



**Upton
& Hatfield**^{LLP}
ATTORNEYS AT LAW

Please respond to the Portsmouth office

August 18, 2016

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: NH Site Evaluation Committee Docket No. 2015-02
Application of Antrim Wind Energy, LLC for a Certificate
of Site and Facility for Construction of a Wind Project in
Antrim New Hampshire - Motion to Extend Deadline for
Supplemental Testimony**

Dear Ms. Monroe:

Please find enclosed for filing in the above-captioned matter, an original and one copy of the Town of Antrim's Supplemental Testimony of the Town of Antrim Board of Selectmen.

I have provided members of the distribution list with electronic copies of this document, based on the most recent list on the Committee's website for this proceeding.

Please contact me directly should you have any questions.

Very truly yours,

Justin C. Richardson
jrichardson@uptonhatfield.com

JCR/nm
Enclosure
cc: Distribution List

Attorneys At Law

Russell F. Hilliard
James F. Raymond
Barton L. Mayer
Charles W. Grau
Heather M. Burns
Lauren Simon Irwin
Justin C. Richardson
Michael S. McGrath*
Marilyn Billings McNamara
Peter W. Leberman
Jeanne S. Saffan**
Steven J. Venezia*
Lisa M. Hall, RN
Kimberly A.W. Peaslee, PhD***
Sandra H. Kenney**
Michael P. Courtney*

Of Counsel

Douglas S. Hatfield
Gary B. Richardson
John F. Teague
Bridget C. Ferns

Concord Office

10 Centre Street
PO Box 1090
Concord, NH
03302-1090
603-224-7791
1-800-640-7790
Fax 603-224-0320

Hillsborough Office

8 School Street
PO Box 13
Hillsborough, NH
03244-0013
603-464-5578
1-800-672-1326
Fax 603-464-3269

Portsmouth Office

159 Middle Street
Portsmouth, NH 03801
603-436-7046
1-877-436-6206
Fax 603-369-4645

www.uptonhatfield.com
law@uptonhatfield.com

*Also admitted in MA

**Also admitted in MA & NY

***Also admitted in DC, MA,
ME, and the USPTO

**STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE**

Application of Antrim Wind Energy, LLC

Docket No. 2015-02

**SUPPLEMENTAL TESTIMONY OF THE TOWN OF ANTRIM
BOARD OF SELECTMEN**

August 18, 2016

1 **I. INTRODUCTION**

2 **Q. Please state your name and address.**

3 A. Michael Genest (“MG”), 83 Old Pound Road, Antrim, New Hampshire.

4 John Robertson (“JR”), 262 Concord Street, Antrim, New Hampshire.

5 **Q. What is the purpose of your supplemental testimony?**

6 A. We offer this supplemental testimony as the Town’s Board of Selectmen and its
7 governing body to respond to issues raised during the July technical sessions and the May
8 23, 2016 testimony that relate to the Town of Antrim. We continue to support the Antrim
9 Wind Energy, LLC (“Antrim Wind”) Project and request its approval under the
10 provisions of RSA 162-H:16, IV because it is in the best long-term interests of the Town
11 and State of New Hampshire.

12 **II. RESPONSE TO CLAIMS THAT THE TOWN DOES NOT SUPPORT THE**
13 **ANTRIM WIND PROJECT**

14
15 **Q. Mr. Levesque states in his May 23, 2016 testimony on Page 2, Line 12 “[t]hat the**
16 **Town of Antrim, represented and demonstrated by its legislative body (Town**
17 **Meeting) does not support the Antrim Wind proposed project”. What is your**
18 **response to this statement?**

19 A. We do not agree. On March 9, 2010, the Antrim Planning Board conducted an opinion
20 survey in conjunction with the annual town meeting. *See Attachment 1.* The results were
21 overwhelmingly supportive of the Antrim Wind Project and wind energy in general. For
22 example, a total of 100 registered voters responded to the survey question: “Are you in
23 favor of commercial wind energy?” The results were: 81 votes in favor to only 15
24 against. This represents a vote of 84.4% in favor of commercial wind energy.

1 The Planning Board also asked Town residents: “Do you think that wind turbines/towers
2 should be *excluded* from any zoning districts in Antrim?” This question was repeated for
3 each zoning district and overlay district, including the Rural Conservation District. The
4 results show that 64 residents favored allowing wind turbines in the Rural Conservation
5 District and 29 residents opposed. This represents a 68.8% majority in favor of allowing
6 wind turbines in the Rural Conservation District.

7 **Q. What about the 2011 survey conducted by the Antrim Board of Selectmen?**

8 A. In 2011, the Antrim Board of Selectmen made an unofficial ballot available to all Town
9 residents at Town Meeting which asked the question: “Are you in favor of the proposed
10 wind towers in Antrim?” This survey had a much higher turnout with 533 “votes” cast,
11 over five times the response rate of the Planning Board’s survey. The results were again
12 overwhelmingly in favor of the Antrim Wind Project: 337 registered voters voted “Yes”
13 (63.2%); 102 registered voters voted “No” (19.1%); and 94 registered voters indicated
14 that they were “Undecided” (17.6%). *See Attachment 1.*

15 **Q. What is your opinion today?**

16 A. We believe that a majority of Antrim residents continue to support the Antrim Wind
17 Project.

18 **Q. Mr. Levesque states on Page 2, Line 14 of his Testimony “[t]hat under Antrim**
19 **zoning, the proposed wind farm is not a permitted use and that Town Meeting had**
20 **three opportunities to change that and did not”. What is your reaction to this**
21 **statement?**

22 A. We do not agree with Mr. Levesque’s interpretation of the results of the votes taken at
23 Town meeting and discuss each of the three votes below. It is also important to

1 understand the role that Mr. Levesque and others members played in preventing a Town
2 vote which would have made the Antrim Wind Project an allowed use, despite public
3 support for the Antrim Wind Project. For example:

4 ➤ On February 2, 2011, Mr. Levesque challenged the notice for an amendment that
5 would have made the Antrim Wind Project an allowed use. *See Attachment 2.*

6 The Planning Board withdrew the proposed amendment on February 10, 2011 in
7 order to avoid a legal challenge.

8 ➤ On March 9, 2011, the Planning Board voted in favor of a special town meeting to
9 amend the Zoning Ordinance to make the Antrim Wind Project an allowed use.

10 However, on March 17, 2011, Mr. Levesque joined the Planning Board. In its
11 first meeting, the new Planning Board voted to reconsider its vote in favor of the
12 amendment for the special town meeting. This prevented a vote on the article that
13 would have made the Antrim Wind Project an allowed use.

14 **Q. On Page 5, Line 8 of his testimony, Mr. Levesque states that: “In November of**
15 **2011, the Planning Board, ... put forth the first zoning ordinance amendment that**
16 **would have allowed an industrial scale wind farm as a permitted use. That**
17 **ordinance proposal, that would have changed the zoning ordinance that did not**
18 **permit an industrial wind farm to a permitted use, was defeated.” Do you agree**
19 **with this statement?**

20 A. No. In fact, the amendment (Article #1) proposed by the Planning Board for the
21 November 8, 2011 special town meeting would have prevented the project from moving
22 forward. For example, during the public hearing held on September 13, 2011, John

1 Soininen stated Antrim Wind’s position on the proposed amendment to the Planning
2 Board as follows:

3 **John Soininen** – He said that he realized that the ordinance did not apply
4 to their project but that he had serious concerns about the ordinance. He
5 questioned why consultants had been engaged and then ignored – the
6 specific comments and techniques were disregarded. He stated that there
7 was no definition of “impact area”. The setbacks had no basis and should
8 be removed. The acoustics standard made it so that no one would be able
9 to drive a car. He said that there was no scientific basis for sound testing
10 every property within two miles. The water quality standards had no
11 scientific basis. He stated that the current ordinance was designed to
12 restrict wind in the Town of Antrim and that a developer would be
13 economically prevented from constructing a project.
14

15 The proposed amendment was known by supporters of wind energy to be too stringent.
16 While some residents believed it was not stringent enough, the November 8, 2011
17 ordinance (Article #1) was defeated because voters did not want to adopt an ordinance
18 that would prevent the Project from being constructed.

19 **Q. Does Mr. Levesque’s testimony fully describe the results of the November 8, 2011**
20 **Town vote?**

21 A. No. We have included the results of the November 8, 2011 vote. *See Attachment 3.* Mr.
22 Levesque’s testimony omits any reference to the second warrant article (Article# 2)
23 endorsed by the Planning Board that sought to *entirely prohibit* wind energy in the
24 Town’s Rural Conservation District (“RCD”). If the Town’s voters intended to prohibit
25 the Antrim Wind Project in the RCD, it would have passed Article #2. Instead, the
26 results in Attachment 3 show that Article #2 failed by an even larger margin than the
27 Planning Board’s proposed amendment to the Zoning Ordinance.

28 The Town votes on Articles #1 & #2 on November 8, 2011 suggest two things: first, the
29 Town residents did not support the Planning Board’s amendment because it “was

1 designed to restrict wind in the Town of Antrim”; second, even fewer Town residents
2 supported prohibiting wind energy in the RCD as the Planning Board had proposed.

3 **Q. What is your response to Mr. Levesque’s claims on Page 5, Line 13, for example,**
4 **that the failure of the March 13, 2012 ordinance, which would have made the**
5 **Antrim Wind Project an allowed use, indicates that the Town’s legislative body does**
6 **not support the project?**

7 A. We do not agree. As noted above, it was widely known that the 2012 ordinance prepared
8 by the Planning Board would have made the Antrim Wind Project impossible because it
9 was too restrictive. The failure of the 2012 amendment to the Zoning Ordinance must be
10 understood in the context of the 2010 and 2011 surveys which showed that an
11 overwhelming majority of residents supported the Antrim Wind Project.

12 **Q. What about the 2013 vote to eliminate public utilities as allowed uses referenced by**
13 **Mr. Levesque on Page 6, Line 1?**

14 A. This amendment to the Zoning Ordinance came as a result of arguments in court that
15 would have allowed any energy facility that met the definition of a “public utility” to be
16 constructed in any zoning district, including the Residential District and the Village
17 Business District. The Town felt it was important to amend the Zoning Ordinance to
18 remove this uncertainty.

19 **Q. What about the 2014 vote referenced by Mr. Levesque on Page 6, Line 5?**

20 A. Again, we do not agree that this vote indicates opposition to the Antrim Wind Project. In
21 fact, at the time of this vote, Mr. Levesque served as Vice Chair near the end of his term
22 on the Planning Board. On January 23, 2014, he moved that the Planning Board
23 “disapprove the citizens’ petition ordinance article and that the language on the ballot

1 state that the Planning Board does not approve the petitioned amendment.” This motion
2 passed by a vote of 4 to 3¹ and resulted in the warrant stating that: “The Planning Board
3 does not approve the petitioned amendment.” The Planning Board then voted 4 to 3
4 against a motion to show its vote tally on the warrant, which would have informed
5 members of the public of the Planning Board’s divided opinion on this issue.

6
7 In our opinion, the March 11, 2014 vote reflects the fact that many Town residents do not
8 support petitioned zoning amendments which are opposed by the Planning Board. We do
9 not believe that this vote indicates that a majority of Town residents oppose the Antrim
10 Wind Project as Mr. Levesque now suggests.

11 **III. RESPONSE TO CRITICISM OF THE PILOT AGREEMENT**

12 **Q. On Page 6, Line 19, Mr. Levesque claims that: “the projection for property taxes is**
13 **that if there was no PILOT agreement signed, the Town of Antrim would receive**
14 **approximately \$ 19,900,000 in property tax revenue over the 20 year life of the**
15 **project while with the PILOT in place, the projected property tax revenue will be**
16 **\$14,200,000.” What is your response to this comment?**

17 A. We do not agree with this testimony. Under the PILOT Agreement, the total payments
18 over the PILOT are approximately \$8,302,014, plus the transition year payment, not
19 \$14,200,000. The \$8,302,014 is new money that the Town, the County and the Schools
20 will receive from the Project which will not increase the costs for these services.

¹ The Planning Board’s minutes for the January 23, 2014 meeting appear to incorrectly state the individual roll call votes, but state the vote tally correctly.

1 When requested during the technical session, Mr. Levesque refused to provide the
2 calculation or model he used to calculate the \$19,900,000 tax payments he believes
3 would be assessed at fair market value. As a result, the Town cannot comment on the
4 values he indicates which appear to be speculative and based on many assumptions.

5 **Q. Why not maximize revenue by taxing Antrim Wind at full value as Mr. Levesque**
6 **suggests?**

7 A. The Selectmen entered into the PILOT Agreement because the Town is better off with a
8 predictable source of revenue than it would be without the Project and having to raise
9 \$8.3M from the Town's existing taxpayers. While a higher *ad valorem* tax assessment
10 would likely produce greater revenue, it would subject the Town to the risks, costs and
11 uncertainty of tax abatement litigation which could require a Town refund multiple years
12 of property taxes at 6% interest. In the event of an abatement, the Town would still be
13 responsible for the payment of County or School District taxes based on the higher
14 values. In addition, a PILOT Agreement eliminates the risk of the DRA using a value
15 higher than the Town's tax assessment when determining its share of county and
16 education taxes, which would require the Town's taxpayers to make up the difference.²
17 As a result, the Selectmen entered into a long-term PILOT agreement because it provides
18 significant, predictable revenue for the Town without the legal risks and uncertainties
19 inherent in *ad valorem* tax litigation.

² See RSA 21-J:3, XIII, as amended, following *Appeal of Coos County Comm'rs*, 166 N.H. 379 (2014).

1 **IV. RESPONSE TO TESTIMONY ON ZONING ISSUES.**

2 **Q. Beginning on Page 9 of his testimony, Mr. Levesque claims that the Antrim Wind**
3 **Project is generally inconsistent with the Town’s Master Plan and Zoning**
4 **Ordinance. What is your response to this?**

5 A. We do not believe that the Antrim Wind Project is inconsistent with the objectives in the
6 Town’s Master Plan which includes recommendations to “encourage the installation and
7 use of solar, wind, or other renewable energy systems” (Chapter 4).

8 **Q. What about the promotion of open space reflected in the Master Plan?**

9 A. The Antrim Wind Project will protect open space, including easements for the protection
10 of 908 acres as conservation land. This will promote wildlife, forestry and help maintain
11 Antrim’s rural character. In the absence of the Antrim Wind Project, this privately
12 owned land could be developed which could have a much greater impact on the aesthetic,
13 wildlife and other resources.

14 **Q. RSA 162-H:16, IV, requires that the Committee give “due consideration ... to the**
15 **views of municipal and regional planning commissions and municipal governing**
16 **bodies.” Do Mr. Levesque’s views reflect those of the Planning Board?**

17 A. No. Mr. Levesque’s views do not reflect those of the Planning Board. In the last
18 proceeding before the Committee, the Planning Board took no position on the Project and
19 offered testimony that it did “not have the technical expertise or resources to address a
20 project of this magnitude, nor has the Site Plan Review List been updated to
21 accommodate it.” It further commented that: “issue has become a divisive one in our
22 town we feel that if the SEC asserts jurisdiction the process will be more impartial.”

1 The June 16, 2016 minutes of the Planning Board state that: “The Planning Board and
2 Zoning Board of Adjustment takes no position on the Antrim Wind Project.”

3 **Q. Is Mr. Levesque a member of any Town Boards?**

4 A. No.

5 **Q. Have any Town Boards endorsed the views expressed by Mr. Levesque in his
6 testimony?**

7 A. No.

8 **V. PROTECTION OF OPEN SPACE IS IMPORTANT TO THE TOWN**

9 **Q. On Page 6 of her testimony, Counsel for the Public’s Visual Impacts Assessment
10 expert, Kellie Connelly, states that: “The conservation land and associated
11 educational facilities in the wildlife sanctuary are permanently affected by the
12 proposed industrial installation” and that this will have an adverse impact on “the
13 local population’s passion and investment in purchasing, connecting, protecting,
14 and preserving local conservation lands as a means to protect the regional
15 landscape, which goes beyond National and State significance.” What impact is the
16 Project having on conservation lands?**

17 A. None. The Project is not located on conservation land. It is located on lands that are
18 privately owned. In fact, the Antrim Wind Project will result in permanent protection of
19 908 acres of land as conservation lands including lands adjacent to the Willard Pond
20 sanctuary.

21 **Q. What would happen to these lands if the Project were not approved?**

22 A. We do not know for certain. However, the 908 acres of proposed conservation land is
23 located within the Town’s Rural Conservation District (“RCD”) which allows

1 construction of roads, single family residences, public and private schools, kennels and
2 other uses. Other uses may be permitted if a variance is issued by the Zoning Board of
3 Adjustment. The minimum lot size in the RCD is 130,000 square feet (2.9 acres). The
4 minimum road frontage is 300 feet. This means that an owner or developer could
5 propose a subdivision with 2.9 acre lots or larger lots by building a road to meet Town
6 standards under its subdivision regulations.

7 **Q. Why is this relevant?**

8 A. In the absence of the Antrim Wind Project, the 908 acres of conservation land could be
9 developed. The development of this land could have impacts on aesthetics, habitat
10 fragmentation, lights, invasive species and other impacts. By protecting 908 acres of
11 conservation land, the Antrim Wind Project will provide a significant benefit to the Town
12 and add to conservation lands near the Willard Pond sanctuary.

13 **Q. On Page 14, Line 10 of her testimony, Ms. Connelly states that: “As a Landscape**
14 **Architect and Visual Expert, [she] would not recommend the option of granting off-**
15 **site conservation land as a means for mitigation in land development projects,**
16 **whether it is a condition of adverse site conditions or visual aesthetics because this**
17 **approach does not actively mitigate the site concern or potential impact within an**
18 **area, but rather utilizes the promise of an unknown entity to justify leaving the**
19 **offensive project in place.” Do you agree with this recommendation?**

20 A. No. We believe that it is critical to consider what would happen to the 908 acres in the
21 absence of the Project. It does not appear that Ms. Connelly evaluated the impact that
22 residential or other development would likely have on scenic or conservation resources.
23 In our view, the protection of 908 acres that Antrim Wind has proposed will significantly

1 benefit the Town not only in terms of tax revenue, but also from the standpoint of
2 aesthetics, conservation and wildlife.

3 **V. CONCLUSION**

4 **Q. Does this conclude your supplemental testimony?**

5 A. Yes. The Antrim Board of Selectmen thanks the Committee for the opportunity to
6 provide this supplemental testimony in support of the Antrim Wind Project.

Antrim Planning Board Land Use Survey

Election Day - 3/9/2010 - 100 surveys (484 voted in Town Election)

Are you in favor of commercial wind energy?

Are you in favor of wind energy, would the view of a wind tower/s from your home bother you?

Do you think that wind turbines/towers should be excluded from any zoning districts in Antrim?

Village Business District

Highway Businesss District

Residential District

Lakefront Residential District

Rural District

Rural Conservation District

Steep Slopes District

Wetlands District

Do you think we need improved cellular phone coverage in Antrim?

If you are in favor of better cell coverage, would the view of a cell tower from your home bother you?

Do you think that cell towers should be excluded from any of the zoning districts in Antrim?

Village Business District

Highway Businesss District

Residential District

Lakefront Residential District

Rural District

Do you think that cell towers should be excluded from any of the zoning districts in Antrim? (con't)

Rural Conservation District

Steep Slopes District

Wetlands District

Are you in favor of more commercial/business development in Antrim?

Yes	No	Other	Total Votes	
81	15	⊙	96	84.4%
23	70		93	24.7%
43	48		91	52.7%
14	73		87	83.9%
42	54		96	56.3%
44	53		97	54.6%
14	66		80	82.5%
29	64		93	68.8%
24	64		88	72.7%
54	40		94	42.6%
41	53	don't know	94	43.6%
44	46		90	51.1%
50	43		93	53.8%
20	57		77	26.0%
58	33		91	63.7%
54	31		85	63.5%
32	53		85	37.6%
Yes	No	Other		
40	45		85	47.1%
33	49		82	40.2%
56	30		86	65.1%
57	20		77	74.0%

Comments:

- ✱ No on zoning districts but it should not be carte blanche
- ⊙ In favor of wind energy - only if the energy is used for my house, in the TOA & we see a significant decrease in energy cost
- ✱ Nowhere near any homes!
- ✱ I think that people need to realize that we are getting our electric power from pollution producing coal plants in Ohio and because we can't see them - is that ok? NO! Wind energy is clean and would much rather see towers! Thanks!
- ✱ Wind energy is a benefit for all of us. Lempster has actually created a small tourism business out of their wind farm. While I find cell towers to be quite ugly, the sight of towers in Lempster, as well as off Rt 9 in Vermont is quite thrilling. Finally, someone is doing something positive for the environment, and our trade is in balance.
- ✱ Alternative energy enriches us all, cell towers benefit only the land owner, and large companies who make too much money already. apexnh@gmail.com
- ✱ Cell towers must be prohibited outright in the residential district, only be permitted in Commercial, Highway Business and Village Business, in rural areas by special exception only, with ordinance stipulations under that special exception that define that they cannot be seen or placed in proximity to any home, residence, or existing structure by a specific minimum lateral distance requirement which would be equal to one mile from any abutting property line, home, house, and existing structure.
- ✱ Industrial Wind Turbines belong in Industrial Zones not Conservation Areas
- ✱ My additional comments may be viewed from ZBA minutes 3/2009 to 1/2010 Thank you Maureen Watts
- ✱ Exclusions should not be carte blanche
- ✱ Cell towers should not be near any houses
- ✱ Cell towers in VBD and HBD if invisible
- ✱ Commercial business development in town only
- ✱ In favor of better cell coverage if the tower is made to look like a tree
- ✱ In LRD if taxed for view, if not taxed for view - no
- ✱ Yes to better cell coverage on Old Pound Road
- ✱ Cell tower in Res District - depends on impact
- ✱ Wind turbines and cell towers - depends on circumstances

Selectmen's Straw Poll Results
March 8, 2011

Are you in favor of the proposed wind towers in Antrim?

Yes

No

Undecided

337 Yes (63.2%)

102 No (19.1%)

94 Undecided (17.6%)

533 Total votes cast

Charles A. Levesque
37 Old Pound Road
Antrim, NH 03440
603-588-2993

February 2, 2011

Mr. C.R. Willeke, Chair
Antrim Planning Board
P.O. Box 517
66 Main Street
Antrim, NH 03440

Re: Improper Procedures Relative to Zoning Ordinance changes

Mr. Willeke:

After reviewing the procedures used in the development of the Zoning Ordinance changes by the Antrim Planning Board, it is clear that several errors in procedure have taken place that are contrary to statutory requirements. These procedural errors require that the proposed ordinance changes not appear on the ballot for March voting.

Specifically, RSA 675:7 reads as follows:

675:7 Notice Requirements for Public Hearing. –

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

II. The full text of the proposed master plan, zoning ordinance, building code, subdivision regulation, site plan review regulation and historic district regulation, ordinance, or amendment need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

The notice of the February 1 public hearing was published in the NH Villager in the January 21, 2011 edition. This notice, shown below, was posted in the Villager with the required 10-day notice but the notice outside the Town Hall was not posted until Saturday, January 22 and this one was in error so a corrected one was not posted until Sunday, January 23. A Saturday posting is 9-days before the hearing and Sunday posting is 8-days before the hearing. The second posting – at the Town Hall lobby (and not the Post Office as described in the newspaper posting), was not prior to Saturday, January 22 as required and was only accessible Monday, January 24, when the Town Hall opened. This posting, the second required besides the newspaper and outside Town Hall posting, was 7-days before the public hearing. A posting was not found at the Post Office as described in the newspaper posting.

The statute also requires that the notice contain "...and adequate statement describing the proposal...". The only statement in the newspaper notice is that there will be "proposed amendments". This

description provides the reader with no information as to the content of the proposed changes and is clearly not "adequate". Court cases, such as *Bedford Residents Group v Bedford*, 120 NH 632, 547 A2d 225 (1998), showed such notices to be inadequate.

Further defects are found relative to RSA 675:3:

III. After the public hearing the planning board shall, by vote, determine the final form of the ordinance, amendment, or amendments to be presented to the town or village district, which ordinance or amendment may include editorial revisions and textual modifications resulting from the proceedings of that hearing.

IV. An additional public hearing shall be held if the proposal is substantively altered by the planning board after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in RSA 675:7.

V. Official copies of the final proposal to adopt or amend the zoning ordinance, historic district ordinance, or building code shall be placed on file and made available to the public at the town or village clerk's office not later than the fifth Tuesday prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

The second public hearing on the proposal (as substantively altered by the planning board at the January 20 planning board meeting following the public hearing), was held at 7 PM on February 1. This hearing was held 12 days (or 11 days if not counting the day of the second hearing) after the first hearing held on January 20, clearly in violation of the statute in paragraph IV above. Further, after the hearing on February 1, the proposal was not made available by the town clerk until Wednesday, February 2, in violation of the requirement that the proposal be available at the town clerk's office not later than the fifth Tuesday prior to the vote. The vote is to take place on March 8, which results in the proposal being available only four Tuesdays before the vote.

Lastly, I question whether the Villager can be considered a newspaper of "general circulation".

With these defects in place, I respectfully request that you withdraw the zoning ordinance amendment proposal from the ballot for the March 8, 2011 voting. Please respond to this request with your decision swiftly.

Sincerely,



Charles A. Levesque

Cc: Mr. Robert Flanders, Town Moderator, Antrim
Mr. Barton Mayer, Esq, Antrim Town Attorney

ZONING ORDINANCE BALLOT – NOVEMBER 8, 2011

Answer the questions below by marking a cross (x) in the square of your choice.

To see if the Town will vote to amend the Zoning Ordinance as proposed by the Planning Board.

Article #1: Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Antrim Zoning Ordinance as follows:

To adopt a Large Scale Wind Energy Facility Ordinance, the purpose and intent of which is to:

1. Establish a process for the Planning Board to issue Conditional Use Permits, in addition to Site Plan approval, for Large Scale Wind Energy Facilities (as defined in the ordinance) that would be allowed to be located anywhere in town;
2. Specify particular standards that address construction, public health and safety, noise, environmental issues, and visual impacts;
3. Require as part of the application various impact statements and assessments to help gauge impacts of a proposal; and
4. Establish a process and requirements, following an approval, whereby the Planning Board issues a Permit to Operate that must be renewed on a regular schedule?

309
 YES

501
 NO

Recommended by the Planning Board

Article #2: Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Antrim Zoning Ordinance as follows:

To amend Article #1, if it passes, so that Section 5.0 – Applicability, will read: “Wind Energy Facilities and Meteorological Towers as defined below are allowed to be constructed or operated in any district in the Town of Antrim, except for the Rural Conservation District where the construction and operation of large scale wind facilities shall be prohibited, after the effective date of this Ordinance, subject to all applicable federal, state, and local ordinances and regulations”.

225
 YES

584
 NO

Recommended by the Planning Board



Parcels to be Protected or Partially Protected by Antrim Wind Energy

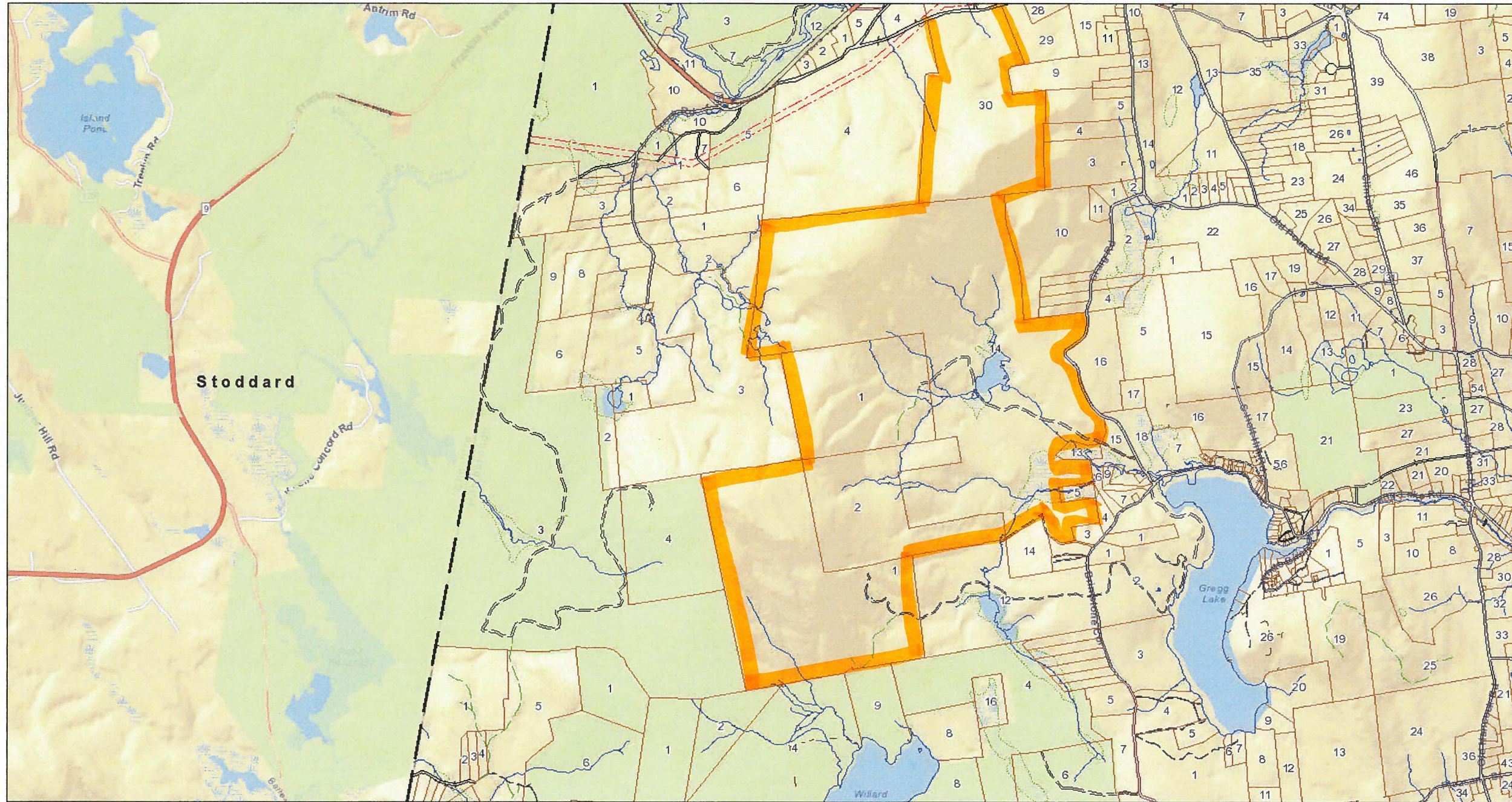
Antrim, NH



August 16, 2016

0 2151 4302 6453

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Antrim Wind Energy Conservation Easements, Landowners Reserved Rights

