

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2014-05

**Petition for Jurisdiction
Over a Renewable Facility by Antrim Wind Energy, LLC**

**ORDER ON MOTION TO RETAIN CONSULTANT
(Jean Vissering)**

The Town of Antrim through its Board of Selectmen and Antrim Wind Energy, LLC (Antrim Wind), have filed petitions asking the Site Evaluation Committee (Committee) to assert jurisdiction over a proposed wind energy project with 9 wind turbines, each of which is capable of generating 3-3.3 MW for a total nameplate capacity of 27-29.7 MW (Facility). The Facility is proposed to be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard Mountain. The Facility will be located in the rural conservation zoning district and highway district on private lands owned by five landowners and leased by Antrim Wind. Antrim Wind asserts that the Facility's location will be similar to the facility reviewed and denied by the Committee in Docket No. 2012-01

Counsel for the Public was appointed by the Attorney General under RSA 162-H:9, and Counsel for the Public's participation in this docket was approved in an Order dated March 13, 2015.

On April 7, 2015, Counsel for the Public filed a Motion for Leave to Retain Jean Vissering and for an Order Directing the Applicant to Bear the Costs thereof. Counsel for the Public stated that the following parties assented to the relief sought: (i) Audubon Society of New Hampshire; (ii) Clark Craig; (iii) Janice Longgood; (iv) Richard Block and Loraine Carey Block;

(v) Fred Ward; (vi) Annie Law and Robert Cleland. The following parties took no position:

(i) Antrim Wind; (ii) the Harris Center; (iii) Antrim Select Board; and (iii) Antrim Planning

Board. Counsel for the Public was not able to determine positions of the following parties:

(i) Brenda, Mark and Nathan Schaefer; (ii) Elsa Voelker; (iii) Windaction; (iv) Charles

Levesque.

I. Standard of Review

RSA 162-H:10, V, provides that the Committee and Counsel for the Public “shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter” The costs of such studies and investigations are to be assessed to the Applicant in an amount approved by the Committee. Id. The standard of review is whether the study or investigation is reasonable and “necessary or appropriate.” Id.

What is reasonable, necessary or appropriate must be considered within the scope of the purpose of the siting statute. The statute recognizes that “it is in the public interest to maintain a balance between the environment and the need for new energy facilities in New Hampshire.”

RSA 162-H:1. In achieving this goal, the statute requires the Committee to “ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion.” Id.

II. Analysis

Counsel for the Public seeks to retain Jean Vissering of Jean Vissering Landscape Architecture of Montpelier, Vermont, to provide expert analysis and opinion concerning visual impacts that the proposed Project may have. Counsel for the Public asserts that Ms. Vissering


will provide useful information on whether the current Project is substantially different from the Project addressed by the Committee in Docket No. 2011-02. Counsel for the Public estimates that the total cost of services and expenses to be provided by Ms. Vissering will be approximately \$11,400.00. Counsel for the Public reserves the right to request that the Committee order the Applicant to pay more than \$11,400.00, if necessary. As stated above, the Applicant and the other parties do not object to the motion.

The Committee finds that Ms. Vissering's services will assist Counsel for the Public and the Committee in determining whether the Project currently proposed by Antrim Wind and the Project's aesthetic impacts are substantially similar to the Project the Committee addressed in Docket No. 2011-02. The Committee also finds that the proposed cost for the consultant services is reasonable. Therefore, Counsel for the Public's motion to employ Ms. Vissering will be granted to the extent that the cost to the Applicant shall not exceed \$11,400.00. Costs and expenses up to \$11,400 shall be paid by the Applicant as billed by Ms. Vissering. Counsel for the Public shall file an appropriate motion if further expenses are to be incurred and billed to the Applicant.

III. Order

It is therefore ordered that the motion of Counsel for the Public to retain Jean Vissering is granted and the Applicant shall pay for the services of Jean Vissering, as invoiced, in an amount not to exceed \$11,400.00.

April 23, 2015



Martin P. Honigberg, Chairman
Site Evaluation Committee