

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Concerning an Application for a Certificate of Site and Facility
Antrim Wind Energy LLC
Docket No. 2012-01

OBJECTION OF THE NORTH BRANCH INTERVENOR GROUP

To The

**APPLICANT'S LATE-FILED SUBMISSION
OF "REVISED ATTACHMENT F"**

The North Branch Intervenor Group, as recognized by the New Hampshire Site Evaluation Committee in SEC Docket 2012-01, submits this objection to the Applicant's late-filed submission of a "Revised Attachment F." The Intervenor joining in this action are all residents and voters in the Town of Antrim and are described as follows: Richard and Lorraine Carey Block; Annie Law; Robert A. Cleland; Elsa Voelcker; James Hankard; Samuel E. and Michele D. Apkarian.

The Intervenor, so described, argue that the Applicant's late-filed submission of a "Revised Attachment F" should be denied for these reasons: (1) This submission was filed far too late for any other party to have proper time to prepare an objection; and (2) "Revised Attachment F" contains a serious omission of fact which materially affects the interpretation of an included document.

Argument

1) This submission was filed far too late for any other party to have proper time to prepare an objection.

This late-filed submission by the Applicant could have been supplied to the SEC as early as July 1, 2013. This would have allowed any party who desired the time to

prepare a proper objection. By waiting until July 9, 2013, the day before the deliberative session on motions and objections, to submit this revision, the Applicant has attempted to inhibit dissenting parties' ability to formally and properly file objections.

(2) "Revised Attachment F" contains a serious omission of fact which materially affects the interpretation of an included document.

The first part of "Revised Attachment F" is a Letter of Intent between Antrim Wind, LLC, the Town of Antrim Board of Selectmen, and Antrim Limited Partnership outlining the terms of a conservation easement to be held by the Town of Antrim.

On page 1 of this letter, it states: "The Parties recognize that the terms outlined herein are specifically intended to be binding upon the Town, AWE, and the Owner, subject to the conditions outlined below. The Owner and the Town agree to prepare, execute and deliver a definitive Easement that will reflect the terms set forth in this Agreement..."

Page 2 contains the following paragraph:

"Agreement Effective: This Agreement is one of a series of Agreements with owners of land in the Project Area and shall take immediate effect upon execution of this Agreement; provided, however, that Selectboard's execution of this Agreement and the Town's acceptance of the Easement shall be subject to and conditioned upon the compliance with applicable law regarding municipal acquisition of property, specifically including RSA 41:14-a."

Read by themselves and lacking additional information provided by the Applicant, these statements imply that this Agreement has been approved and will

automatically take effect when and if the Applicant receives a certificate for the proposed project.

The text of RSA 41:14-a reads in part as follows:

41:14-a Acquisition or Sale of Land, Buildings, or Both. –

I. If adopted in accordance with RSA 41:14-c, the selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, ***however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting.*** The selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held. [emphasis added]

The essential piece of information omitted by the Applicant in this “Revised Attachment F” is that a written petition was submitted to the Board of Selectmen on June 24, 2013. This petition contained 100 signatures of registered voters, double the number needed to require this acquisition to be inserted as a warrant article in the next town meeting. Thus, the Letter of Intent regarding the proposed conservation easement included in “Revised Attachment F” is not binding and the proposed conservation easement cannot be interpreted as agreed upon unless and until it is presented before the voters of Antrim and approved at the town meeting in March, 2014.

A copy of this signed petition is presented as “Exhibit A”.

Conclusion

Since this late-filed submission by the Applicant was not presented to the SEC until the day before its deliberative session on motions and objections it did not allow time for other parties to properly prepare and submit an objection. Additionally,

omitting the significant information about the voters' petition presented to the Selectboard results in a misleading and deceptive interpretation of the Letter of Intent in "Revised Attachment F".

WHEREFORE, the North Branch Intervenors' Group respectfully requests that the Committee does not accept the Applicant's late-filed submission of "Revised Attachment F" and strike it from the records of these proceedings.

Respectfully submitted,

Dated: July 10, 2013

A handwritten signature in black ink, appearing to be 'Richard Block', written over a horizontal line.

Richard Block
spokesperson for North Branch Resident Intervenors

Certificate of Service

I, Richard Block, certify that on July 10, 2013, I served a copy of the foregoing on the Parties and Intervenors, as identified on the official service list, by electronic mail.

A handwritten signature in black ink, appearing to be 'Richard Block', written over a horizontal line.

Richard Block

EXHIBIT A

**Voters' Petition
Submitted to the
Antrim Selectboard
June 24, 2013**





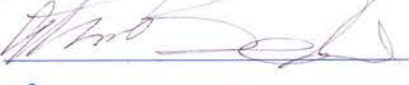

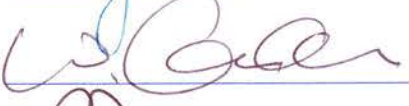
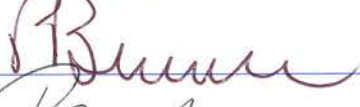


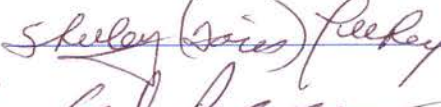

PETITION

WHEREAS Antrim Wind Energy, LLC ("AWE") and Charles S Bean, III, of Antrim Limited Partnership ("Bean") have offered to enter into a certain agreement ("the Agreement") pursuant to which the Town of Antrim, a NH municipality, ("Antrim") might acquire an interest in realty owned by Bean, that is, a Conservation Easement, all on terms set out in the Agreement and its attachments, and

WHEREAS the Antrim Board of Selectmen has noticed hearings on June 10, 2013 and June 24, 2013, pursuant to NH RSA 41:14-a to consider the aforesaid offer; and

WHEREAS RSA 41:14-a provides, in part, that "upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner then [sic] 7 days nor later than 14 days after the second public hearing which is held."; and

NOW, THEREFORE, the undersigned, being registered voters of Antrim, hereby **petition to have the proposed acquisition, and all matters relating thereto, referred to the Antrim town meeting**, for decision, all in accordance with NH RSA 39:3.

PRINT NAME	PRINT STREET ADDRESS	SIGNATURE	DATE
BRIAN R. BEIHL	17 JAMESON AVE ANTRIM, NH 03440		6/09/13
Jeanmarie White	17 Jameson Ave. Antrim NH		6-9-13
Madeleine Beihl	17 Jameson Ave Antrim NH		6/9/13
Barbara Beihl	17 Jameson Ave		6/9/13
Ethan Beihl	17 Jameson Ave		9 June 13
Mary E. Allen	21 Summer St.		6/9/2013
W. Gordon Allen	21 Summer St		6/10/13
PETER BURWEN	11 MAPLE AVE		6/18/13
Barbara Bard	243 Pleasant St		6/19/13
Philip Kohl	243 Pleasant St		6/19/13
Shelley (Doris) Nelken	11 N. Main St		6/23/13
Tod Bryer	23 summer st		6/23/13

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PRINT NAME	PRINT STREET ADDRESS	SIGNATURE	DATE
Loranne Carey Black	63 Loveren Mill	Loranne Carey Black	6-18-13
KEITH M. KLINGER	185 KEENE RD	Keith M. Klinger	6-18-13
Julie Klinger	125 Keene Rd	Julie Klinger	6-18-13
Carla Berkwell	322 Clinton Rd	Carla Berkwell	6-19-13
Douglas Stone	334 Keene Rd	Douglas Stone	6-19-13
Gmy Zaluki-Stone	334 Keene Rd, Antrim, NH	Gmy Zaluki-Stone	6-19-13
Samuel Apkarian	54 Liberty Farm Rd Antrim, NH	Samuel Apkarian	6-19-13
Michele Apkarian	54 Liberty Farm Rd Antrim, NH	Michele Apkarian	6-19-13
LYNN BURDETTE	48 Liberty Farm Rd	Lynn Burdette	6-19-13
JAMES A. HANKARD	322 CLINTON RD. ANTRIM, N.H.	James A. Hankard	6-21-13
Jane Quigley	178 Elm Avenue	Jane Quigley	6-21-13
KEVIN QUIGLEY	178 ELM AVE.	Kevin Quigley	6-21-13

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PRINT STREET ADDRESS

SIGNATURE

DATE

CLARK CRAIG	224 CRAIG RD	Craig Craig	6/17/13
Wendy LaBelle	104 Main St	Wendy LaBelle	6/18/13
Paula M. T. P.	15 White Birch Pt.	Paula M. T. P.	6/20/13
William Bishop	15 White Birch Pt	William Bishop	6/20/13
MAUR SKINNER	171 GREGG LAKE RD	Skinner	6/21/13
Cindy L Begley	171 Gregg Lake Rd	Begley	6/21/13
Fred Woolwine	104 Gregg Lk Rd	Woolwine	6-23-13
Thomas B Hickey	205 GREGG LK	Hickey	6/23-13
Thomas & Lynne	53 Brimstone Corner Rd	Lynne	6-23-2013
Max Lynch	53 BRIMSTONE CORNER RD	Lynch	06/23/2013
FRANK	44 WHITE BIRCH PT	Fred Colton	6/23/13
Kenneth Skins	15 Helen Ave	Kenneth Skins	6/23/13
Mary Ellen Colton	44 White Birch Pt.	Mary Ellen Colton	6/23/13

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PRINT NAME	PRINT STREET ADDRESS	SIGNATURE	DATE
SARAH VANDERKROG	2 OLD POUND RD	<i>Sarah Vanderkrog</i>	6/11/13
Benjamin Kilbride	37 old Pound Rd	<i>Benjamin Kilbride</i>	6/11/13
Noreen Kilbride	37 Old Pound Rd	<i>Noreen P. Kilbride</i>	6/11/13
Teri Lee Moore	55 Clinton Rd	<i>Teri Lee Moore</i>	6/13/13
Jaret McEwen	117 Old Pound Rd	<i>Jaret McEwen</i>	6/13/13
Paul Bonds	" "	<i>Paul Bonds</i>	6/13/13
Elsa Voelcker	97 Old Pound Rd	<i>Elsa Voelcker</i>	6/13/13
DeeAnn Dubois	45 M. I timore	<i>DeeAnn Dubois</i>	6/20/13
DAVID Dubois	45 M. I timore	<i>David Dubois</i>	6/20/13
Trish Murphy	266 Clinton Rd	<i>Trish Murphy</i>	6/22/13
Charles Levesque	37 Old Pound Rd	<i>Charles Levesque</i>	6/22/13

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PRINT NAME	PRINT STREET ADDRESS	SIGNATURE	DATE
Brenda Schaefer	128 Salmon Brook Rd Antrim NH 03440	Brenda Schaefer	6/21/2013
Pat Maynard	6 Forrest St. Antrim, NH 03440	Pat Maynard	6/21/13
Hermon J Maynard Jr.	6 Forrest St Antrim NH 03440	Hermon J. Maynard Jr.	6/21/13
Mark Schaefer	128 SALMON BROOK RD Antrim	MARK SCHAEFER	6/21/13
Michael Imperato	47 BATTLE RD	Michael Imperato	6/23/13
Evan Imperato	127 Salmon Brook Rd	Evan Imperato	6/23/13
Christian Imperato	47 BATTLE RD	Christian Imperato	
Rebekah G. Schaefer	128 Salmon Brook Rd Antrim N.H. 03440	Rebekah G. Schaefer	6/23/2013
Nathanael M Schaefer	128 Salmon Brook Rd. Antrim NH 03440	Nathanael M Schaefer	6-23-13

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PETER R. MOORE	55 CLINTON ROAD	Peter R. Moore	6/13/13
LUCILLE LACOMBE	17 OLD CLINTON RD	Lucille Lacombe	6-15-13
Molly Moore Lazar	167 Elm Ave.	Molly Moore Lazar	6/15/13
Karen Bennett	58 Main St.	Karen Bennett	6/16/13
ANDRAS LAZAR	58 MAIN ST	Andras Lazar	6.16.13
Sarah Gorman	286 KERRY RD.	Sarah Gorman	6.19.13
Mark Reynolds	14 SUMMER ST.	Mark Reynolds	6.23.13


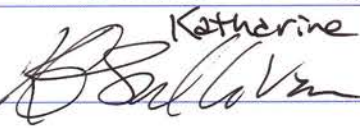

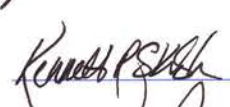
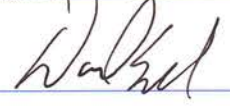

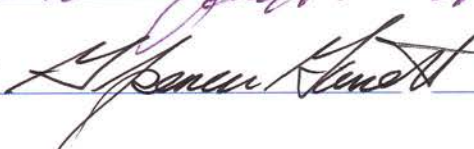
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RICHARD BLOCK	63 LOVEREN MILL RD.		6-19-13
Katherine E. Sullivan	156 Willard Pond Rd		6-19-13
Brendan Block	63 Loveren Mill Rd		6/19/13
Kenneth P. Skrabble	6 Reed Carr Rd		6/22/13
DAVID WALSH	45 Loveren Mill		6/23/13
JOAN V GARRETT	38 Reed Carr Rd		6/23/13
G. Spencer Garrett	38 Reed Carr Rd.		6-23-13

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Janice D. Longgood 156 Salmon Brk Rd Janice Longgood 6/19/13

Erin E Longgood 156 Salmon Brook Rd Erin Longgood 6/19/13

Conor W Longgood 156 Salmon Brook Rd Conor Longgood 6/19/13

KIRA ANN LONGGOOD 156 SALMON BROOK RD Kira Ann Longgood 6/19/13

RICHARD R. CORAZZINI 117 SALMON BROOK RD Richard R. Corazzini 6-20-13

Kathleen L. Corazzini Kathleen Corazzini 2013
117 Salmon Brook Rd

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SIGNATURE

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Annie Law	43 Farmstead Rd Antrim, NH 03440	Annie Law	6/19/13
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Robert Cleland	43 Farmstead Rd	Robert Cleland	6/19/13
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Ron Gilbaugh	36 Farmstead Rd	Ron Gilbaugh	6/22/13
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James Milliken	12 Farmstead Rd Antrim, NH 03440	James Milliken	6/22/13
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Brandon Gentry	11 State St	Brandon Gentry	6-23-13
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Marshall Cole	286 Keene Rd	Marshall Cole	6-22-13
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PRINT STREET ADDRESS

SIGNATURE

DATE _____

MARY Sherbourne

11 Old Pound
Antrim, N.H.

May Sherbourne

6-16-13

Julianne Kelly

10 Summer St
Antrim

JULIANNE KELLY

 $6 \cdot 17 \cdot 13$

Carl Pfeiffer

9. Low Rd.

John Doe

6.17.13

Yvette Contreras

9 Old Carr Rd

Geoffrey Thomas

6/10/13

Lucinda Healy

85 Old Pound Rd

Lucinda Nealy

6/18/19³
124

David Healy

85 Old Pound Rd

David Healy

6-18-19 13

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NANCY KNOWLES 75 Bridle Rd Antim Nancy Knowles 9/14/13

Frank A. Wallace 95 Broad St. Boston Feb 20/12

RODNEY MILLER 111 BRIMSTONE CORNER RD Andrim NH Bodysville 6/21/13

Jane Miller 111 Brimstone Corner Rd. Andover, N.H. Jane Miller 6/2/13

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NOW, THEREFORE, the undersigned, being registered voters of Antrim, hereby **petition to have the proposed acquisition, and all matters relating thereto, referred to the Antrim town meeting, for decision, all in accordance with NH RSA 39:3.**

DATE _____

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WHEREAS Antrim Wind Energy, LLC ("AWE") and Charles S Bean, III, of Antrim Limited Partnership ("Bean") have offered to enter into a certain agreement ("the Agreement") pursuant to which the Town of Antrim, a NH municipality, ("Antrim") might acquire an interest in realty owned by Bean, that is, a Conservation Easement, all on terms set out in the Agreement and its attachments, and

WHEREAS RSA 41:14-a provides, in part, that “upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen’s vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen’s vote shall take place no sooner then [sic] 7 days nor later than 14 days after the second public hearing which is held.”; and

DATE _____

PRINT NAME	PRINT STREET ADDRESS	SIGNATURE	DATE
Robert L. Edwards	101 Turner Hill Rd		6/23/13
Sarah W Edwards	101 Turner Hill Rd		6/23/13

PETITION

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NOW, THEREFORE, the undersigned, being registered voters of Antrim, hereby **petition to have the proposed acquisition, and all matters relating thereto, referred to the Antrim town meeting, for decision, all in accordance with NH RSA 39:3.**

Gregory P Lacombe 17 Old Clinton St York C-24-13