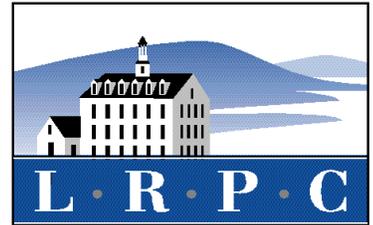


## LAKES REGION PLANNING COMMISSION

103 Main Street, Suite #3  
 Meredith, NH 03253  
 Tel (603) 279-8171  
 Fax (603) 279-0200  
 www.lakesrpc.org



**MINUTES**  
**LRPC COMMISSION MEETING**

Bridgewater Town Complex  
 Bridgewater, NH  
 January 28, 2103

**PRESIDING:** Stanley Bean, Jr.  
**QUORUM:** Yes, by adoption

**CALL TO ORDER:** 6:00 p.m.  
**COMMUNITIES PRESENT:** 8

**MEMBERS PRESENT:****OTHERS:**

Janet Towse (Alexandria)	Paul Berry
John Cotton (Andover)	Tom Gump
Scott Dunn (Gilford)	Lori Lerner (NH Wind Watch)
Stanley O. Bean, Jr. (Gilmanton)	Michael Capone (Bristol Town Admin.)
Mitch Manseau (Hebron)	Mike Broome
Robert Snelling (Holderness)	Carol Jewel
William Bayard (Meredith)	Janet Cote
Wayne Crowley (Northfield)	Garlyn Manganiello
Douglas Reed (Northfield)	Betsy Schneider
	Claire & Neil Dolan
<b>MEMBERS EXCUSED:</b>	Nancy & Tripp Blair
Steve Favorite (Bristol)	Ken Hall (Alexandria BOS)
Maureen Criasia (Center Harbor)	Gene Bank
Jean Marshall (Freedom)	Ken Weidman (NFLRA)
Dean Anson, II (Laconia)	Diane Walberg (NFLRA)
Warren Hutchins (Laconia)	Elly & Ken Lonske (Hebron BOS)
Barbara Perry (Moultonborough)	Bill & Nancy Dowey
Toby Eaton (Sandwich)	Karen Boyd
Patricia Farley (Tamworth)	Ann Giles
Joseph Jesseman (Tilton)	Jerry & Debbie Mitchell
Stephen Wingate (Tuftonboro)	Joe Wilkas (NH Wind Watch)
	Jim Geraghty (NH Wind Watch)
<b>SPEAKERS:</b>	Sandy Spencer (Danbury BOS)
Michael Iacopino, Esq. (counsel to NHSEC)	Suzanne Smith (District 7 State Rep.)
	Valerie Fraser (New Hampton BOS)
<b>LRPC STAFF:</b>	Nancy Watson (NH Wind Watch)
Kimon Koulet	Francis & Ronald Olson
	Jeffrey Newell
<b>OTHERS:</b>	Sharon & Peter Devine
Harold Skip Reilly (Dist. 9 State Rep.)	Denise Schneider
Janet & Hank Woolner	Becca Boudreau
Jerry Murphy	Kate Barrett
Marsha & Dick Cunningham	George Tuthill
Nancy McDineen	Jerry Lauther
Katherine Dawson (Tilton BOS)	Ileana Saros

**OTHERS (con't)**

Phyllis Rockwell	Russ Walberg
Eleanor & Ken Lonske	Helga Stamp (NLRA)
Judy Kramer	Bill & Molly Weir
Carol Binder	Jan & Walt Connor
Dick & Joyce Cowem	Windy Weiner
Trip Swafle	Sylvia Hill
Jeff Bird	Ron Talon
James Doherty	Carol Brooks
Murray Campbell (Bristol PB)	Other interested parties

**1. Welcome and Introduction**

Chairman Stan Bean called the meeting to order at approximately 6:00 p.m. and called for a motion to declare a quorum. A motion to declare a quorum for the purpose of conducting business was made and unanimously approved. *M/S/P Cotton/Snelling.*

**2. Motion for Approval of the November 19, 2012 Commission Meeting Minutes.**

A motion to approve the minutes of the November 19, 2012 Commission meeting was made and unanimously approved. *M/S/P Snelling/Cotton.*

**3. Siting Energy Projects in New Hampshire**

S. Bean thanked the Newfound Lake Region Association (NFLRA) for getting the word out on the presentation. He introduced state representatives Skip Reilly of District 9 and Suzanne Smith of District 8. Speaker Mike Iacopino, legal counsel to the NH Site Evaluation Committee (SEC) explained that his presentation focuses on the process of reviewing applications that come before the SEC without taking a position on a particular project. The enabling statute for the SEC is RSA 162-H. The purpose of the statute is to balance the environment and the need for energy; avoid undue delay in the construction of needed facilities; provide full and complete public disclosure; and ensure that all projects are treated in a land use planning type arena. New Hampshire's SEC serves as the statewide Planning Board for large-scale Energy Projects. It has jurisdiction over all such energy facilities, and is designed to integrate various permitting processes and technical issues. The SEC pre-empts local authority and ordinances and is "one stop" permitting. SEC membership is comprised of individuals from 15 state agencies including three PUC Commissioners and a PUC Staff Engineer. The SEC only comes together when an application is before it. A subcommittee of no fewer than seven members of the SEC is appointed to review each application. Legal counsel and a secretary are hired on a case-by-case basis and there is no permanent staff. Legal counsel does not have authority to vote on an application. A counsel for the Public is appointed by the Attorney General every time an application for a new facility is filed. The individual appointed represents the public at large, and does not have authority to vote on the application. M. Iacopino reviewed the timeframes for events that take place during the application process. The SEC must incorporate conditions that are specified by state agencies having jurisdiction under state or federal law. The subcommittee cannot issue a Certificate if any state agency having jurisdiction denies authorization. Denial must be based on the record and explained in reasonable detail. Before an application is filed with the SEC a number of independent engineering and environmental studies have been conducted and pre-permitting meetings

have taken place with relevant state and federal agencies, regional planning commissions, municipalities, and transmission companies. In addition, power purchase agreements and financing are in place. The requirements of the application process are substantial and can be found on the SEC website. Public participation is ensured through: the Counsel for the Public, public information hearings by the Committee, additional informational meetings, written public comment (accepted until the day the final decision is made), and intervention in adjudicative proceedings. The governing body of a town or committee can request that the applicant make a presentation and answer questions for that particular town. The SEC ultimately decides whether a project can be built. It considers available alternatives, fully reviews environmental impacts on the site or route, and considers other relevant factors bearing on the objectives of RSA 1620H. The applicant must demonstrate that the site and facility have adequate financial, technical, and managerial capability to ensure ongoing compliance with the terms of Certificate, will not interfere with the orderly development of the region, and will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

The following reflects some of the comments and statements made after the presentation:

- Counsel for the Public and the SEC can hire experts such as visual aesthetic and sound engineers at the expense of the applicant.
- The SEC considers "needed energy" as opposed to "energy needed". The SEC has found that there is a need for renewable energy sources in New Hampshire.
- The legislature designed the subcommittee to be composed of as few as seven members and accordingly, a majority of four can accept or deny a project.
- The Right to Know Act provides that all state agencies are required to provide information requested on a project. The Act does not require that a private company is required to provide such information.
- There is information posted on the SEC website regarding criteria for various aesthetic and environmental matters that is the product of a working group and not required by law.
- The SEC considers all public input and in most cases requests additional information from the applicant. State agency reports are posted on the website and available at the offices of the DES.
- Regional economic impacts are considered by the SEC. Concerns regarding an application can be expressed to the local RPC, which has the ability to intervene. An effort is made to keep individuals and groups with similar interests together as interveners depending on the dynamics.
- The SEC reviews all aspects of the application and makes a final decision based on all aspects of the review.
- Consideration is made for unreasonable adverse impacts on aesthetics when there are multiple projects in one area.
- No wind projects have been denied by the SEC.
- The SEC takes input from governing bodies and planning commissions. Towns are encouraged to participate fully and the best way to do so is to engage counsel.
- A concern was expressed with moving forward on new projects without knowing the impact of projects that have already been approved.
- A comment was expressed that applicants must have some sort of confidence in a project being approved because an application can cost more than \$2 million.
- Concerns were expressed with the lack of an energy policy in the state of New Hampshire.

- RSA 162-H governs all pending applications and retroactive changes can only be enforced if the statute is amended to call for said changes.
- The Chair of the Groton Planning Board gave an update on the project that was approved in that community.
- All Independent System Operator (ISO) issues are considered in almost every case and presented to the SEC.
- Counsel to the Public assists both individuals and intervenors in a variety of matters.
- The effect of new legislation that is passed during the time an application is before the SEC depends on the interpretation of whether the law can be applied to a case already in progress. The decision would most likely be made by the New Hampshire Supreme Court.
- A legal action against a party that leases property to an energy facility would be determined in a court of law.
- A moratorium on energy projects would need to come from the legislature.

4. **Adjourn**

S. Bean thanked the town of Bridgewater for hosting the meeting and declared the meeting adjourned at 7:45 p.m. K. Koulet extended an invitation to the LRPC open house that will be scheduled later this winter at its offices in Meredith.