools, parks and other public requirements. The Master Plan's 15-page section "Encourage Renewable Energy Resources" is included as an attachment to this application.
- b. The ordinance allows for the temporary erection of Met towers. "We therefore submit that nothing about the proposed use is inconsistent with the spirit of the ordinance".

**Criteria #3 – Granting the variance would do substantial justice because:**

- a. The property in question is an exceptionally unique property given the combination of its elevation, proximity to electrical transmission lines and access to major state highways.
- b. Granting the use and height variances would also do substantial justice because it would follow the documented wishes of the vast majority of Antrim residents who would like to see a wind facility built in town – which facility cannot be built without adequate meteorological measurements.
- c. The Supreme Court's opinion in Robert Farrar v. City of Keene illustrates that when the Met tower is dismantled, there is no loss to the individual in granting the variances requested and that the gain by the general public is great, therefore substantial justice is done.
- d.

**Criteria #4 – The value of surrounding properties will not be diminished because:**

- a. There is no substantiated evidence that a temporary Met tower would reduce local property values.
- b. Property values in Antrim, in NE, and across America are currently being impacted by a multitude of very complicated dynamics. The claim by some Antrim residents that the mere potential for wind development in NH has or will decrease property values can not be substantiated.
- c. Allegations related to property value diminishing in Maine near wind farms are not put in the context of the overall real estate market, which clearly shows that as a result of forces completely independent from wind energy development, property values have declined sharply in the past three years.
- d. Neither wind farms, nor the announcement of wind farms (which a met tower is being construed as) have had negative impacts on local property values.

**Criteria #5 Literal enforcement of the ordinance results in unnecessary hardship:**

- a. Unique conditions of property for a commercial wind facility: wind speeds in excess of 7mph, suitable nearby access to highways, suitable nearby access to transmission resources, absence of critical threatened or endangered species or habitats, absence of conservation restrictions, sufficient distances from nearby residences.
- b. Property in question shares very unique conditions that set it apart from other properties in the region

In summary, Mr. Kenworthy stated that AWE was applying for a use and height variance to allow for a Met tower. He expressed that there were landowner rights. He said that the Met tower would not set a precedent. The land on which the Met tower would be sited was not Conservation land. There would be no measurable impact on property values. He concluded that AWE's request for relief in the form of a Use and Height Variance has met all conditions required in the Statute and that a timely decision from the ZBA was requested.

A public attendee did not understand the application. Chair Kendall attempted to explain that the ZBA would make a decision on the height and use of the Met tower and that the ZBA would review the five criteria in order to make that decision. The outcome of that decision would concern the Met Tower, not the Wind Farm facility. Chair Kendall said that he did not wish to restrict the public from commenting on "wind", but that the comments should address the Met Tower and not a future wind farm.

Ms. Allen wondered if the ZBA was "jumping ahead". She stated that she had spent 12 years as a ZBA member. She had read the testimony and "why at this point" was the application presented. She said that the information presented needed to be new and different. She was concerned about the court cases and she addressed whether or not the case should be accepted.

Attorney Uchida stated that the application was not a rehearing, but rather a brand new application. Although the Met tower was the same tower, the application for variance request had been applied for under a different zoning ordinance – the Rural Conservation District (RCD).

Mr. Haggett concurred with Attorney Uchida and that it was worthwhile to submit the request for relief for height and use under the appropriate ordinance.

Attorney Uchida said that current AWE variance request, if granted by the ZBA would eliminate the court cases.

Mr. Haggett said that an appeal could occur.

Attorney Uchida and Town Counsel have an order to hold the trial in abeyance.

Mr. Block asked if the application had already been accepted.

Mr. Haggett explained that the application requesting relief from the Zoning Ordinance was accepted by the Planning Department, not the Zoning Board of Adjustment.

Mr. Block read a letter stating why he thought the application should not be accepted. He said that the law is clear and that an applicant can not keep coming back and applying. He felt that it was the same case and should not be reopened.

Attorney Uchida referred to Fisher v. Town of Dover.

Mr. Haggett explained that the ZBA's role is to review applications that seek relief from the Zoning Ordinance. The Planning Board looks at Site Plan and Subdivision applications – the Planning Board determines if the application is complete and acceptable – then continues to a Public Hearing . If an application to the ZBA is properly prepared, has all the necessary elements, the Planning Department accepts it.

The discussion continued to explain to the Public Attendees how the ZBA operates.

Attorney Uchida requested that documents that had been presented to the ZBA become part of the current application. He listed them and gave the information to the Secretary.

There were questions from the audience concerning the Public Hearing (for the next meeting).

Chair Kendall said that he would like participants to “stay on target”. If a reference were to be made to the wind farm, it needed to be in correlation to wind energy. He said that he had made errors in the past and does not want to repeat that, but that comments should concern the Met tower.

Mr. Kenworthy said that the comments should concern wind energy as it relates to the Met tower and references to the variance criteria – not about a future request.

At 9:38pm, Mr. Haggett moved to continue the meeting to May 10, 2011. Mr. Scales seconded, and all approved.

At 9:41pm, Mr. Haggett moved to adjourn. Mr. Scales seconded. All approved. The meeting was adjourned.

Respectfully submitted,  
Diane Chauncey, On Behalf of the Antrim Zoning Board of Adjustment

[Antrim](#)[Meetings](#)[Hours &](#)[Town](#)[Parks &](#)[James Tuttle](#)[Business](#)[Subscribe to](#)[Send Us](#)[Home Page](#) Site This Folder[Advanced Search](#)

# Selectmen's Meeting Minutes 03/07/2011

[Printer-Friendly Version](#)

## Town of Antrim – Board of Selectmen Meeting Minutes March 7, 2011

The meeting was called to order at 7:00 PM by Chairman of the Board of Selectmen Gordon Webber at the Antrim Little Town Hall.

**Members Present:** Gordon Webber, Mr. Genest and Mr. Tenney  
**Staff Present:** Galen Stearns (Town Administrator)

1. Mr. Genest questioned the boards vote listed in the minutes of February 7, 2011 for Article 9, Mr. Stearns reviewed his notes and agreed that the vote should read "Article 9 - Mr. Genest motioned and Mr. Tenney 2<sup>nd</sup> to recommend passed 2/1." Mr. Genest motioned to approve the minutes of February 7, 2011 as amended, Mr. Tenney 2<sup>nd</sup>. Passed 3/0
2. Mr. Genest motioned and Mr. Webber 2<sup>nd</sup> to approve the minutes of February 14, 2011. Passed 3/0
3. Mr. Webber reminded the board that the Planning Board would be holding a Public Hearing on proposed Zoning Amendments on Wednesday, March 9, 2011 in the upstairs Town Hall.
4. Mr. Stearns reminded everyone that elections were tomorrow and that the Town Meeting was Thursday night in the Town Gym at 7:00 PM.
5. Mr. Stearns informed that board that the Town had been notified by Emergency Management that an ice dam has caused flooding on Rt. 202 in Peterborough and the road was closed and downtown Peterborough has been evacuated
6. Mr. Stearns presented the board with an Agreement to Limit Municipal Responsibilities form for 18 Gibson Mountain Road and explained that the Town had issued a building permit in 2006 and allowed a house to be built on a Class VI road but had not been able to get the "Limits of Municipal Responsibility" form signed and recorded although multiple attempts had been made. He stated that the house was in the process of being sold and that the Title Service Company had identified this issue to the bank which was requiring the form to be signed and recorded. Mr. Stearns has contacted Town Council who has reviewed the form being used in the past and supplied a more encompassing for which he recommends using if the Town is going to issue building permits on Class VI roads. The board reviewed both forms and Mr. Genest motioned to adopt the form recommended by counsel, Mr. Webber 2<sup>nd</sup>. Passed 3/0
7. The board reviewed the warrant articles to be presented at Town Meeting to determine who would present which article with the consensus being Mr. Webber articles 3, 6 & 8, Mr. Genest articles 2, 5 9 & 10, Mr. Tenney articles 4, 7 & 11 and that all would address article 8 operating budget.
8. Mr. Genest motioned to go into Non-Public session per RSA 91-A:3 II a & d, Public employee & Negotiations, Mr. Webber seconded. Roll call vote all yes.

There being no further business, the Mr. Tenney motioned to adjourn, Mr. Webber seconded, passed 3/0 at 8:30 PM.

Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**

MEP Exh D - 158

**Town of Antrim – Board of Selectmen**  
**Meeting Minutes**  
**March 14, 2011**

The meeting was called to order at 7:00 PM by Acting Chairman of the Board of Selectmen Michael Genest in the Antrim Town Hall.

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson  
**Staff Present:** Galen Stearns (Town Administrator)

1. Mr. Tenney motioned and Mr. Genest 2<sup>nd</sup> to approve the minutes of March 7, 2011. Passed 2/0/1 with Mr. Robertson abstaining
2. Mr. Tenney motioned to nominate Mr. Genest as the Chairman of the Board of Selectmen, Mr. Robertson 2nd. Passed 3/0
3. Mr. Tenney motioned to nominate Mr. Robertson as the Selectmen's representative to the Planning Board, Mr. Genest 2nd. Passed 3/0
4. Mr. Genest motioned to nominate Mr. Tenney as the Selectmen's representative to the Planning Board, Mr. Tenney 2nd. Passed 3/0
5. Mr. Tenney motioned to nominate Mr. Genest as the Selectmen's representative to the Recreation committee, Mr. Robertson 2nd. Passed 3/0
6. Mr. Genest stated that the Board will have to appoint someone to fill Mr. Robertson's remaining term on the Trustee of Trust Funds.
7. Mr. Genest read the letter from Town Planner Mr. Moore requesting a Special Town Meeting to vote on proposed Zoning Amendments per a vote of the Planning Board. Six letters had been received and read into the record. Multiple persons spoke for and against holding a Special Town Meeting. Mr. Genest motioned to hold a Special Town Meeting, Mr. Robertson 2<sup>nd</sup>. Passed 2/0/1 with Mr. Tenney abstaining
8. The board selected April 26, 2011 to hold the Special Town Meeting. This will be a ballot vote on the proposed Zoning amendments and the polls will be open from 8:00 AM to 7:00 PM.

There being no further business, the Mr. Tenney motioned to adjourn, Mr. Robertson seconded, passed 3/0 meeting adjourned at 8:14 PM.



## Town of Antrim

66 Main Street PO Box 517

Antrim, NH 03440

Tel: 603.588.6785 Fax: 603.588.2969

[www.antrimnh.org](http://www.antrimnh.org)

March 14, 2011

To: Antrim Board of Selectmen  
From: Peter Moore, Town Planner  
RE: Request to Board of Selectmen – Special Town Meeting

Dear Board of Selectmen,

On behalf of the Antrim Planning Board, and at the direction of Chairman Willeke, I would like to request that the Board of Selectmen consider calling a Special Town Meeting, and if they deem that to be worthy, to motion and vote in the affirmative for such, the purpose of which to be a vote by the legislative body of the town on amendments to the Antrim Zoning Ordinance proposed for, and presented in a public hearing on March 9, 2011, per RSA 675:3 and 675:7

Subsequent to that March 9<sup>th</sup> public hearing, but on the same date, the board moved and passed, in the affirmative on a 5-2 vote, six amendments to articles in the zoning ordinance. These amendments, without change, have been submitted to the Antrim Town Clerk today, a copy of which is attached for your reference.

Please let me know if you have any questions.

Respectfully,

Peter Moore  
Town Planner



## ZONING ORDINANCE AMENDMENT BALLOT

Answer the Questions Below by Marking a Cross (X) in the square of your choice

---

1. Are you in favor of the adoption of Amendment 1 as proposed by the Planning Board for the town zoning ordinance as follows?

Amend Article III - "Definitions" to **ADD** under Section B

**Wind Energy Facility:** A power generation facility greater than 100 kilowatts in rated nameplate capacity and powered by wind sources, and delivering electricity, heat, or both in commercial quantities for on-site use and/or distribution to the utility grid. It shall also include any equipment required for the collections of data and/or testing to determine the viability of such energy facilities, as well as any accessory and appurtenant uses.

YES  NO

---

2. Are you in favor of the adoption of Amendment 2 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article III - "Definitions" for **TO CORRECT REFERENCE** under Section B

**Cluster Housing Development:** An area of land, controlled by landowner or landowners organization developed as a single entity for a number of dwelling units in accordance with Supplemental Regulations, Article XIV-C (Amended March 11, 2003)

YES  NO

---

3. Are you in favor of the adoption of Amendment 3 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article V - "Highway Business District" for **TO CORRECT REFERENCE** under Section B, 1

**Manufactured Housing Units** (per Article XIV, Section U)

YES  NO

---

4. Are you in favor of the adoption of Amendment 4 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article V - "Highway Business District" and Article IX "Rural Conservation District" to **ADD**

**Wind Energy Facility** to Section B, 1 as *Principal Permitted Uses*

YES  NO

---

5. Are you in favor of the adoption of Amendment 5 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article XIV, Section O, 7 - "Supplemental Regulations" **ADD REFERENCE**

#7. Not show any exterior evidence of a home occupation except for signs as permitted in Article XVII,  
Section D - Signs Permitted in All Districts Without Permit

YES  NO

---

6. Are you in favor of the adoption of Amendment 6 as proposed by the Planning board for the town zoning ordinance as follows?

Amend Article XVII, Section E, 3 - "Sign Ordinance" **TO CORRECT REFERENCE**

3. All signs shall conform with all provisions of **Section C** of this Article (Signs Prohibited in All Districts)

YES  NO

*Mike Road Con Record*

---

Jesse Lazar  
Antrim Planning Board

Board of Selectmen,

Please hold off on any plans for a special town meeting. Changing the zoning ordinances is not an emergency, it will not lessen the exposure of the town to lawsuit, nor will it guarantee, or increase revenue that might come as a result of a wind energy project. The fact that alternative energy development may be good, or necessary, does not make wise reckless behavior of any kind. The role of the Planning Board in recommending changes to the zoning regulations is to strike a fair balance in what is always a sensitive interaction between the rights of land owners.

There are many that want a special town meeting, and who feel that any attempt to delay it is "opposition to wind energy", however residents voted to put two new members on the Planning Board. This to me carries more weight than any poll, or survey. The likely result of a special town meeting will be a serious erosion of confidence in local government. Please give the new Planning Board an opportunity to come up with a more thoughtful approach.

Thank you,

Jesse Lazar

March 14, 2011

Antrim Select Board

*make read record*

Re: Planning Board Request for Special Town Meeting.

As a member of the planning board for the past 12 months and an alternate for the prior 5 months, I have attended every meeting and public hearing. I have listened to all the public testimony on the met tower and proposed wind farm and consistently heard requests for more time on this issue.

My concern is if there were a low voter turnout to decide the proposed zoning ordinance amendments, the outcome would not be a true representation of the town. This would certainly not be in the best interest of the town. The town would best be served by waiting until the March 2012 election by both ensuring a typical voter turnout and to allow residents to gain more knowledge concerning the pros and cons of a wind farm in Antrim. It would also give the planning board time to prepare a comprehensive zoning ordinance specifically designed for industrial scale wind facilities. Right now there is none. The state of Maine has a model wind ordinance which could be used as a template.

With so many asking not to rush this through, it is potentially disastrous to confidence in the town's public officials should this be made to pass by only a few. I respectfully request that you consider this before making your decision.

David A. Dubois  
45 Miltimore Road  
Antrim, NH 03440  
588-4445

Teri Lee Moore  
55 Clinton Rd.  
Antrim, NH 03440

March 13, 2011

*note read for record*

Board of Selectmen  
C/O Antrim Town Hall  
66 Main Street  
Antrim, NH 03440

To The Board of Selectmen,

I am writing to urge you *not* to schedule the Special Town Meeting that has been requested by the previous planning board. I urge you to allow the newly elected board the time they need to more thoroughly and specifically develop not only a definition, but a specific large scale wind energy facility ordinance, including all of the components necessary to it.

I want you to know that I have been following the proceedings of the proposed wind facility since 2009. At that time I had two thoughts. The first was that I hoped that the people of Antrim would not confuse wind energy with wind towers, and my second thought was a hope that our decision of whether or not to proceed with this project was not solely guided by the dollar. I also want to tell you that I recall participating in the 2009 straw poll and that I answered "Yes" but that in the 2011 straw poll I answered "No". I answered no because I have begun to become quite alarmed at the speed with which the people of Antrim are being asked to make a decision regarding a project of this magnitude.

The choice of whether or not to proceed with this project needs to be based on a clear-headed, unbiased assessment of the benefits, as well as the costs, of wind energy production in Antrim. I am in support of renewable and alternative energy sources but I am also in support of reservation, conservation and preservation. Therefore I am concerned about the proposed amendments to the zoning ordinances regarding the rural and rural conservation zones.

I am also concerned about the apparent lack of caring and consideration that I witnessed from the previous planning board toward the North Branch community. I thought it was sadly apparent that every word, every plea from that faction seemed to fall on the deaf ears. It seemed apparent to me that the planning board's collective mind was set and that this wind facility project along with the proposed amendments to the zoning ordinances was a done deal, and only needed to be brought to a town vote.

I would like to state that I believe we are far from ready to bring this issue to a determination, one way or another. I believe we have only just begun to realize the work we have ahead of us if in fact we are to look with pride at the turbines turning on Tuttle Hill.

Respectfully submitted,

Teri Lee Moore

March 13th, 2011

167 Elm Ave  
Antrim, NH 03440  
Board of Selectmen  
C/o Antrim Town Hall  
66 Main Street  
Antrim, NH 03440

*MIKE Read for Record*

To The Board of Selectmen,

I am writing to urge you **not to hold** the special town meeting that was requested by the previous planning board, and to allow the newly elected board the time to more specifically and thoughtfully define and deal with the proposed zoning related to wind energy.

I want to begin by telling you that I was one of those who marked "undecided" on the straw poll after the March 8<sup>th</sup> election, because I am conflicted. I think Antrim is conflicted too. The planning board meetings and hearings, as well as the surveys and polls, no matter how legitimate or illegitimate, attest to that. Many of our town's citizens have been driven into various states of frenzy, panic, and mistrust of one another. Unfortunately in all this there seems to be the assumption by both members of the previous planning board and among the citizens at large that you are either for renewable wind energy or against it. For me the conflict comes from the lack of specifics in the definition, the speed with which we are being asked to make a decision on the zoning changes, and the apparent lack of consideration that I witnessed the previous board make during and after the multiple public hearings on the issue.

I would like to state, so as not to be misunderstood, that I am in support of renewable and alternative energy sources, and so I think that it is a given that I am also in support of the rural conservation land in our town. I find myself sympathetic to abutters faced with proposed zoning changes, who truly believe that their way of life will be changed. I am also sensitive to those who would like to see a reduction on the tax bill, for I myself struggled during the economic down turn when my husband lost his job. I think most residents in Antrim share some of these same feelings.

The truth is that our zoning ordinances, like the Constitution, is a living document and does need to be changed and will be changed to meet the changing needs of our community. What I am asking though, is that you give the newly elected planning board the time to do so responsibly and thoughtfully. Tuttle Hill and the wind will be there when we are ready.

Respectfully Yours,

Molly Moore Lazar

*Copy Read For Record*

63 Loveren Mill Road  
Antrim, New Hampshire 03440  
March 14, 2011

Board of Selectmen  
Town of Antrim  
66 Main Street  
PO Box 517  
Antrim, New Hampshire 03440

Dear members of the Selectboard,

The establishment of a major industrial wind turbine facility in our Rural Conservation District would undoubtedly be the most significant and cataclysmic event in Antrim's history. To even entertain the idea without devoting a substantial amount of time and resources to exploring the ramifications of such a massive undertaking would be irresponsible. As a town, we should first determine what the true benefits and real problems associated with a zoning and usage change this drastic would be, and assess the immediate and long-term impact of such a huge industrial development.

Regardless of how one feels about wind energy, it is clear that, in the case of the proposed industrial wind facility in Antrim, there are extremely strong opinions on both sides. However, there really are very few people involved who have had the time or opportunity to study the topic with any level of depth. If judgment is rushed to approve a principle permitted use in order to appease one developer who has not yet presented the details of their proposed project, we will essentially be stifling all significant future discussion on how the residents of Antrim feel about industrial wind development. The people of Antrim deserve the right to determine their own future, and jumping to permit all wind development in the RCD and passing the decision process on to the state Site Evaluation Committee effectively removes local control over the process.

On numerous occasions Eolian has been permitted, and at times actually invited, to present their case in favor of wind energy. We, over the course of the last two years, have carried on substantial research into the "other side" of industrial wind, and have discovered many issues which cause grave concern over the wisdom of allowing this kind of development in close proximity to residential properties. However, we have continuously been prohibited from testifying as to this information in front of the Planning and Zoning Boards. We were repeatedly told that, when the time came to discuss an actual wind turbine facility rather than just a meteorological tower, we would have ample opportunity to present our findings, yet we have still not been allowed to address this issue.

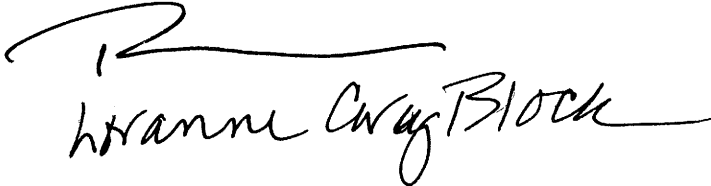
There is a great amount of very important information and many facts about health problems, environmental impact, noise and shadow flicker concerns, and property devaluation which the voters need to know before they can be expected to make an intelligent and meaningful decision. For example, we have documented proof that in towns in the northeast similar to Antrim, property values have been severely and detrimentally affected with the establishment of industrial wind facilities nearby.

It is also unfortunate that the results of the straw poll held on Tuesday, March 8<sup>th</sup> can not be trusted. We observed false information about Eolian's proposed project being given out to residents, and, on several occasions, others observed voters being handed survey slips and being told to check the "Yes" box.

We hope to see the Selectmen take the lead in this situation and assure that the residents of Antrim have ample opportunity to fairly learn all of the facts and consequences before they can effectively vote on our future. We urge you to turn down the Planning Board request for a Special Town Meeting as extremely premature and to withdraw your letter to the state Site Evaluation Committee as similarly premature. Furthermore, we ask that a commission be established with town-wide representation to take whatever time it needs to fully explore the facts, to assess the pros and cons, and to present to the Selectboard, the Planning Board, and the residents of Antrim a thoroughly researched and reasoned report.

We remain committed to assuring that Antrim remains a special place to live, and willingly offer to help in whatever way we can to preserve its uniqueness.

Very sincerely,

A handwritten signature in black ink, appearing to read "Richard Block" and "Lorraine Carey Block" on two lines. The signature is fluid and cursive.

Richard Block  
Lorraine Carey Block

LYMAN GILMORE 26 HIGHLAND AVENUE ANTRIM NEW HAMPSHIRE 03440  
Phone (603) 588-6860 E Mail [lgilmore@mcttelecom.com](mailto:lgilmore@mcttelecom.com) Cell (603) 731-3587

13 March 2011

*Lyman Gilmore  
Read Letter*

Dear Eric, Mike, John:

I urge you not to schedule a Special Town Meeting until we have investigated thoroughly the following critical questions:

1. Whether wind turbines cause health hazards.
2. Whether the potential Tuttle Hill project violates our Master Plan in terms of protecting wildlife corridors.
3. Whether Eolian's integrity is brought into question by John Soininen's telephone attack on Martha Pinello for her Limrik article and participation in the process.
4. Whether there were irregularities in Planning Board process.

While I support Ben Pratt's position and am in favor of wind energy production in Antrim, I wonder if we have all the information we need to go ahead with a vote at a Special Town Meeting. We do not know what we do not know, and we need time to find out what we do not know.

Regarding possible health hazards, recently I learned about "Wind Turbine Syndrome" which purports to be illnesses resulting from living near wind turbines, and while I do not know its scientific validity, it seems to me we ought to find out through peer reviewed research, and inform our residents, before we schedule a vote. Also, last week I heard on WGBH radio from Boston a program about the controversy in Falmouth, MA, concerning possible health risks from its wind turbines. If there are health risks, we should know about them. It is my understanding from talking to members of the Planning Board that it did not investigate these potential health hazards. (See attachment)

Regarding wildlife hazards, I have spoken with two members of the Open Space Committee, Melissa Chapman and Charlie Levesque, who are concerned that the potential Tuttle Hill project violates our wildlife corridor protection section of our Master Plan.

Regarding Eolian's integrity, when Martha reported to me, and the Select Board, that in a telephone call John Soininen had berated and criticized her for writing the Limrik article that I had invited her to write, and her participation in public meetings and hearings, I was, and continue to be, very concerned. This incident should be investigated.

Regarding the Planning Board's process, two members of the Board have told me the Board did not follow proper procedures, and if this is so, we should investigate.

For these reasons, I believe that the citizens of Antrim need further information and more time before being asked to vote on the proposed changes to the wind energy ordinances.

Lyman

*I and/or Board refused to read entire letter. Lyman  
protested that sections were not being read so he  
Read Letter.*

MEP Exh D - 168



Attachment:

*Wind Turbine Syndrome*  
Nina Pierpont, MD, PhD

MD, The Johns Hopkins University School of Medicine, 1991  
PhD, Population Biology, Princeton University, 1985  
BA, Biology, Yale University, 1977  
Fellow of the American Academy of Pediatrics

Summary of Pierpont's keynote address before  
the "First International Symposium on the Global Wind  
Industry and Adverse Health Effects: Loss of Social Justice?"  
in Picton, Ontario, Canada, October 30, 2010.

- Wind turbine noise causes tinnitus in many exposed people. Tinnitus at the physiologic level is the result of a change in sound processing by the brain.
- Other types of environmental noise have been shown to impair children's learning by changing how they process language sounds. Families exposed to wind turbines noticed deterioration in their children's thinking and learning abilities during exposure. Adults also had problems with thinking, memory, and concentration during exposure.
- Other clinical and brain studies have shown that diminished thinking and performance are tied to malfunctioning of the vestibular portion of the inner ear.
- Distorted balance signaling has a close connection with panic and anxiety in a variety of situations, a linkage that may explain how panic in the night crops up in previously non-panicked but motionsensitive people exposed to wind turbines.

Falmouth Massachusetts

The Falmouth Experience, Part 2: Sick From The Noise  
*Dozens of people living near the 1.65-megawatt turbine have reported sleep interruptions, headaches and vertigo since it was turned on last April. Neighbors say it's like sea sickness - some people feel it, others don't. But the effects seem to be cumulative in that symptoms appear and increase the longer they're near the turbine.*  
March 8, 2011 by Sean Corcoran in WGBH TV

**The Falmouth Experience: Flickering Light**  
*Residents in the town of Falmouth say that a nearly 400-foot wind turbine has severely impacted their quality of life. They talk about noise issues, ringing in their ears and changes in pressure when they are outside. But sound isn't the only thing generating discontent. ...there also are complaints about a phenomenon called 'shadow flicker'.*  
March 11, 2011 by Sean Corcoran in WGBH TV



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings Calendar](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)
 Site

 This Folder


[Advanced Search](#)


# Selectmen's Meeting Minutes 03/21/2011

[Printer-Friendly Version](#)

## Town of Antrim – Board of Selectmen Meeting Minutes March 21, 2011

The meeting was called to order at 7:00 PM by Chairman of the Board of Selectmen Michael Genest in the Antrim Town Hall.

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson

**Staff Present:** Galen Stearns (Town Administrator)

1. Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of March 14, 2011. Passed 3/0
2. Mr. Tenney motioned to appoint Mr. Paul Boule as Trustee of the Trust Funds as recommended by the Trustees, to fill Mr. Robertson position until the March 2012 elections, Mr. Robertson 2<sup>nd</sup>. Passed 3/0
3. Mr. Robertson motioned to reconsider the vote of March 14, 2011 to hold a Special Town Meeting, Mr. Tenney 2<sup>nd</sup>. Passed 2/1 with Mr. Genest opposed
4. After an hour and a half discussion by opponents and proponents of the proposed Zoning Amendments concerning wind energy, Mr. Robertson motioned to rescind the vote of March 14, 2010 to hold a Special Town Meeting, Mr. Tenney 2<sup>nd</sup>. Passed 2/1

There being no further business, the Mr. Tenney motioned to adjourn, Mr. Robertson 2<sup>nd</sup>, passed 3/0 meeting adjourned at 8:38 PM.

Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

NEW HAMPSHIRE



## Selectmen's Meeting Minutes 03/31/2011

[Printer-Friendly Version](#)

### Town of Antrim – Board of Selectmen Meeting Minutes March 31, 2011

The meeting was called to order at 1:45 PM by Chairman of the Board of Selectmen Michael Genest in the Antrim Town Hall.

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson  
**Staff Present:** Galen Stearns (Town Administrator)

1. The Selectmen and the Town Administrator traveled to Lempster to view the wind towers. The Board met with Mr. Onnela who gave them a tour of the towers and answered questions

The Selectmen returned and Mr. Tenney motioned to adjourn, Mr. Robertson 2nd, passed 3/0 meeting adjourned at 4:05 PM

- Antrim Community
- Meetings Calendar
- Hours & Contacts
- Town Departments
- Parks & Recreation
- James Tuttle Library
- Business Directory
- Subscribe to News
- Send Us Comments
- Home Page

Site  This Folder

[Advanced Search](#)



Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**

[Antrim](#)[Meetings](#)[Hours &](#)[Town](#)[Parks &](#)[James Tuttle](#)[Business](#)[Subscribe to](#)[Send Us](#)[Home Page](#) Site  This Folder[Advanced Search](#)

# Selectmen's Meeting Minutes 04/04/2011

[Printer-Friendly Version](#)

## Town of Antrim – Board of Selectmen Meeting Minutes April 4, 2011

The meeting was called to order at 7:00 PM by Chairman of the Board of Selectmen Michael Genest in the Antrim Town Hall.

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson

**Staff Present:** Galen Stearns (Town Administrator)

- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of March 21, 2011. Passed 3/0
  - Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of March 31, 2011. Passed 3/0
  - The Board discussed SAC, Parks & Rec., Scholarship Committee and Planning Board alternate assignments and decided:
    - SAC – Mr. Genest
    - Parks & Rec. - Mr. Tenney
    - Scholarship Committee – Mr. Allen from the Trustees of the Trust Funds would replace Mr. Robertson.
    - Planning Board Alternate – Mr. Genest
  - Mr. Stearns presented the Board with a list of donations which have been made to the Parks & Recreation revolving fund:
    - Dorothy Ascunsa \$60.00 from sale of a painting at Rick & Diane's
    - Anonymous donation of \$40.00
    - NH Lady Bombers \$500.00 towards sports equipment
    - McGrath Lumber Co. \$200.00 towards batting cage
- Mr. Tenney motioned to accept the donations, Mr. Robertson 2<sup>nd</sup>. Passed 3/0
- Mr. Stearns presented a letter from the Town Planner on behalf of the Zoning Board of Adjustment requesting that Mr. Giffin and Mr. Crafts be reappointed to the ZBA with terms expiring March of 2014. Mr. Genest motioned to reappoint Mr. Giffin and Mr. Craft to the ZBA for three (3) years, Mr. Tenney 2<sup>nd</sup> passed 3/0

MEP Exh D - 172

- Mr. Stearns presented a proposed agreement to the board to review for discussion at the next meeting.
- Mr. Genest noted that all the agenda items have been discussed and there is a large number of people in attendance and decided that the board would open the floor for comments. He stated that the board's letter to the SEC would remain. There were comments from the audience both pro and con concerning the up-coming SEC meeting. No decisions were made.
- Mr. Robertson motioned to go into Non-public session under RSA 91-A:3 II a – The dismissal, promotion, or compensation of any public employee or the disciplining of such employee. Mr. Tenney 2<sup>nd</sup> roll call vote, Mr. Genest – yes, Mr. Tenney – yes, Mr. Robertson – yes.

There being no further business, the Mr. Tenney motioned to adjourn, Mr. Robertson 2nd, passed 3/0 meeting adjourned at 7:54 PM.

|

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



# Town of Antrim

## NEW HAMPSHIRE


[Antrim Community](#)
[Meetings Calendar](#)
[Hours & Contacts](#)
[Town Departments](#)
[Parks & Recreation](#)
[James Tuttle Library](#)
[Business Directory](#)
[Subscribe to News](#)
[Send Us Comments](#)
[Home Page](#)

Site
  This Folder

[Advanced Search](#)



# Selectmen's Meeting Minutes 04/18/2011

[Printer-Friendly Version](#)

## Town of Antrim – Board of Selectmen Meeting Minutes April 18, 2011

The meeting was called to order at 7:00 PM by Chairman of the Board of Selectmen Michael Genest in the Antrim Town Hall.

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson  
**Staff Present:** Galen Stearns (Town Administrator)

- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of April 4, 2011.  
Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of April 4, 2011 Non-public session. Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to seal the minutes of April 4, 2011 Non-public session. Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of April 5, 2011.  
Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of April 13, 2011 Non-public session. Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to seal the minutes of April 13, 2011 Non-public session. Passed 3/0
- Mr. Robertson motioned and Mr. Tenney 2<sup>nd</sup> to approve the minutes of April 14, 2011.  
Passed 3/0

Road Agent Chip Clark discussed the cost of asphalt increase and the impact this will have on the planned road projects this year. The cost has increased \$3.00 per ton since the budget was made and the increase means that the old Concord road will still be completed but instead of 1 mile of Elm Avenue only about ½ mile will be done.

Road Agent Chip Clark informed the board that the Highway Department would be starting summer hours as of April 25, 2011 which is a 4 day work week of 10 hours per day.

Cemetery perpetual care funds – Mr. Stearns asked the board about retaining funds collected for cemetery plots in a perpetual care fund. Mr. Genest stated that the warrant article accepting the North Branch cemetery had specific language dealing with funds and requested that Mr. Stearns research the acceptance of the cemetery.

The Town of Bennington has requested an updated letter similar to the one sent in 2008 requesting that the DOT waive the bid process to hire Quantum Construction Consultants for the joint Antrim/Bennington Depot Street Bridge project, Mr. Stearns will send the letter to Bennington.

MEP Exh D - 174

The board was asked if any of the Selectmen planned on attending the SEC hearing on Friday, April 22, Mr. Genest replied that the full board would be attending.

- Mr. Robertson motioned to go into Non-public session under RSA 91-A:3 II a & c –Public employee and Reputations. Mr. Tenney 2<sup>nd</sup> roll call vote, Mr. Genest – yes, Mr. Tenney – yes, Mr. Robertson – yes.

The board returned from non-public at 7:52 PM

Mr. Robertson motioned to accept the Conservation Commission's recommendation to reappoint Linda Bryer and Keith Wolsiefer for 3 years, terms to expire March 2014, Mr. Tenney seconded the motion. Passed 3/0

The board had a request to appoint an alternate to the ZBA but no action was taken at this time, Mr. Stearns will send a letter to the applicant thanking them for their interest.

There being no further business, the Mr. Tenney motioned to adjourn, Mr. Robertson 2nd, passed 3/0 meeting adjourned at 7:54 PM.

|

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



- [X Antrim](#)
- [X Meetings](#)
- [X Hours &](#)
- [X Town](#)
- [X Parks &](#)
- [X James Tuttle](#)
- [X Business](#)
- [X Subscribe to](#)
- [X Send Us](#)
- [X Home Page](#)

Site
  This Folder
 

  
[Advanced Search](#)



# Selectmen's Meeting Minutes 04/18/2011

[Printer-Friendly Version](#)

**NON-PUBLIC**

**Town of Antrim – Board of Selectmen  
Non-Public Meeting Minutes  
April 18, 2011**

The Board met in non-public session under Per RSA 91-A:3 II a & c – Public employee, reputations

**Members Present:** Michael Genest, Eric Tenney and John Robertson

**Staff Present:** Galen Stearns (Town Administrator)

**Conservation Commission Appointments** – The board discussed reappointment of members.

- Linda Bryer

Keith Wolsiefer

**Zoning Board Appointment** – The board discussed potential ZBA alternate appointment.

- Peter Beblowski

**Peter Moore** – The board discussed potential disciplinary action and requested Mr. Stearns to draft a memo stating terms limiting Mr. Moore's involvement in dealings with renewable energy projects. The board will meet with Mr. Moore on April 20, 2011.

**Druin / Logger Road** – Mr. Stearns updated the board on the legal case concerning Ms. Druin

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**



[Antrim](#)[Meetings](#)[Hours &](#)[Town](#)[Parks &](#)[James Tuttle](#)[Business](#)[Subscribe to](#)[Send Us](#)[Home Page](#) Site  This Folder [Advanced Search](#)

# Selectmen's Meeting Minutes 04/20/2011

[Printer-Friendly Version](#)

## NON-PUBLIC

**Town of Antrim – Board of Selectmen  
Non-Public Meeting Minutes  
April 20, 2011**

The Board met in non-public session under RSA 91-A:3: II, a Public employee, Mr. Tenney motioned to go into non-public, Mr. Robertson seconded, roll- call all yes.

**Members Present:** Michael Genest, Eric Tenney and John Robertson

**Staff Present:** Galen Stearns (Town Administrator)  
Peter Moore (Town Planner)

Mr. Genest gave Mr. Moore a memo of disciplinary action and explained to Mr. Moore that the board had received 3 written complaints which had been given to Mr. Moore previously and had also received verbal complaint from Antrim Wind Energy concerning his conduct at Planning Board meetings appearing to be biased against the wind project. Mr. Genest stated that all members of the board had attended various Planning Board meetings and observed Mr. Moore and listened to his comments and feels that he was stating personal opinions. Mr. Genest read quotes from the newspapers which the board deemed inappropriate and unprofessional.

Mr. Genest asked Mr. Moore if he had any comments and he stated that he was astounded that these actions were being taken. Mr. Moore stated that he believed he acted within the scope of his job description.

Mr. Genest stated that the actions detailed in the disciplinary action memo were the result of the board's personal observations and the letters of complaint and asked Mr. Moore to sign acknowledgement of the disciplinary action. Mr. Moore requested time to consider the memo and would return the memo to Mr. Stearns by the end of the day.

Mr. Moore left, Mr. Robertson motioned to adjourn, Mr. Tenney seconded. Passed 3/0

**Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440**

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**

MEP Exh D - 177



# Selectmen's Meeting Minutes 04/22/2011

[Printer-Friendly Version](#)

- [Antrim](#)
- [Meetings](#)
- [Hours &](#)
- [Town](#)
- [Parks &](#)
- [James Tuttle](#)
- [Business](#)
- [Subscribe to](#)
- [Send Us](#)
- [Home Page](#)

Town of Antrim – Board of Selectmen  
Meeting Minutes  
April 22, 2011

**Members Present:** Mr. Genest, Mr. Tenney and Mr. Robertson  
**Staff Present:** Galen Stearns (Town Administrator)

The Board attended the Site Evaluation Committee hearing in Concord; Mr. Genest stated the Board of Selectmen's position and reasons for the SEC to take jurisdiction and confirmed the board's positions as stated in the letters submitted to the SEC.

Site  This Folder

[Advanced Search](#)



Town of Antrim, NH P.O. Box 517, 66 Main Street Antrim, NH 03440

Phone: (603) 588-6785 Fax: (603) 588-2969 [webmaster@antrimnh.org](mailto:webmaster@antrimnh.org) Monday - Thursday 8:00am - 4:00pm

**Virtual Town Hall Website**