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**APPEARANCES:**    **Reptg. Chinook Solar, LLC:**  
                         Douglas L. Patch, Esq. (*Orr & Reno*)  
                         Susan S. Geiger, Esq. (*Orr & Reno*)

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**I N D E X (continued)**

**PAGE NO.**

FURTHER DISCUSSION: \$300,000 PILOT Payment 55  
and reason for the subdivided lot

**STRAW POLL RE:** ORDERLY DEVELOPMENT OF THE 60  
REGION, INCLUDING 2 CONDITIONS, THAT THE  
APPLICANT OBTAIN SUBDIVISION APPROVAL FROM  
THE TOWN OF FITZWILLIAM AND THAT THERE BE  
A PROVISION IN THE SUBDIVISION APPROVAL  
REQUIRING RESTORATION AND DECOMMISSIONING  
WITH RESPECT TO THE SUBDIVIDED LOT

**TOPIC: PUBLIC INTEREST 61**  
**(By Mr. Iacopino)**

**STRAW POLL RE: PUBLIC INTEREST 68**

**TOPIC: PUBLIC COMMENTS 69**  
**(By Chairwoman Martin)**

**MOTION BY MR. OLDENBURG** that we grant a 72  
certificate of site and facility, subject  
to certain conditions to be addressed  
by a separate motion

**SECOND BY MS. DUPREY 73**

**VOTE ON THE MOTION 73**

**MOTION BY MR. OLDENBURG** that our grant of 74  
the Certificate of Site and Facility  
include the *approved* conditions, and that  
we ask Counsel to include these conditions  
in our written decision and the  
Certificate itself

**SECOND BY MS. DUPREY 75**

**VOTE ON THE MOTION 75**

**P R O C E E D I N G**

1  
2 CHAIRWOMAN MARTIN: Good morning,  
3 everyone. We're here this morning in Docket  
4 2019-02, which is the Chinook Solar, LLC,  
5 Application for a Certificate of Site and  
6 Facility. We are here today to continue  
7 deliberations on the Application.

8 We made the necessary findings for a  
9 remote hearing at the beginning of deliberations.  
10 But I will remind everyone that, if anybody has a  
11 problem during deliberations today, please call  
12 (603)271-2431. And, in the event the public is  
13 unable to access this hearing, the hearing will  
14 be adjourned and rescheduled.

15 All right. Let's take a roll call vote  
16 of the Subcommittee. If you are with anyone  
17 else, if you could just identify that person.

18 My name is Dianne Martin. I am the  
19 Chairwoman of the Site Evaluation Committee. And  
20 I am alone.

21 Let's see. Mr. Wilson, let's start  
22 with you.

23 DIR. WILSON: Benjamin Wilson, Director  
24 of the Division of Historical Resources,

1 Department of Natural and Cultural Resources. I  
2 am in my office alone.

3 CHAIRWOMAN MARTIN: All right. Thank  
4 you. Mr. Oldenburg.

5 MR. OLDENBURG: William Oldenburg,  
6 Assistant Director of Project Development at New  
7 Hampshire DOT. I am in my office alone.

8 CHAIRWOMAN MARTIN: Thank you.  
9 Mr. Pelletier.

10 MR. PELLETIER: Yes. Rene Pelletier.  
11 I'm the Assistant Director of the Water Division  
12 at DES. I am in the living room alone.

13 CHAIRWOMAN MARTIN: Thank you. And  
14 Ms. Duprey.

15 MS. DUPREY: Hi. I'm Susan Duprey,  
16 public member. I am at my home. I have a  
17 friend staying with me who may drift occasionally  
18 in and out of the room. But I'm alone most of  
19 the time.

20 CHAIRWOMAN MARTIN: Okay. Thank you.  
21 And Mr. Eaton.

22 MR. EATON: Good morning. Tom Eaton.  
23 I'm a public member. And I'm home alone.

24 CHAIRWOMAN MARTIN: All right. Thank.

1 And Mr. Arvelo.

2 DIR. ARVELO: Good morning. Will  
3 Arvelo, Director of the Division of Economic  
4 Development under Business and Economic Affairs.  
5 I am home, in my office alone.

6 CHAIRWOMAN MARTIN: All right. And  
7 let's take appearances from counsel who are  
8 present, starting with Mr. Patch.

9 MR. PATCH: Good morning. Doug Patch,  
10 with the law firm of Orr & Reno, on behalf of  
11 Chinook Solar, LLC.

12 CHAIRWOMAN MARTIN: And Ms. Geiger.

13 MS. GEIGER: Good morning. Susan  
14 Geiger, from the law firm of Orr & Reno, on  
15 behalf of Chinook Solar, LLC.

16 CHAIRWOMAN MARTIN: All right. So,  
17 let's resume where we left off, which I believe  
18 was with Mr. Oldenburg discussing  
19 decommissioning.

20 MR. OLDENBURG: Correct. If memory  
21 serves, we approved the waiver that was  
22 requested. So, now, it was the discussion of the  
23 actual decommissioning plan itself. And where we  
24 left off was discussion of the surety bond. And

1           there was a request for a surety bond for the  
2           decommissioning plan. And the question came up  
3           from Counsel for the Public whether or not there  
4           should be a restoration bond as well, and that  
5           the state should be named in both of those bonds.  
6           And whether or not that bond could be combined as  
7           a decommissioning/restoration bond, or whether it  
8           needed to be a performance bond, or some myriad  
9           of options that we were discussing.

10                        So, with that, I would say I'll open it  
11           up for further discussion. But I know we had  
12           discussed the decommissioning bond included a  
13           restoration after decommissioning. But the  
14           question was, if they abandoned the Project  
15           mid-construction, and someone had to go in,  
16           whether the State or the Town, to restore the  
17           site, to make sure that there wasn't going to be  
18           erosion due to, you know, once the trees were  
19           cleared. Or, you know, another example could be  
20           is maybe they had already installed multiple  
21           posts, you know, a thousand posts, and walked  
22           away. Who is going to remove those posts? That  
23           type of thing.

24                        So, I think that was more we were



1 discussing the restoration bond,  
2 mid-construction, if that was necessary. So, --

3 CHAIRWOMAN MARTIN: I apologize for  
4 interrupting. I think we've lost Mr. Arvelo.  
5 Corrine, was he having trouble before?

6 MS. LEMAY: He was only having trouble  
7 with his video before. He had to restart.

8 Mr. Arvelo?

9 *[No verbal response.]*

10 CHAIRWOMAN MARTIN: Let's go off the  
11 record for a minute please.

12 *[Off the record due to connectivity*  
13 *issues.]*

14 CHAIRWOMAN MARTIN: Steve, let's go  
15 back on the record. Mr. Oldenburg -- oh, just a  
16 minute.

17 Mr. Arvelo, can you hear me?

18 *[No verbal response.]*

19 CHAIRWOMAN MARTIN: Let's go back off  
20 the record, I apologize. That was too quick.

21 *[Off the record due to connectivity*  
22 *issues, and a subsequent recess was*  
23 *taken at 9:29 a.m., and the*  
24 *deliberations resumed at 9:56 a.m.]*

1 CHAIRWOMAN MARTIN: Okay. Let's go  
2 back on the record. Thank you.

3 And, Mr. Oldenburg, let's try this  
4 again.

5 MR. OLDENBURG: All right. Thank you.  
6 So, to recap, and so, I understand from  
7 Mr. Arvelo, he didn't capture almost the entire  
8 conversation I had before. So, on Friday, we  
9 approved the waiver for the decommissioning plan  
10 that the Applicant had requested. And, so, the  
11 remaining question is, deals with a restoration  
12 bond, and approving the decommissioning bond and  
13 plan.

14 So, the question where we left it on  
15 Friday was "Do we need a restoration bond? What  
16 type of bond is that? And how is it formed? Is  
17 it combined with the decommissioning bond?"

18 So, just for brevity, I would say my  
19 recommendation would be two separate bonds; one a  
20 restoration bond prior to the Project being  
21 operational, and then a decommissioning bond as  
22 laid out in Applicant's Exhibit Number 48.

23 The reason for that is the  
24 decommissioning bond is going to be in existence

1 for 30 years, and the restoration bond prior to  
2 operation would be shorter term. Once the  
3 facility is operational, that restoration bond  
4 would no longer be required. It could be  
5 dissolved. So, I don't think it's fair to the  
6 Applicant. I think there's a financial aspect to  
7 that, having that bond on the record for a long  
8 period of time. So, I would say that restoration  
9 bond should be separate, and could be dissolved,  
10 once the Project's operational.

11 So, with regard to the decommissioning  
12 plan, you know, my recommendation, in reviewing  
13 it, it seems to meet the requirements of the  
14 rules. So, I would say we -- I would recommend  
15 approving the decommissioning plan as laid out in  
16 Applicant's Exhibit 48, and then requiring a  
17 separate restoration bond for the Project prior  
18 to operation.

19 And I'll open that up for questions.  
20 Mr. Arvelo.

21 DIR. ARVELO: Just so I understand, a  
22 decommissioning bond only happens once the  
23 Project becomes operational, therefore, if the  
24 Project were to go -- were to close or go

1 belly-up before it becomes operational, the  
2 decommissioning bond could not be used as the  
3 restoration bond?

4 MR. OLDENBURG: I'm not one of the  
5 lawyers in the group. But, reading what's in the  
6 decommissioning plan, none of the decommissioning  
7 plan covers prior to operation. The  
8 decommissioning plan covers everything after  
9 operation and after the useful life of the  
10 Project has expired.

11 DIR. ARVELO: Thank you.

12 CHAIRWOMAN MARTIN: I think that's a  
13 good question though, because the other concern  
14 that I had, as I thought about this, is what  
15 would be the amount of a restoration bond, if it  
16 were separate? I don't know that we got any  
17 evidence about what would be an appropriate  
18 amount for that bond.

19 MR. OLDENBURG: That was one of my  
20 questions. So, my thought was to let the  
21 Applicant maybe come up with a plan for that  
22 restoration bond, the amount, and have maybe the  
23 SEC administrator work with -- work with the  
24 Applicant to get that done.

1 Any questions?

2 CHAIRWOMAN MARTIN: Perhaps we  
3 should -- it doesn't seem as though folks have  
4 much to say about the question of the two  
5 separate bonds. Maybe it's helpful if we poll  
6 the Subcommittee and see if they think we should  
7 do a separate bond for restoration. And then, if  
8 so, think about how to do that.

9 MR. OLDENBURG: Okay. Mr. Wilson.

10 DIR. WILSON: Sorry. I'm just curious  
11 if there's any precedent for this in other  
12 projects, for instance, like Antrim Wind, or  
13 other projects similar?

14 CHAIRWOMAN MARTIN: Attorney Iacopino,  
15 can you shed any light on that?

16 MR. IACOPINO: I'm trying to go through  
17 my memory. In terms of this type of bond, no.  
18 Obviously, we have decommissioning bonds in  
19 pretty much all of our modern cases. But I  
20 cannot think, I'm thinking there might have been  
21 one for the road in the Groton Wind Project, but  
22 I don't recall specifically.

23 So, in terms of this specific type of  
24 bond, one required for restoration, I don't

1 recall ever having a bond requirement in any of  
2 our certificates such as this. They virtually  
3 all have decommissioning bonds that generally  
4 are -- go into effect upon commercial operation.

5 MR. OLDENBURG: Mr. Wilson.

6 DIR. WILSON: Mike, was that the case  
7 with Groton Wind? So, when they had their little  
8 hiccup with the placement of infrastructure of  
9 some sort, and they had to pay out \$150,000 to  
10 rectify that as a mitigation payment to New  
11 Hampshire State Parks, did that come -- where did  
12 that money come from? Was that a set-aside as  
13 part of the decommissioning bond?

14 MR. IACOPINO: No. I think that was  
15 part of a settlement with -- an enforcement  
16 action had actually started. What happened in  
17 that case was, they built their operation center  
18 on the wrong side of the brook. And, as a  
19 result -- excuse me -- as a result, they wound up  
20 settling to get -- they wound up settling that  
21 aspect of the enforcement proceeding, is my  
22 recollection of that.

23 MR. OLDENBURG: Mr. Arvelo.

24 DIR. ARVELO: Madam Chair, would it be

1           appropriate to have Mr. Barefoot say anything on  
2           this, given that the experience that they have  
3           had with multiple projects across the country,  
4           whether this is something that they have  
5           encountered before on other projects?

6                   CHAIRWOMAN MARTIN: The record, the  
7           evidence is closed at this point.

8                   DIR. ARVELO: Okay.

9                   CHAIRWOMAN MARTIN: So, that would  
10          require us to reopen the record.

11                  DIR. ARVELO: Okay.

12                  CHAIRWOMAN MARTIN: Not without some  
13          process.

14                  DIR. ARVELO: Thank you.

15                  MR. OLDENBURG: Ms. Duprey, I saw your  
16          hand up before?

17                  MS. DUPREY: Can someone remind me why  
18          we're doing something different than what we have  
19          done in the past? Why are we having more bonds  
20          this time?

21                  MR. OLDENBURG: I think it was a  
22          request from Counsel for the Public. I think  
23          that's where it stemmed from. A condition to be  
24          put on the certificate for having the state added

1 as an obligee, and that a restoration bond be put  
2 in place.

3 Madam Chairwoman.

4 CHAIRWOMAN MARTIN: I'm just going back  
5 to -- I had taken some of the testimony from  
6 transcript -- the transcript of Day 1, at Page  
7 51, where it was said: "I envision it as being  
8 for the purpose of decommissioning and restoring,  
9 as necessary, the Project area. So, it would be  
10 issued prior to the start of construction  
11 activity," -- I'm sorry -- "and may be used as  
12 necessary."

13 So, I think at least the testimony and  
14 evidence suggests that it's broad enough to  
15 cover, I think, Mr. Oldenburg, to your point,  
16 perhaps that is slightly inconsistent with the  
17 plan, the decommissioning plan. And I don't know  
18 if it might just be best if we clarify that, by  
19 just saying it is for restoration, and it would  
20 be obtained prior to the start of construction.

21 MS. DUPREY: So, I still don't  
22 understand why this case is any different than  
23 any other?

24 CHAIRWOMAN MARTIN: I can't speak to



1           why it's any different than any other. I think  
2           the issue just came up because Counsel for the  
3           Public raised the issue around the bond. And  
4           there appears to be a slight inconsistency  
5           between the testimony and the decommissioning  
6           plan. So, I think the conversation is just to  
7           try to make sure we get it right.

8                       Also, Counsel for the Public raised the  
9           issue of who should be the obligee. The  
10          testimony, and I think the plan, has the Town as  
11          the sole obligee. And Counsel for the Public  
12          raised the -- made the request that the state  
13          also be named.

14                      So, those are the two issues, I think,  
15          that came up.

16                      MS. DUPREY: If I may, Madam  
17          Chairman?

18                      CHAIRWOMAN MARTIN: Of course.

19                      MS. DUPREY: I am opposed to doing  
20          something different than what we've done in our  
21          long history of these cases. I don't see what  
22          makes this case different. I understand that  
23          Counsel for the Public requested it. But that  
24          doesn't change things in my mind.

1           I don't see that this case is any  
2           different than any other case with  
3           infrastructure. They all have loads of  
4           infrastructure to be restored or, you know,  
5           continued or whatever. And I just think we  
6           should continue to do what we have done. We  
7           don't have enough in this record, to my mind, to  
8           step out from, you know, a pattern of what, 20,  
9           25 years, whatever it is that we've been at this.

10           CHAIRWOMAN MARTIN: I would agree, too,  
11           that I don't think we have enough in this record  
12           to establish a separate bond in a certain amount,  
13           because I don't think we have the evidence in the  
14           record to determine what that would be.

15           MR. OLDENBURG: I would also agree. I  
16           don't -- it's not part of our rules. Maybe it  
17           should be part of our rules. But I do know that,  
18           throughout this state, many planning boards would  
19           require a developer to have a restoration bond  
20           for this specific purpose. So, maybe in the  
21           future we consider updating our rules and  
22           including it, or maybe not.

23           But I would agree with Ms. Duprey, that  
24           why require them to do something that's not part

1 of our rules? So, I am okay with not having a  
2 restoration bond.

3 You know, and I think I saw  
4 Mr. Arvelo's hand up.

5 DIR. ARVELO: I would also agree with  
6 Ms. Duprey. In reading the testimony of the  
7 Counsel for the Public, it just wasn't clear  
8 where we were -- where she was trying to go with  
9 it. And, so, there -- in my mind, there was --  
10 the case was not made for a separate bond.

11 And, so, I would also say that there  
12 shouldn't be a separate bonding.

13 MR. OLDENBURG: Mr. Pelletier.

14 MR. PELLETIER: Yes. I'm thinking  
15 about, if there's one bond, certainly there could  
16 be clarity of that bond that it could be used for  
17 either/or. So, if, whatever this number, the  
18 900,000, or whatever the figure was for the  
19 decommissioning, if, in fact, they chose -- they  
20 got halfway through the Project, and they've  
21 decided to walk, if there's clarity in the bond  
22 that they have for the decommissioning, the  
23 decommissioning part becomes a moot point. So,  
24 whatever money was in that bond, they would be

1           able to utilize to clean up the site before they  
2           departed.

3                        So, I mean, I'm not sure it's --  
4           there's a necessity, obviously, if they walk  
5           away, and they're not going to have to  
6           decommission, they're going to have to restore.  
7           So, it's a matter of semantics, in my mind.

8                        But I would think the one bond, as long  
9           it clarifies that it could be  
10          "restoration/decommissioning", I would think  
11          would put the public and the Town and the State  
12          on safe ground.

13                       MR. OLDENBURG: Ms. Duprey.

14                       MS. DUPREY: I think I'm getting mixed  
15          up as to what "decommissioning" is. Let's just  
16          take a step back. What is a decommissioning bond  
17          covering, if it's not, in effect, restoration?

18                       MR. OLDENBURG: It covers once the  
19          Project -- so, in 30 years, when the Project  
20          is -- goes away, they're going to close it down,  
21          shut it down, for any reason, it would require --  
22          the decommissioning plan requires them to remove  
23          all the infrastructure. So, all the solar  
24          panels, the racks, the piles, conduit, the

1 transformers, the substation, concrete pads, and  
2 then restore the site as previous.

3 MS. DUPREY: There you go. The word  
4 I'm looking for right there.

5 So, if the Project gets halfway going,  
6 and then stalls, why aren't we decommissioning it  
7 and using the bond to remove whatever they've got  
8 in there?

9 MR. OLDENBURG: I would think it's  
10 semantics, right. But I think --

11 MS. DUPREY: I'm sorry. To me, that's  
12 still decommissioning.

13 MR. OLDENBURG: Because I think the  
14 decommissioning plan takes place after  
15 operations.

16 MS. DUPREY: I see.

17 MR. OLDENBURG: Chairwoman Martin.

18 CHAIRWOMAN MARTIN: Well, that's what I  
19 was -- I was going to ask you if you have the  
20 language handy related to this? Because, given  
21 that the evidence that we had or the testimony  
22 that we had was that this would cover  
23 "decommissioning and restoration", similar to  
24 what Ms. Duprey was just suggesting, and that "it

1 would be issued at the start" -- "prior to the  
2 start of construction".

3 If those are true, then I think one  
4 bond, in that amount, described in that way, is  
5 going to cover everything we're all worried  
6 about. I think we just need to be clear that it  
7 has to be issued prior to the start of  
8 construction, and that decommissioning includes  
9 restoration, if they haven't completed the  
10 Project. We could just require that.

11 MR. OLDENBURG: I would agree, if the  
12 decommissioning plan, maybe the first paragraph  
13 was updated, to include, you know, "prior to  
14 operation restoration". I do not believe that  
15 the cost of restoring the site would be anywhere  
16 close to the \$900,000 in the decommissioning  
17 bond. So, I would believe that that amount would  
18 cover any site restoration. So, I would be  
19 satisfied with that.

20 Do we want to take a straw poll, on  
21 just using the decommissioning plan, updating the  
22 words to cover pre-construction work as well?

23 MR. IACOPINO: Madam Chair, if I might,  
24 just for a minute.

1           In terms of the plan itself, what I  
2           would recommend to the Committee, based upon what  
3           Mr. Oldenburg is suggesting, is that it be a  
4           condition that the decommissioning plan -- I'm  
5           sorry, decommissioning bond be in place prior to  
6           the commencement of construction, as opposed to  
7           actually changing any words in the  
8           decommissioning plan itself.

9           MR. OLDENBURG: Yes, Ms. Duprey.  
10          You're still on mute.

11          MS. DUPREY: Sorry. I just want to  
12          address Attorney Iacopino with this question.  
13          I'm uncomfortable at how we're having to twist  
14          ourselves around with this. I don't feel like  
15          that's the position we should be in, and it  
16          concerns me, with respect to our rules and our  
17          precedent.

18          And I just want to be sure that, before  
19          we go down this path, that it's appropriate for  
20          us to do what we're doing here. And I again ask  
21          the question, why is it different in this case  
22          than in all the others? Because this will be,  
23          you know, the precedent that we're setting going  
24          forward, it seems to me.

1           MR. IACOPINO: The second question,  
2 obviously, is up to you all as a Committee,  
3 because that goes to the determination about what  
4 you decide to do.

5           But your first question, bonding is  
6 specifically permitted by RSA 162-H, Section 16,  
7 I believe it's VII. And it's worded very  
8 liberally and very broadly. And, so, you do have  
9 the statutory authority to require a bonding of  
10 the Project. That's not limited to just  
11 decommissioning bonds.

12           My only point was, it would be clearer,  
13 as to what Mr. Oldenburg was suggesting, if you  
14 went that route, if you made it part of the  
15 condition that the decommissioning bond be in  
16 place prior to the start of construction. That's  
17 all I was trying to point out. Not trying to  
18 sway the Committee one way or the other.

19           You do have the statutory authority to  
20 require whatever kind of bonds you wish to  
21 require.

22           MR. OLDENBURG: Mr. Arvelo.

23           DIR. ARVELO: So, the assumption is, at  
24 least in my mind, is that there is nothing to



1 protect the public, prior to the completion of  
2 the Project, when the decommissioning bond goes  
3 into place. Prior to that, if the Project does  
4 not complete, there is nothing to protect the  
5 public. And that's why we're considering this.  
6 And, if that's the case, then it seems to me it  
7 makes sense that we should have something in  
8 place to protect the public and the Town of  
9 Fitzwilliam, if it has to restore, so that the  
10 Town does not get stuck with having to expend its  
11 own resources to do so.

12 To me, it's surprising that there is  
13 nothing in place, that prior projects have not  
14 had anything in place during that phase of the  
15 project. And it just makes perfect sense that  
16 something should be in place to protect the  
17 public, whether it's the decommissioning plan to  
18 include the construction phase, but, if that's  
19 the case, then there should be something within,  
20 not just having it include that period, but also  
21 having something within the wording of the  
22 decommissioning plan saying that it will cover  
23 that period of construction and restoration that  
24 needs to happen.

1           So, that's it.

2           MR. OLDENBURG: And, so, in the  
3           decommissioning plan itself, sort of the words  
4           that concern me is the second paragraph in  
5           Section 1. It says "Properly maintained solar  
6           panels have an expected life of 30 years. The  
7           decommissioning process will initiate upon the  
8           completion of the Project's useful life or the  
9           end of the property lease term."

10          So, to me, this whole plan doesn't come  
11          into effect until the end. So, I think, if we  
12          wanted to have the restoration before the  
13          operation part of this, that's the wording that I  
14          think would have to be addressed. And whether  
15          it's in our rules or not, there is nothing to  
16          make them do anything to restore the site prior  
17          to operation.

18          Madam Chairwoman.

19          CHAIRWOMAN MARTIN: And I think, to  
20          Attorney Iacopino's point, and given the language  
21          you just read, just for clarity, we could just  
22          require that the bond be issued prior to  
23          construction and cover restoration during the  
24          construction in the pre-operation phase period.

1 MR. OLDENBURG: I would agree. Anybody  
2 have any more questions?

3 DIR. ARVELO: I can live with that  
4 language.

5 MR. OLDENBURG: All right. So, take a  
6 straw poll to just make that a condition.

7 Mr. Wilson?

8 DIR. WILSON: I would agree with that.

9 MR. OLDENBURG: Mr. Pelletier?

10 MR. PELLETIER: I would agree with that  
11 also.

12 MR. OLDENBURG: Ms. Duprey?

13 MS. DUPREY: I'm okay with it.

14 MR. OLDENBURG: Mr. Eaton?

15 MR. EATON: Yes. I'm okay with it.

16 MR. OLDENBURG: And Mr. Arvelo?

17 DIR. ARVELO: I agree.

18 MR. OLDENBURG: Okay.

19 CHAIRWOMAN MARTIN: And I agree.

20 MR. OLDENBURG: Oh, sorry. I was going  
21 to go back to you last. Okay.

22 So, in fact, I think we're all set with  
23 the bond. Now, my only question -- oh, Madam  
24 Chairwoman.

1 CHAIRWOMAN MARTIN: One lingering  
2 question that came up that I don't think we made  
3 a group decision on was whether the obligee  
4 should be the State and the Town.

5 MR. OLDENBURG: Yes. I would think it  
6 would be both. Because I think that was the  
7 direction we were leaning to, so that either the  
8 Town could do it or the State could do it.

9 CHAIRWOMAN MARTIN: I would be  
10 comfortable adding the State, just because I --  
11 from the perspective of someone who has dealt  
12 with this stuff, having an additional resource  
13 through the state to be able to help with  
14 enforcement would be a good thing.

15 But I don't know what the other  
16 Committee members think.

17 MR. OLDENBURG: Okay. Any other  
18 comments on that? Mr. Wilson.

19 DIR. WILSON: Since we're the ones  
20 issuing the permit, the State, right, it probably  
21 makes sense.

22 Again, is there any precedence for  
23 having the State involved?

24 MR. IACOPINO: Traditionally,

1 decommissioning bonds have been -- the obligee  
2 has been the city or town that hosts the project.  
3 I think that it -- the reason for that is that  
4 the specifics of these bonds in the past have  
5 been generally negotiated between the city or  
6 town and the applicant, and that's the way that  
7 they were presented in those other cases.

8           Clearly, you have the authority to  
9 create any type of bond that you wish, under RSA  
10 162-H:16, VII.

11           MR. OLDENBURG: Any other questions?  
12 Comments? Mr. Arvelo.

13           DIR. ARVELO: I'm not convinced in this  
14 case. And I see it as an unnecessary added step.  
15 I would oppose.

16           MR. OLDENBURG: Any other questions?  
17 Comments?

18           *[No verbal response.]*

19           CHAIRWOMAN MARTIN: You want to poll on  
20 that question?

21           MR. OLDENBURG: All right. So, is  
22 there any interest in having the State added as  
23 an obligee? I would -- I'll take Mr. Arvelo, as  
24 saying "no", as sort of the direction. So,

1 Mr. Wilson, would you agree that the State should  
2 not be added?

3 DIR. WILSON: If it's not done  
4 normally, I would vote "no".

5 MR. OLDENBURG: All right.

6 Mr. Pelletier?

7 MR. PELLETIER: Yes, I would vote "no"  
8 also.

9 MR. OLDENBURG: And Ms. Duprey?

10 MS. DUPREY: I think we should add the  
11 state.

12 CHAIRWOMAN MARTIN: All right. Mr.  
13 Eaton?

14 MR. EATON: I'll vote "no".

15 MR. OLDENBURG: And Mr. Arvelo?

16 DIR. ARVELO: No.

17 MR. OLDENBURG: Chairwoman?

18 MS. DUPREY: I would add the State.

19 MR. OLDENBURG: And I would say "no".

20 So, how did that total? One, two, --

21 MR. IACOPINO: I counted that as five  
22 to two in favor of not including the State as an  
23 obligee on the bond.

24 MR. OLDENBURG: Okay. So, I guess the

1 last thing to do would be approve the  
2 decommissioning plan. And I'll -- and maybe I'm  
3 getting too far into the weeds with this.

4 But part of the decommissioning plan  
5 rules require --

6 *[Court reporter interruption due to*  
7 *indecipherable audio.]*

8 MR. OLDENBURG: I was looking away from  
9 the screen as well.

10 In 301.08, Section (2)(c), it states  
11 that "all transformers must be removed off the  
12 site." And they have complied with that in their  
13 decommissioning plan. And their decommissioning  
14 plan includes removing the entire substation.

15 Yet to be discussed is the subdivision  
16 of this property. And my understanding is, if  
17 the property is subdivided, Chinook will no  
18 longer own the parcel the substation is on. So,  
19 the decommissioning plan covers removing  
20 components, infrastructure, from someone else's  
21 property. I don't know if that's semantics or if  
22 that's legitimate, or if Chinook has an agreement  
23 with Eversource. But I would just bring that up,  
24 as to whether or not I'm reading too much into it

1 or not.

2 I don't know if anybody has noticed  
3 that or has a concern with it. Mr. Arvelo.

4 DIR. ARVELO: I think you bring up a  
5 good point. I'm trying to recall testimony in  
6 which Chinook Solar stated that all improvements,  
7 I believe, to include the subdivision would be  
8 removed upon decommissioning.

9 But what I didn't see was, to your  
10 point, how does that happen? Is it something in  
11 the -- whatever agreement there is between  
12 National Grid and Chinook Solar or NextEra?

13 So, that would be a question in my  
14 mind. How that would happen?

15 MR. OLDENBURG: Ms. Duprey.

16 MS. DUPREY: So, this will be a  
17 separate lot that's owned by the Grid, right?

18 MR. OLDENBURG: That's my  
19 understanding.

20 MS. DUPREY: Yes. And it will have a  
21 building on it, is that right, the substation?

22 MR. OLDENBURG: Well, the substation  
23 is, my understanding, is the transformers, and a  
24 lot of the electrical components and



1 infrastructure that tie the solar arrays into the  
2 transmission lines.

3 MS. DUPREY: Okay. And what you're  
4 identifying is that the decommissioning plan only  
5 applies to Chinook, and doesn't apply to the  
6 Grid, right?

7 MR. OLDENBURG: Well, the  
8 decommissioning plan covers the substation  
9 removal. But they -- they won't own it.

10 MS. DUPREY: But they're the party  
11 that's obliged.

12 MR. OLDENBURG: Right.

13 MS. DUPREY: So, Attorney Iacopino,  
14 what light can you shed on this for us?

15 MR. IACOPINO: I'm not sure what you  
16 mean by that question, in terms of what light can  
17 I shed. I think that Mr. Oldenburg has set forth  
18 what the state of the record is. I would point  
19 out that, at least in their arguments, the  
20 Applicant has indicated that they're not asking  
21 the Site Evaluation Committee to create a  
22 subdivision.

23 I understand they are going before, in  
24 their latest filing, that they are going before

1 the Planning Board in the Town of Fitzwilliam.  
2 And, I mean, I would assume that the Town of  
3 Fitzwilliam would want to deal with that as a  
4 potential either a condition of the subdivision  
5 permit or conditional use permit, or whatever. I  
6 don't know what the form that they will be using.  
7 I would think that that's something that the Town  
8 would want to consider.

9 But I can tell you is that, if the  
10 property is subdivided, I cannot say to you that  
11 any condition that the Committee puts on the  
12 Project will "run with the land", so to speak, in  
13 real estate terms. So, I think that that's  
14 something that would fall within the Planning  
15 Board's purview, once that matter is before them.

16 That's the most light that I can shed  
17 on it, Ms. Duprey. I, obviously, can't comment  
18 on what's a good idea or what's not a good idea.

19 MS. DUPREY: No, I wasn't asking for  
20 that. What I was wanting to know was your  
21 opinion of whether the decommissioning plan would  
22 reach that subdivided lot, and I'm going to  
23 assume from what you said that it would not,  
24 unless the Town required some condition.

1           But could we not -- I'm going to be  
2           suggesting that it be a condition of our approval  
3           that they receive subdivision approval. And  
4           could we not add a condition in there saying "and  
5           that part of that approval, subdivision approval,  
6           must contain decommissioning"?

7           MR. IACOPINO: It's certainly within  
8           your purview to establish conditions on the  
9           certificate. And I don't know of any reason why  
10          that condition could not be imposed, if that was  
11          the will of the committee.

12          MS. DUPREY: All right. So, we could  
13          manage it in that way?

14                    *[Attorney Iacopino indicating in the*  
15                    *affirmative.]*

16          MS. DUPREY: Okay. Mr. Oldenburg,  
17          that's what I'll be suggesting.

18          MR. OLDENBURG: All right. Chairwoman.

19          CHAIRWOMAN MARTIN: I'm in favor of  
20          that. I think the only real way we could  
21          accomplish it is exactly through that type of  
22          mechanism, where we have a condition on the  
23          Applicant. Because I agree with Attorney  
24          Iacopino, I think it's unlikely that anything we

1 do absent that will be binding on a third  
2 party.

3 MR. OLDENBURG: Okay. So, we'll hold  
4 that later till we go on and talk about the  
5 subdivision.

6 CHAIRWOMAN MARTIN: All right.

7 MR. OLDENBURG: So, with that, any more  
8 discussion on the decommissioning plan?

9 *[No verbal response.]*

10 MR. OLDENBURG: Take a straw poll that  
11 the decommissioning plan, we agree that it meets  
12 the rules. And Mr. Wilson?

13 CHAIRWOMAN MARTIN: Should we add the  
14 condition or the additional language that we  
15 talked about related to the bond into the poll,  
16 we're approving it with that?

17 MR. OLDENBURG: So, with the condition  
18 that the decommissioning plan be in place prior  
19 to the beginning of construction, and that the  
20 words are the -- no, that was it.

21 CHAIRWOMAN MARTIN: Well, I think it  
22 was that, plus that it cover restoration, because  
23 the language you raised which made it suggest  
24 that it was just for decommissioning, without the

1 words "and restoration", we likely would not be  
2 getting any coverage even if it were in effect  
3 during construction.

4 MR. OLDENBURG: All right. Sorry, I  
5 ran out of pavement -- space on my small piece of  
6 paper to write that down. I have since added  
7 that.

8 All right. Mr. Wilson?

9 DIR. WILSON: I would agree.

10 MR. OLDENBURG: All right.

11 Mr. Pelletier?

12 MR. PELLETIER: I agree.

13 MR. OLDENBURG: And Ms. Duprey?

14 MS. DUPREY: I agree.

15 MR. OLDENBURG: And Mr. Eaton?

16 MR. EATON: I agree.

17 MR. OLDENBURG: And Mr. Arvelo?

18 DIR. ARVELO: I agree.

19 MR. OLDENBURG: And Chairwoman Martin?

20 CHAIRWOMAN MARTIN: I agree.

21 MR. OLDENBURG: And I would agree. And  
22 I think that triggers the end of me talking.

23 CHAIRWOMAN MARTIN: Okay. So, I think  
24 that means Mr. Pelletier is up to finish the rest

1 of that section, is that right?

2 MR. PELLETIER: I believe you're  
3 correct.

4 CHAIRWOMAN MARTIN: Okay. Go right  
5 ahead.

6 MR. PELLETIER: So, Chairwoman, do I  
7 have to read through the whole statutory  
8 requirement again, and then go to the sections  
9 that I have to deal with?

10 CHAIRWOMAN MARTIN: Well, I think that  
11 we probably don't need you to read through the  
12 whole statutory requirement again. But certainly  
13 highlighting the areas you're covering would be  
14 helpful.

15 MR. PELLETIER: Okay. I'm going to be  
16 covering the health and safety issues of the  
17 Project's moving forward. As you know, part of  
18 that section, we've already discussed the  
19 decommissioning by Mr. Oldenburg, which did a  
20 find job, I might add.

21 And, so, the Rule Requirements: On the  
22 301.14 requires the Subcommittee to consider the  
23 following in its assessment of the impact on the  
24 public health and safety. And that would affect

1 Section 301.08 requires solar energy applicants  
2 to submit the following: The Item Number (1)  
3 Except as otherwise provided in (a)(1) above, the  
4 assessment of operational sound associated with  
5 the proposed facility, if the facility would  
6 involve use of equipment that might reasonably be  
7 expected to increase sound by 10 decibels  
8 A-weighted (dBA) or more over background levels,  
9 measured at the L-90 sound level, at the property  
10 boundary of the proposed facility site or, in the  
11 case of an electric transmission line or an  
12 energy transmission pipeline, at the edge of the  
13 right-of-way or the edge of the property boundary  
14 if the proposed facility, or portion thereof,  
15 will be located on land owned, leased or  
16 otherwise controlled by the Applicant or an  
17 affiliate of the Applicant.

18 A plan for -- and Item (3) A plan for  
19 fire safety prepared by or in consultation with a  
20 fire safety expert. Item Number (4) A plan for  
21 emergency response to the proposed facility site.  
22 And Item Number (5) A description of any  
23 additional measures taken or planned to avoid,  
24 minimize, or mitigate public health and safety

1 impacts that would result from the construction  
2 and operation of the proposed facility, and the  
3 alternative measures considered but rejected by  
4 the Applicant.

5 The record can be found on Pages 64  
6 through 68 of the Applicant addressing public  
7 health and safety. The relevant exhibits  
8 submitted by the Applicant would be Appendix  
9 [Applicant?] Item 8; Appendix [Applicant?]  
10 Item 47; Appendix [Applicant?] Item 49; 67; 73;  
11 81, and that would conclude the exhibits that  
12 address the issue of fire safety, sound, and  
13 decibel levels, and that type of stuff.

14 MR. IACOPINO: Madam Chair, if I could  
15 just point out that Mr. Pelletier was referencing  
16 the Appellant's [Applicant's?] exhibits, not the  
17 appendices.

18 CHAIRWOMAN MARTIN: Yes. That's  
19 correct.

20 MR. IACOPINO: But the numbers used are  
21 the exhibit numbers.

22 MR. PELLETIER: God, I've done it  
23 again. I'm a slow learner.

24 So, Position of the Parties: The



1 Applicant submits the record demonstrates the  
2 Project will not cause an unreasonable adverse  
3 effect on public health or safety. The Applicant  
4 relies upon the sound/noise studies conducted by  
5 Marc Wallace. The Applicant also highlights the  
6 fact that Counsel for the Public stipulates that  
7 there is sufficient evidence in the record to  
8 find there will be no unreasonable effect on  
9 public health or safety stemming from Project  
10 noise. Based on the sound studies, the Project  
11 will operate well within the sound standards set  
12 forth in our rules and the sound limits contained  
13 in the Fitzwilliam ordinance.

14 The Applicant also espouses its fire  
15 safety and emergency response plan as a basis to  
16 find that there will not be an unreasonable  
17 adverse impact on public health or safety.

18 Counsel for the Public concluded: The  
19 Counsel for the Public stipulated that the record  
20 is sufficient for the Subcommittee to find that  
21 there will be no unreasonable adverse impacts on  
22 public health and safety as a result of noise  
23 from the Project. Counsel for the Public does  
24 not address any other public health-related

1 issues.

2 So, with that, I would conclude that  
3 the Applicant has submitted all their evidence  
4 and testimony that would make me believe that the  
5 public health and safety of this Project are not  
6 at risk.

7 CHAIRWOMAN MARTIN: Does anybody else  
8 from the Subcommittee have questions? You want  
9 to discuss any specific parts of that?

10 *[No verbal response.]*

11 CHAIRWOMAN MARTIN: Okay. Then,  
12 perhaps we move straight to the poll.

13 MR. IACOPINO: Madam Chair, before you  
14 go on to the next subject, traditionally, there  
15 is consideration of a condition in circumstances  
16 such as this, to authorize the Fire Marshal to  
17 monitor and consult with the Applicant with  
18 respect to any fire or emergency response  
19 situations. And that's particularly important in  
20 this particular case. As I understand it, the  
21 Town has filed something indicating that that's  
22 what they wish to do, with respect to fire  
23 safety, is to delegate that authority to the Fire  
24 Marshal, as opposed to just the building

1 inspector in town. I'm not even sure if  
2 Fitzwilliam has a building inspector.

3 So, I believe that in -- I believe we  
4 briefly touched upon this when we discussed the  
5 Fire Marshal's letter.

6 CHAIRWOMAN MARTIN: We did. And we had  
7 the potential condition there. So, perhaps the  
8 best way to handle this -- I'm sorry. Attorney  
9 Iacopino, could you mute for a second.

10 I will reread the potential condition  
11 that was in the opening that I -- where I covered  
12 the different agencies. And then, if there are  
13 questions, we can discuss that. And then,  
14 perhaps we just include in the poll the  
15 condition.

16 All right. The potential condition for  
17 consideration was: "The Applicant shall provide  
18 a copy of the final construction plans,  
19 electrical plans, and emergency response plans to  
20 the Fire Marshal for reference. The Applicant  
21 shall consult with the Fire Marshal in the event  
22 of any changes to the plans. The Applicant shall  
23 cooperate with the Fire Marshal in the exercise  
24 of his enforcement authority. The Fire Marshal

1 retains all of his powers and duties of  
2 enforcement. See RSA 162-H:12, IV. Any action  
3 to enforce the conditions of the Certificate must  
4 be brought before the Committee."

5 That was the proposed language. Does  
6 anyone have any changes or discussion they want  
7 to have about that?

8 *[No verbal response.]*

9 CHAIRWOMAN MARTIN: Okay. Doesn't look  
10 like anyone does.

11 So, counsel, do you want to propose the  
12 right language for a poll, because I don't have  
13 the section on health and safety in front of me  
14 anymore. I scrolled up.

15 MR. IACOPINO: I'm sorry. Madam Chair,  
16 you wanted me to read it again, is that --

17 CHAIRWOMAN MARTIN: No. I just wanted  
18 to make sure that the poll that we take is  
19 properly worded to include both the required  
20 findings and the condition.

21 MR. IACOPINO: I would recommend that  
22 the poll be taken on whether or not, subject to  
23 the condition as read by the Chairperson, that  
24 the Project as presented in the Application will

1 not have an unreasonable adverse effect on public  
2 health and safety.

3 CHAIRWOMAN MARTIN: All right. Why  
4 don't we do that for the poll then. Thank you.  
5 Mr. Oldenburg?

6 MR. OLDENBURG: I would agree.

7 CHAIRWOMAN MARTIN: Mr. Wilson?

8 DIR. WILSON: I agree.

9 CHAIRWOMAN MARTIN: Mr. Pelletier?

10 MR. PELLETIER: I agree.

11 CHAIRWOMAN MARTIN: Ms. Duprey?

12 MS. DUPREY: I agree.

13 CHAIRWOMAN MARTIN: Mr. Eaton?

14 MR. EATON: I agree.

15 CHAIRWOMAN MARTIN: Mr. Arvelo?

16 DIR. ARVELO: I agree.

17 CHAIRWOMAN MARTIN: And I also agree.

18 It looks like it's unanimous.

19 Okay. Mr. Eaton, I have you as  
20 handling orderly development related to  
21 economics, employment, and tourism next.

22 MR. EATON: Yes. Statutory -- Orderly  
23 Development of the Region, RSA 162-H:16, IV(b);  
24 Site 301.15.

1                   Statutory Requirement: Before the  
2                   Subcommittee can issue a certificate, it must  
3                   determine if the site and facility will unduly  
4                   interfere with the orderly development of the  
5                   region with due consideration given to the views  
6                   of municipal and regional planning commissions  
7                   and municipal governing bodies. See RSA  
8                   162-H:16, IV(b).

9                   Rules Requirement: Site 301.15  
10                  Criteria Relative to the Finding of Undue  
11                  Interference: In determining whether a proposed  
12                  energy facility will unduly interfere with the  
13                  orderly development of the region, the Committee  
14                  shall consider: (a) The extent to which the  
15                  siting, construction, and operation of the  
16                  proposed facility will affect land use,  
17                  employment, and the economy of the region; (b)  
18                  The provisions of, and financial assurances for,  
19                  the proposed decommissioning plan for the  
20                  proposed facility; and (c) The views of  
21                  municipal and regional planning commissions and  
22                  municipal governing bodies regarding the proposed  
23                  facility.

24                  Relevant exhibits and subtopics:

1 Applicant's -- what's the proper term?

2 Applicant's Exhibit 2; Applicant's Exhibit 11;  
3 14; 19; 20; 21; 50; 51; 52; 53; 54; 55; 56; 57;  
4 58; 62; 67; 75; 80; 81; 82; 83; 85; and 89.

5 The Position of the Parties:

6 Applicant: In its closing argument, the  
7 Applicant relies on two stipulations to claim  
8 that the record established that the Project will  
9 not unduly interfere with orderly development of  
10 the region.

11 Applicant's Exhibit 80 is a stipulation  
12 wherein the Applicant and Counsel for the Public  
13 agree that the Project will not unduly interfere  
14 with orderly development. The stipulation relies  
15 on the report of Matthew Magnusson that concludes  
16 the Project bring a net positive economic impact  
17 to the Town of Fitzwilliam and the overall State  
18 of New Hampshire. Construction is estimated to  
19 support approximately 95 FTE jobs, of which 60  
20 jobs are expected to be in construction, and  
21 providing over \$8 million in economic value to  
22 the overall state economy. The development phase  
23 of the Project, prior to construction, is  
24 expected to support 11 jobs and \$1.1 million in

1 economic value added in New Hampshire. After the  
2 construction period, the Applicant claims a net  
3 positive impact where the Project is expected to  
4 support 5.7 to 7.1 FTE jobs and an additional  
5 \$0.6 million to \$0.7 million in annual economic  
6 value to the New Hampshire economy. The  
7 support -- the report also suggests a payment in  
8 lieu of tax agreement would provide a direct  
9 economic benefit to the Town of Fitzwilliam.

10 The second stipulation, Applicant's  
11 Exhibit 81, relies on the economic report of Mr.  
12 Magnusson, as well as the various land use and  
13 planning documents from the Town of Fitzwilliam  
14 and the Southwest Regional Planning Commission to  
15 claim that the record provided more than  
16 sufficient information to conclude the Project  
17 will not unduly interfere with the orderly  
18 development of the region.

19 Counsel for the Public: Counsel for  
20 the Public stipulates that the Project will not  
21 unduly interfere with the orderly development of  
22 the region.

23 The Subdivision Issue: The Applicant  
24 reports, if the Project is approved and



1           constructed, the substation and the land on which  
2           it is located will have to be transferred to the  
3           National Grid and MAP, another third party that  
4           has rights to some of the equipment in the  
5           switchyard. The Applicant initially requested  
6           that the Subcommittee grant a certificate and  
7           include certain precatory language designed to  
8           provide the Fitzwilliam Planning Board with a  
9           reason to sign off on the subdivision plat  
10          without going through the normal process. The  
11          Applicant has since withdrawn that request and  
12          informed the Subcommittee that it intends to  
13          pursue the subdivision through the normal  
14          municipal process.

15                   CHAIRWOMAN MARTIN: Mr. Eaton, I just  
16                   want to interject. Ms. Duprey, are you planning  
17                   to cover the subdivision piece?

18                   MS. DUPREY: I am.

19                   CHAIRWOMAN MARTIN: Okay. So, Mr.  
20                   Eaton, perhaps, if you want to take up through  
21                   the subdivision piece, that would -- for  
22                   discussion, that would be good.

23                   MR. EATON: All right. And you wish to  
24                   have what now?

1 CHAIRWOMAN MARTIN: I think Ms. Duprey  
2 was planning to cover the subdivision issue  
3 separately. And, so, perhaps you can lead the  
4 discussion around the initial sections you  
5 referenced, and --

6 MR. EATON: And I'm sorry. Are there  
7 any questions from the Committee regarding the  
8 orderly development of the region?

9 *[No verbal response.]*

10 MR. EATON: I see none. And shall I  
11 take a straw poll?

12 CHAIRWOMAN MARTIN: Sure.

13 MR. EATON: All right.

14 MR. IACOPINO: Ms. Duprey has her hand  
15 up.

16 MR. EATON: Oh. Ms. Duprey.

17 MS. DUPREY: I'm thinking that, before  
18 we take a straw poll, we should do my half and  
19 take it all together. Because you're going to  
20 take a straw poll on the orderly development, and  
21 I just have a few remarks to make, and then I  
22 think we could take that poll.

23 MR. EATON: I have no problem with  
24 that. Chairman Martin, is that all right?

1 CHAIRWOMAN MARTIN: I think that works  
2 great.

3 MS. DUPREY: Okay. So, my segments of  
4 the orderly development, which I do want to  
5 stress is "of the region", not of the Town of  
6 Fitzwilliam, but of the region. And the region  
7 has been established uncontrovertedly by the  
8 Applicant as Rindge, Jaffrey, and Fitzwilliam.

9 My segments relate to land use, real  
10 estate values, and property taxes. And, as a  
11 part of land use, it's also taking into  
12 consideration the views of municipal, regional  
13 planning commissions, and municipal governing  
14 bodies. So, it's attempting to address or is  
15 addressing the local views.

16 As was reported by Mr. Eaton, there are  
17 two stipulations that address largely the  
18 question of orderly development. And what that  
19 means and suggests is that both the Applicant, as  
20 well as Counsel for the Public, agree that there  
21 is no undue interference with the orderly  
22 development. That doesn't mean that we don't  
23 have to make a finding, but the parties that have  
24 been addressing this most intensely both have

1           agreed to that. In part, that agreement comes  
2           from the development of an MOU between, or  
3           Memorandum of Understanding, between the Town and  
4           the Applicants. And Memorandums of Understanding  
5           address the agreements that are made between the  
6           Applicants and the Town with respect to how the  
7           Project is going to be conducted. And, generally  
8           speaking, in developing an MOU, the issues that  
9           the Town has are worked out. So, I take that as  
10          evidence that there isn't controversy by the Town  
11          itself.

12                   And, in addition, we don't have -- any  
13          evidence whatsoever in the record relating to the  
14          orderly development and opposing it, anyone  
15          suggesting that there is going to be undue  
16          interference with the orderly development. So,  
17          we have no evidence to go on that it would  
18          interfere, and only evidence that it won't  
19          interfere in the record. And that evidence -- I  
20          found that evidence as being very strong. That  
21          being, again, the two stipulations and the  
22          Memorandum of Understanding with the Town, as  
23          well as looking at the notes that were supplied  
24          in the record at Exhibit -- hold on, Exhibit 50,

1           which were "Agency and Stakeholder Meeting  
2           Notes". Applicant Exhibit 50, which is also  
3           Appendix 17A, address that.

4                        In addition, some of the exhibits  
5           recited by Attorney Eaton were local regulations,  
6           regional planning commission regulations. And,  
7           as had been pointed out, in both the Application  
8           and in other writings, the plan -- the  
9           Application is consistent with those regulations.  
10          So, I found that the land use itself, that that  
11          was supported, that there wasn't going to be  
12          interference.

13                       With respect to real estate values, the  
14          revised Exhibit 18A [Exhibit 58/Appendix 18?],  
15          which is the economic report that was filed,  
16          provided, in my view, ample evidence of support  
17          that real estate values would not be reduced as a  
18          result of this Project. Again, that evidence was  
19          uncontroverted. There was no evidence submitted  
20          into the record that differed with this or took  
21          issue with it.

22                       And then, finally, my last section was  
23          property taxes. And, while it has not yet been  
24          executed, there is a proposed, as I understand

1           it, PILOT that is being discussed between the  
2           Applicant and also the Town, of a payment in the  
3           amount of \$300,000 a year. There is also no  
4           evidence in the record that property taxes would  
5           be reduced as a result of the Project.

6                         Finally, with respect to the issue of  
7           subdivision, the Applicant has agreed to apply to  
8           the Town for subdivision approval, which is what  
9           I was looking for personally. So that they would  
10          have to go through that process and get a  
11          subdivision approval, not just a letter from the  
12          selectmen that they approve the subdivision,  
13          which, in my view, was never appropriate.

14                        So, I think we should make a condition  
15          of our approval that they obtain subdivision  
16          approval from the Town. And, as part of that  
17          condition, I would require that there be a  
18          provision in the subdivision approval requiring  
19          restoration and decommissioning with respect to  
20          the subdivided lot that will be owned by the Grid  
21          or by a third party. That's it, Madam Chairman.

22                        So, at this point, I suggest that we  
23          take a poll on there being -- that orderly  
24          development -- let me just get this language

1 exactly right. That the orderly development of  
2 the region, with due consideration having been  
3 given to the views of the municipal and regional  
4 planning commissions and municipal governing  
5 bodies, that the Project will not unduly  
6 interfere with that orderly development. And  
7 that we add the condition that I just explained  
8 previously.

9 Madam Chair, would you please call the  
10 poll?

11 CHAIRWOMAN MARTIN: Sure. I can do  
12 that. Oh, Mr. Arvelo, you had your hand up?

13 MS. DUPREY: Sorry, I didn't ask for  
14 discussion.

15 DIR. ARVELO: Yes. I just had a  
16 question.

17 Ms. Duprey, related to the PILOT, I  
18 remember reading in testimony it was \$300,000,  
19 but I don't recall -- it wasn't clear to me  
20 whether that was for the entirety of the 30 years  
21 or whether it was an annual payment? And that's  
22 a question in my mind.

23 MS. DUPREY: You know, I thought it was  
24 for every year.

1 Attorney Iacopino, can you shed any  
2 light on that?

3 MR. IACOPINO: I would direct the  
4 Committee to review the Testimony of Matthew  
5 Magnusson. I believe it was on Day III. And  
6 hold on one second, I'll see if I can pull up  
7 what he said. Bear with me for one moment  
8 please.

9 DIR. ARVELO: I found it in the -- I  
10 found it in the prefiled testimony. It's  
11 \$300,000 --

12 *[Court reporter interruption due to*  
13 *indecipherable audio.]*

14 DIR. ARVELO: In reading Mr.  
15 Magnusson's prefiled testimony of October 14,  
16 2019, it reads: "The assumption was made that  
17 this" -- "that this linearly scales to a 300,000  
18 annual PILOT payment to the Town of Fitzwilliam."

19 Did you get that?

20 MS. DUPREY: I'm also looking at Page  
21 83 of Exhibit 18 [Exhibit 58/Appendix 18?],  
22 Section 7.3.4, Tax Revenue. I'm going to read  
23 it: "A PILOT agreement is being developed by  
24 Chinook Solar with the Town of the Fitzwilliam,



1 and the increased funding that would result from  
2 anticipated PILOT payments", that is plural,  
3 "from the Project would be expected to positively  
4 impact the economic health of the Town. The  
5 funds would provide additional financial  
6 flexibility to the Town which could be applied in  
7 different combinations in the areas of property  
8 tax reduction and/or increased services for the  
9 Town. The PILOT payment amount assumed in this  
10 analysis was \$300,000. In 2018, the Town  
11 expended \$1,758,616 for the Town operations  
12 excluding capital reserves, debt service,  
13 operating transfers out, and payments to other  
14 governments. The categories included are listed  
15 in Table 44 and were selected to indicate  
16 on-going expenses related to town provided  
17 services. A PILOT payment of this magnitude is  
18 equivalent to approximately 17 percent of those  
19 expenditures."

20 That's the end of the quoted section.  
21 That is suggesting to me that it is an annual  
22 payment.

23 MR. IACOPINO: Madam Chair, I'll also  
24 point out that, on Day 2, Page 133, in response

1 to a direct question from the Committee,  
2 Mr. Magnusson responded that his modeling was  
3 based on a \$300,000 annual payment.

4 CHAIRWOMAN MARTIN: Thank you.

5 Ms. Duprey, Mr. Oldenburg has his hand up.

6 MS. DUPREY: Mr. Oldenburg.

7 MR. OLDENBURG: I just have a question,  
8 and maybe I missed it in the details.

9 But the subdivision, so this -- the  
10 subdivision, being a part of or being the  
11 approval -- a condition of approval, why is the  
12 subdivision required?

13 I mean, by the sounds of it, National  
14 Grid, or whoever the owner is going to be of the  
15 substation, wants to own it. So, why is the  
16 subdivision of land even part of the Application?  
17 It's happening afterwards, and is more of an  
18 agreement between National Grid and Chinook.

19 So, why are we concerned with the  
20 subdivision?

21 MS. DUPREY: Sorry. I think we're  
22 concerned with the subdivision because we've got  
23 a separate owner in there of part of this  
24 Project. And they're owning a lot that doesn't

1           exist, and that's part of the Application. So,  
2           we would be approving something that, in my view,  
3           was illegal. And that's why I think that we have  
4           to have the subdivision.

5                        I don't know if Chairwoman Martin has  
6           anything else that she wants to add, or Attorney  
7           Iacopino.

8                        CHAIRWOMAN MARTIN: I was just going to  
9           add that the piece about the subdivision, and  
10          that a significant portion of the infrastructure  
11          related to this project would be located on that  
12          piece, to the extent if there's a subdivision.  
13          And I think we want to make sure that we have  
14          conditions related to that in effect on our  
15          Applicant, so that we're able to control even  
16          after the subdivision.

17                      MR. OLDENBURG: Okay. I'm okay with  
18          that.

19                      CHAIRWOMAN MARTIN: Okay. Any other  
20          discussion?

21                                *[No verbal response.]*

22                      CHAIRWOMAN MARTIN: If not, Ms. Duprey,  
23          if you would like to take that poll?

24                      MS. DUPREY: I'd like you to take that

1 poll, Madam Chairman.

2 CHAIRWOMAN MARTIN: I will take that  
3 poll.

4 All right. We have heard the poll  
5 question, with the condition attached. I assume  
6 Attorney Iacopino has that down. No one has any  
7 questions related to it.

8 Let's take the poll, starting with  
9 Mr. Wilson?

10 DIR. WILSON: I'm in agreement.

11 CHAIRWOMAN MARTIN: Mr. Oldenburg?

12 MR. OLDENBURG: I agree.

13 CHAIRWOMAN MARTIN: Okay.

14 Mr. Pelletier?

15 MR. PELLETIER: I agree.

16 CHAIRWOMAN MARTIN: Ms. Duprey?

17 MS. DUPREY: I agree.

18 CHAIRWOMAN MARTIN: Mr. Eaton?

19 MR. EATON: I agree.

20 CHAIRWOMAN MARTIN: Mr. Arvelo?

21 DIR. ARVELO: I agree.

22 CHAIRWOMAN MARTIN: And I also agree.

23 It's unanimous.

24 Okay. What I have left is the

1 discussion of public comment. Have we -- do we  
2 have anything else we need to cover before we get  
3 to that?

4 MR. IACOPINO: Madam Chair, yes. You  
5 must determine whether or not the certificate of  
6 site and facility will serve the public interest.  
7 In serving the public interest, the rules  
8 basically require you to consider an amalgamation  
9 of everything that you've already just gone over.

10 And I can read those for the Committee,  
11 if you like?

12 In Site 301.16, the criteria that you  
13 must consider are the welfare of the population;  
14 private property; the location and growth of  
15 industry; the overall economic growth of the  
16 state; the environment of the state; historic  
17 sites; aesthetics; air and water quality; the use  
18 of natural resources; and public health and  
19 safety.

20 It goes without saying that you have,  
21 obviously, already considered some of these  
22 things in their individual capacity. The public  
23 interest requirement requires you to consider  
24 them together, in determining whether or not

1 issuance of a certificate will serve the public  
2 interest in this case.

3 CHAIRWOMAN MARTIN: Mr. Arvelo.

4 DIR. ARVELO: Madam Chair, before we  
5 proceed, can we take five minutes?

6 CHAIRWOMAN MARTIN: Of course. Take a  
7 five-minute break. Go off the record.

8 DIR. ARVELO: Thank you.

9 *[Recess taken 11:07 a.m. and the*  
10 *deliberations resumed at 11:14 a.m.]*

11 CHAIRWOMAN MARTIN: Let's go back on  
12 the record.

13 We were just about to start discussing  
14 the finding of public interest. Oh, Mr. Arvelo,  
15 did you have your hand up? You're on mute.

16 DIR. ARVELO: I just need one more  
17 minute.

18 CHAIRWOMAN MARTIN: Okay. Let's go off  
19 the record until he reappears.

20 *[Off the record.]*

21 CHAIRWOMAN MARTIN: Okay. Let's go  
22 back on the record.

23 We were discussing the finding of  
24 public interest. And, as Attorney Iacopino

1 pointed out, we have covered a number of these  
2 considerations specifically, as we went through  
3 our deliberations.

4 And, so, I will open it up to the  
5 Subcommittee as to whether we need to have more  
6 discussion related to any particular  
7 consideration. Ms. Duprey.

8 MS. DUPREY: I don't feel like we need  
9 to discuss this any further, due to the fact that  
10 we have uncontroverted testimony on every one of  
11 these topics.

12 The only objection that we've received  
13 was in a late-breaking piece from Ms. Fournier  
14 with respect to the environment. I didn't  
15 consider that writing to change my mind with  
16 respect to the environmental impacts of this  
17 Project.

18 I think that the Project, the  
19 Application, the stipulations, the MOU, the  
20 prefilled testimony, and the Applicant's  
21 Application itself, plus our discussions, are all  
22 supportive to a finding that this is in the  
23 public interest.

24 Thank you.

1 CHAIRWOMAN MARTIN: Thank you for that.  
2 Does anyone else want to speak about the public  
3 interest finding?

4 *[No verbal response.]*

5 CHAIRWOMAN MARTIN: Okay.

6 MR. PELLETTIER: Yes, Madam Chair. I  
7 think, reading Ms. Fournier's four-page document  
8 addressing issues on the environmental side, I  
9 think that the testimony and the information that  
10 was submitted to the Committee addressed a lot of  
11 those issues. I feel comfortable that there will  
12 be no impacts to threatened and endangered  
13 species or other environmental prospects of the  
14 Project.

15 So, I certainly don't think that  
16 changes my opinion that the Project is legit and  
17 could move forward.

18 CHAIRWOMAN MARTIN: All right. Thank  
19 you.

20 Anyone else wish to speak?

21 *[No verbal response.]*

22 CHAIRWOMAN MARTIN: All right. Seeing  
23 none. Oh, Mr. Arvelo.

24 DIR. ARVELO: Yes. Just in reading



1           Suzanne Fournier's testimony, I do have some  
2           concerns. And I think that a better job could  
3           have been done in terms of studies, to ensure  
4           that threatened and endangered species were  
5           either utilizing or not utilizing that parcel of  
6           land. And, so, that's a question in my mind. I  
7           mean, I don't think that's really definitively  
8           been answered.

9                         We understand that there are potential  
10           threatened species of bats and turtles. But I  
11           don't think we have a full understanding of the  
12           populations or the use of the land. And, so,  
13           that's a concern in my mind. And I just don't  
14           think we -- or, that the Applicant's definitively  
15           answered the question, at least to my  
16           satisfaction.

17                        That there's, you know, the question  
18           about "minimal impact" or "adverse impacts", I  
19           think, in the record, there is testimony to  
20           "minimizing impact on those threatened species."  
21           But there is a question as to how those existing  
22           species use the land, and whether a solar grid of  
23           that size would -- what kind of an impact it  
24           would have on those kind of populations.

1           Particularly as in regards migration and getting  
2           back and forth from one vernal pool to another,  
3           and so on and so forth.

4                        So, that's -- it's still -- that's  
5           always been a question in my mind. I don't  
6           think, in my mind, it's been definitively  
7           answered to my satisfaction. So, I just want to  
8           put that down for the record.

9                        I mean, in this case, you know, it's  
10          that testimony against everything else that's  
11          come before the Committee. And I'm struggling a  
12          little bit with both of those things. I mean,  
13          so, I just want to put that out there.

14                       CHAIRWOMAN MARTIN: Mr. Oldenburg.

15                       MR. OLDENBURG: I guess I would counter  
16          that, and not that I'm defending the Applicant.  
17          But I think, with the endangered species or the  
18          threatened species, the Applicant has met the  
19          requirements of the state agencies.

20                       With regard to the turtle issue, I  
21          think the requirement is, with the silt fence and  
22          the ramps and everything else, it's almost above  
23          and beyond, you know, including the environmental  
24          monitors that are required. As a condition, for

1 the bats, I mean, they met the bat requirement,  
2 which was the tree clearing, and as a condition  
3 we put on them to do the rock foundation -- or,  
4 rock feature monitoring plan, you know, to try to  
5 protect the bats.

6 So, I think they have met their  
7 obligation in that regard. There were other  
8 issues about the deer wintering yards and things  
9 like that that they might have been a little lax  
10 on. But I guess I don't personally have an issue  
11 with that they haven't met their obligation and  
12 have done everything.

13 CHAIRWOMAN MARTIN: Mr. Eaton.

14 MR. EATON: Thank you, Madam  
15 Chairwoman. I had a chance to peruse  
16 Ms. Fournier's email today. But nothing in that  
17 has changed my mind. And I have to agree with  
18 Ms. Duprey and Mr. Pelletier, that I feel very  
19 confident with everything that we've seen that we  
20 can move forward.

21 CHAIRWOMAN MARTIN: And I'll jump in,  
22 and just say I completely understand Mr. Arvelo's  
23 concern. Obviously, protection of threatened and  
24 endangered species, to the extent they exist, is

1           incredibly important.

2                     I am convinced, though, in this case,  
3           that the efforts by the Applicant, in addition to  
4           the conditions that we added, will address those  
5           concerns.

6                     Mr. Wilson.

7                     DIR. WILSON: I concur.

8                     CHAIRWOMAN MARTIN: Okay. I think  
9           we've heard from everyone.

10                    Mr. Arvelo, did you have any follow-up?

11                    DIR. ARVELO: No thank you, Madam  
12           Chair.

13                    CHAIRWOMAN MARTIN: Okay. Then, why  
14           don't we take a poll to determine whether the  
15           Committee feels that the proposed energy facility  
16           will serve the public interest.

17                    Mr. Wilson, do you agree?

18                    DIR. WILSON: I agree.

19                    CHAIRWOMAN MARTIN: Mr. Oldenburg?

20                    MR. OLDENBURG: I agree.

21                    CHAIRWOMAN MARTIN: Mr. Pelletier?

22                    MR. PELLETIER: I agree.

23                    CHAIRWOMAN MARTIN: Thank you.

24                    Ms. Duprey?

1 MS. DUPREY: I agree.

2 CHAIRWOMAN MARTIN: Mr. Eaton?

3 MR. EATON: I agree.

4 CHAIRWOMAN MARTIN: Mr. Arvelo?

5 DIR. ARVELO: I agree.

6 CHAIRWOMAN MARTIN: And I also agree.

7 It is unanimous.

8 All right. At this time, we need to  
9 discuss the public comments. And I do believe we  
10 have done that to a certain extent in our just  
11 previous conversations about those received from  
12 Ms. Fournier. You should have links to those  
13 comments, so that we can specifically discuss any  
14 that you would like to discuss.

15 I would say, at a high level, most of  
16 them would just ask that we take a really good  
17 look at this Project before approving it. And  
18 then, as you've already noted, the comments by  
19 Ms. Fournier certainly have a negative aspect to  
20 them.

21 And, so, I open it up to the Committee  
22 to discuss that public comment and any specific  
23 comments you would like to cover?

24 *[No verbal response.]*

1 CHAIRWOMAN MARTIN: Okay. I don't see  
2 anyone. If anyone -- we've covered the Fournier  
3 comments. So, I think, if everyone is in  
4 agreement that, other than that, for the most  
5 part, they just ask that we do I think what we're  
6 doing here today, which is seriously consider  
7 this Project before approving it.

8 Attorney Iacopino, do we need anything  
9 specifically related to that?

10 MR. IACOPINO: No. I think that, under  
11 our terms, you merely need to consider the public  
12 comments. And I believe that you have done that.

13 And, in addition, there are also public  
14 comments contained in the two transcripts, many  
15 of the same people, by the way, but the  
16 transcript from the Applicant's pre-filing  
17 Information Session, then there was public  
18 comments in the Committee's Public Information  
19 Session. And, of course, you all heard the  
20 public comments during your Public Hearing. So,  
21 there were those three transcripts as well, which  
22 contain public comments. And those are in your  
23 record as well. Again, it's many of the same  
24 individuals just making the comment, the same --

1 fairly the same comment on subsequent occasions.

2 CHAIRWOMAN MARTIN: Okay. Any further  
3 discussion of public comment?

4 *[No verbal response.]*

5 CHAIRWOMAN MARTIN: All right. Seeing  
6 none.

7 I think we have considered all of the  
8 individual criteria. Attorney Iacopino, do we  
9 now move to a vote?

10 MR. IACOPINO: Yes, if somebody can  
11 make a motion. I would recommend that the motion  
12 be in two parts. That the first part simply be  
13 whether or not the Committee finds the criteria  
14 necessary to grant a certificate of site and  
15 facility, and then a motion to include, and if  
16 that passes, then a motion to include the various  
17 conditions that you have agreed to through the  
18 straw polls in the certificate of site and  
19 facility, and to authorize counsel to write the  
20 decision and the certificate, including those  
21 conditions.

22 So, that would be two, two motions is  
23 traditionally the way that we have done this. I  
24 think Mr. Oldenburg has some experience with

1           this.

2                         CHAIRWOMAN MARTIN: Thank you for that.

3           Okay. Do I have a motion?

4                         MR. OLDENBURG: Madam Chair, during the  
5           course of our deliberations, I've listened  
6           carefully. We have reviewed the entire record  
7           before us, including the public comments that we  
8           have received. Based on our straw polls during  
9           deliberation, I believe that we've made the  
10          necessary findings to support a motion to grant a  
11          certificate of site and facility, subject to  
12          certain conditions that I'd like to address in a  
13          separate motion.

14                        Having determined that the Applicant  
15          has adequate financial, managerial, and technical  
16          capability to construct and operate the facility,  
17          and having determined that the facility will not  
18          have an unreasonable adverse effect on  
19          aesthetics, historic sites, air quality, water  
20          quality, the natural environment, or public  
21          health and safety, and further that the facility  
22          will not interfere with the orderly development  
23          of the region, and serves the public interest, I  
24          would move that we grant a certificate of site



1 and facility, subject to certain conditions to be  
2 addressed by a separate motion.

3 CHAIRWOMAN MARTIN: All right. Thank  
4 you for that. Do we have a second?

5 MS. DUPREY: Second.

6 DIR. ARVELO: Second.

7 CHAIRWOMAN MARTIN: All right.  
8 Seconded by Ms. Duprey, she came first.

9 Any discussion?

10 *[No verbal response.]*

11 CHAIRWOMAN MARTIN: All right. Seeing  
12 none. We will take a roll call vote.

13 Mr. Wilson?

14 DIR. WILSON: I vote "yes".

15 CHAIRWOMAN MARTIN: Mr. Oldenburg?

16 MR. OLDENBURG: I vote "yes".

17 CHAIRWOMAN MARTIN: Mr. Pelletier?

18 MR. PELLETIER: I vote "yes".

19 CHAIRWOMAN MARTIN: Ms. Duprey?

20 MS. DUPREY: I vote "yes".

21 CHAIRWOMAN MARTIN: Mr. Eaton?

22 MR. EATON: I vote "yes".

23 CHAIRWOMAN MARTIN: Mr. Arvelo?

24 DIR. ARVELO: I vote "yes".

1 CHAIRWOMAN MARTIN: And I also vote  
2 "yes". The motion passes. And it's unanimous.

3 Okay. So, we need a second motion.

4 MR. OLDENBURG: Madam Chair, during the  
5 course of our deliberations, we addressed and  
6 took straw polls on a number of conditions that  
7 we felt were necessary to assure the facility  
8 meets the statutory criteria. Those conditions  
9 include (1) the AoT permit, and all of its  
10 conditions, as well as granting authority to  
11 monitor and modify the conditions to DES; (2) the  
12 change in ownership condition; (3) the conditions  
13 requested by the Division of Historic Resources;  
14 (4) the condition granting authority to New  
15 Hampshire Fish & Game to monitor and modify the  
16 wildlife protection measures; (5) the condition  
17 requiring a rock feature monitoring plan to be  
18 developed in cooperation with New Hampshire Fish  
19 & Game; (6) the Fire Marshal condition, requiring  
20 the Applicant allow the Fire Marshal to monitor  
21 the work and coordinate with the Applicant  
22 concerning fire safety issues; (7) the condition  
23 that the decommissioning plan be in place prior  
24 to the beginning of construction, and include the

1 restoration of the site prior to the Project  
2 becoming operational; and (8) obtain subdivision  
3 approval from the Town of Fitzwilliam and require  
4 a provision that the restoration and  
5 decommissioning also apply to the portion owned  
6 by National Grid or their successors.

7 I respectfully move that our grant of  
8 the certificate of the site and facility include  
9 these conditions, and that we ask counsel to  
10 include these conditions in our written decision  
11 and the certificate itself.

12 MS. DUPREY: Second.

13 CHAIRWOMAN MARTIN: Any discussion?

14 *[No verbal response.]*

15 CHAIRWOMAN MARTIN: Okay. Seeing none.  
16 Let's take a roll call vote please.

17 Mr. Wilson?

18 DIR. WILSON: I vote "yes".

19 CHAIRWOMAN MARTIN: Mr. Oldenburg?

20 MR. OLDENBURG: I vote "yes".

21 CHAIRWOMAN MARTIN: Mr. Pelletier?

22 MR. PELLETIER: I vote "yes".

23 CHAIRWOMAN MARTIN: Ms. Duprey?

24 MS. DUPREY: I vote "yes".

1 CHAIRWOMAN MARTIN: Mr. Eaton?

2 MR. EATON: I vote "yes".

3 CHAIRWOMAN MARTIN: Mr. Arvelo?

4 DIR. ARVELO: I vote "yes".

5 CHAIRWOMAN MARTIN: And I also vote  
6 "yes". The motion carries. It's unanimous.

7 Okay. Attorney Iacopino, anything else  
8 that we need to do before we conclude here today?

9 MR. IACOPINO: Madam Chair, I do not  
10 believe so. I will proceed to prepare a draft  
11 decision and certificate, which will be submitted  
12 to the Committee to make sure that it -- that  
13 I've covered everything. Once each Committee  
14 member is satisfied that I have done so, it will  
15 be distributed for signature amongst the  
16 Committee members, and published in accordance  
17 with the timeframes contained in RSA 162-H.

18 CHAIRWOMAN MARTIN: All right. Thank  
19 you. And I just want to thank everyone here for  
20 taking the time to do this. I think it's a very  
21 important role that we play. And I know it takes  
22 a significant amount of your time. So, thank you  
23 very much for that.

24 And with that, we are adjourned. Have

1 a great day.

2 **(Whereupon the deliberations were**  
3 **adjourned at 11:36 a.m.)**

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**C E R T I F I C A T E**

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

---

Steven E. Patnaude, LCR  
Licensed Court Reporter  
N.H. LCR No. 52  
(RSA 310-A:173)