

Westmoreland New Hampshire

Zoning Board of Adjustment

Unapproved Meeting Minutes – October 19 2022

Board Members Present

John Harris, Mark Terry, Peter Remy, Alan Bell, Nancy Ranson, Brian Merry

Public Present

Lianna Capra, Jason Kats, Larry and Jan Muchmore, Jay Prior, Ian Fitzgerald, Joanne thomas, Nancy Sandahl, Terry Clark, Walter Carroll, Kelly Lynch, Bruce Farr, Sharon Combes-Farr, John P Matthews Jr, Gary & Leslie Liebkemon(sp?), Jean Prior, Medora Herbert, Chris Y. Baker

7:00 PM Peter Remy Opened up the meeting.

Jason Kats of 508 Route 63, Westmoreland NH 03467 Hearing for “Height Exception required for the installation of a wind turbine, Article IV section 420 of the Westmoreland Town Ordinances.

Jason Kats Thanked the committee for having him again tonight. He told the board that he planned to invite a PhD Ornithologist to come to the next meeting in November to discuss the legitimate concerns about avian strikes.

Jason also spoke to a question asked at the last meeting about lubricant and what type and quantities the turbine would use. He said that it was approximately 80 gallons every three years. “not zero but when you think about how much oil is removed from roads due to a project like this”

Jason also spoke about the sound. “...there was a concern raised about noise that turbines make. So the way it was described to me is if you climb to the top of the turbine and you put your ear up to the spinning blades, it sounds roughly like what a lawnmower sounds we put up your ear to a working lawnmower. So if you're standing just underneath the turbine in my backyard, basically that's about 500 feet. So that would be as if you're standing 500 feet away from a lawnmower which is from that point, that would be like at the end of Bob Horsfield. So you might hear it faintly but it certainly wouldn't disrupt your day and I'm living there so anybody's going to be annoyed it'd be me but when you're hundreds of feet away through the forest, I don't really see noise being an issue, but we'll talk about that some more again next month.”

John Harris asked if Jason had spoken with the County about his project since he mentioned in the last meeting that he had a meeting planned.

Jason Responded “I did, I met with Rob Bouchard and his deputy and we met at their office in Keene and we talked about providing power to the campus. It's called the nursing home combined with a dairy farm they call the County Campus and the amount of power that I would like to generate will far exceed what they would need. So they're very interested in signing what's called a PPA. Which is called a power

purchase agreement whereby they have a set rate of discounted power for 1015 20 years and that would save the county a fortune which is saving us taxpayers a fortune. So they are very interested in that and they intend to be here at the meeting next month as well.”

Alan Bell told Jason that he wanted to see sort of work up on shadow flicker and how it would affect every single piece of property and home with the radius of your proposed unit, and where those shadows will land and a what points in the year and times of day it will affect each home, and each one of your abutters. I would say you are going to need to go further than just the direct abutters to please him and that it is a very real concern.

Jason Responded that he would had not thought about shadow flicker but that he would do so.

John Harris asked if the Ornithologist was from and if he was an expert regarding bird migration along the Connecticut River.

Jason Responded “Sure. Yeah. So, he is from New York. Originally. Ivy League educated works at Stanford University at West he lives in Monterey and a lab at Stanford owns on the water there on the ocean. And he will address that, he suggested that if I want to go down from the eight to 10 birds a year on average that turbines kill, I could go down to as low as two or three years if I shut off the turbine for I think it's two weeks a year during migratory patterns. So, there's one week in the spring and one week in the fall. They're particularly heavy. He said if you shut off a turbine during those two weeks a year you can knock out a good five, six birds and at that point, that number goes down to like two or three a year which your average window kills more than two or three a year so, but I can have him research specific species if you'd like.

John Harris responded that he should, and that he should focus on the birds that migrate along the Connecticut River such as Nighthawks for example.

Brian Merry asked if he was still planning on a five-hundred-foot turbine?

Jason Responded that was his goal.

Peter Remy “So that is the one that you've settled on. So any presentation you're going to do from this point on is one correct?”

Brian Merry suggested that he would be able to see a 500-hundred-foot tower from his house and he doesn't even live on Park Hill. Jason disagreed then went onto say” ... So I could do a smaller turbine. If the board would allow me or doesn't know anything. It's a moot point. But if the board would allow some type of turbine, I am certainly gained for that. But the impact on the county and the impact on the taxpayers becomes far minimized. The property tax of the town collects the power that's generated you go from 15 to 20 million kilowatts a year down to maybe a million kilowatts a year which is enough to net meter and make a nice chunk of change but not really move the needle much in terms of climate in terms of taking facilities off the grid, things like that.”

Peter Remy “now as far as the temporary structure, I did get an answer on that and actually it took Lauren a minute to find them. But you can have up to one year for a temporary structure to be in place as long as the zoning administrator gives you a permit for a non-conforming use incidental or for construction projects. So, we when you get to that point, that temporary structure that you talked about

would be okay, the zoning administrator has to give his flag on that. But that's all that's necessary for that.”

Sharon Combs-Far “I mean, did it ever occur to you that none of us would have bought you know, houses in the last several years around the area if we thought there would be a 500 foot structure affecting every day of our lives?”

Peter Remy explained that there is a lot of hearing left to go and when we come to the important part of the deliberation it would be a good time to bring up those concerns. He reiterated the for a Special Exception the board must go on as: “the main criteria for a special exception is that it is not injurious obnoxious or offensive to the neighborhood.”

Sharon Combs-Far complained that the people being impacted weren't even receiving letters about this at which point Peter explained that only abutters received letters.

Kelly Lynch said “I am an abutter and I did not get a letter.”

Alan Bell showed proof that he sent a certified letter to the address listed on the Tax Kiosk.

Sharon Combs-Far “Wanted to know why she didn't get a letter because she though she was an abutter?”

Alan Bell read the definition of an abutter to the room as it is listed in Title LXIV Planning and Zoning Chapter 672 General Provisions Word and Phrases Defied ““Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.”

Sharon Combs-Far insisted that she was indeed an abutter and should have been notified.

Alan Bell showed her on the tax map that her property does not meet the Criteria of the first sentence but that it did meet the criteria of the second sentence, and that in fact due to the size of this project many properties fall into category of “abutter” for testimonial purposes. He also mentioned this is why we put an add in the newspaper and post the meetings on the town hall post office and the town webpage.

Kelly Lynch mentioned that she is living with a lot of anxiety about this and that is why she is speaking up.

Jason Kats said that he was very sorry about that and it hurts him “to know that some of his activities are hurting you”

Walter Carroll mentioned that people may want to visit the Antrim Wind Farm to get a sense of scale of a 500 foot tower. The Antrim towers are only 300 feet. He said that he learned that birds aren't really the issue as there is very few bird deaths.

John Harris asked Walter if the wind farms were near any houses?

Walter Replied “No, of course not. The wind farm is where it should be. It's a beautiful thing when you see it as you drive up that highway and you look into the distance and see those beautiful wind turbines

that you have know are generating electricity without doing any harm to the environment out where they ought to be with the ticks.”

Nancy Sandahl mentioned that something like this should be brought in front of the whole town.

Mark Terry mentioned his experience in Europe and that he found before there were wind turbines people were very much against them but now they are everywhere and now they have embraced it and that they appreciate the cost savings.

Jay Prior asked what the setback was in Europe and Mark said that he wasn't sure.

Jay Prior also asked about safety and abandonment issues? He asked who would own it? And who would take on the maintenance and abandonment issues?

Jason responded that he would be handling all of that and there were bonds and insurance which deal with this.

Peter Remy reminded all in the meeting that these ideas should be presented at the end when we are counting.

740pm Nancy Ranson made a motion to continue this hearing to Wednesday, November 16th, 2022

John Harris seconded the motion. A vote was taken and unanimously voted to continue.

745pm Jose Saeteros Map R14 Lot 45 843 Route 12 Change of use from dog Daycare to upstairs roofing office and Latin food Restaurant down stairs.

Nancy asked about the type of food that would be sold in the store.

Jose (through an interpreter) the store would sell prepackaged Latin food, and that the restaurant would sell fresh cooked food.

Brian Merry asked about the open hours of the establishment.

Jose Saeteros said the opening hours would be 6am-10pm 7 days a week.

Brian Merry asked how many people could sit in the restaurant.

Jose Saeteros said about 24 inside and a few more outside seasonally.

Brian Merry asked about the parking and the Contractor present (not sure of his name) said that the parking is in accordance with the ordinances based on the occupancy.

Brian Merry asked about the exterior lighting, and that people are always concerned about how lit up the building will be after hours.

Mark Terry suggested that the lights be downward facing to alleviate the issue.

Jose Saeteros said he would do everything possible to keep the lights not to bright and annoying to anyone around.

Peter mentioned that the sign needs to meet town ordinances.

Peter Remy appointed the voting members on this hearing as John Harris, Mark Terry, Peter Remy, Nancy Ranson, Brian Merry

810PM Brian Merry moved to accept the Special Exception **for** Jose Saeteros Map R14 Lot 45 843 Route 12 Change of use from dog Daycare to upstairs roofing office and Latin food Restaurant down stairs.

Nancy Ranson seconded the motion.

The vote was unanimous in favor as long as the following conditions are met.

- *Downward facing lights.
- *All state and local regulations must be followed
- *Open hours 6am-10pm 7 days a week.
- *Sign to meet town ordinance.

820pm Jacob Freedman Map U2 Lot 3 1017 Route 12 Change of use of building to autobody and collision auto body repair.

Peter Remy, we do not accept your application. You have not complied with the planning board and I can tell you that you should do that immediately. Once you have those things taken care of with the planning board then you can re-apply.

Alan Bell failed to bring a copy of the minutes from last month.

Peter Remy agreed to approve them next month.

833pm Mark Terry made a motion to conclude the hearing.

Nancy Ranson seconded the motion.

