

TOWN OF WEBSTER

PLANNING BOARD

MEETING MINUTES THURSDAY DECEMBER 17, 2020

1 The Planning Board held a virtual meeting on Thursday December 17, 2020. The meeting was held
2 virtually due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency
3 Order #12, pursuant to Executive Order 2020-04.

4
5 **Planning Board Members present:** Susan Rauth (Chairperson), Paul King, Craig Fournier, Kathy
6 Bacon, David Hemenway.

7
8 **Also, present:** Russell Tatro (Land Use Coordinator), Christine Schadler, Michele L. Tremblay, Linda
9 Clark, Susan Roman, Adam & Barbara Mock, Elizabeth Janeway, Danial Moran, Joyce Rose.

10
11 Chairperson Rauth opened the December 17, 2020 meeting and took attendance.

12
13 The first item on the agenda was an update on the Wetlands and Watershed Ordinance.

14
15 Chairperson Rauth gave an update to the Board regarding the legal review of the Wetlands and Watershed
16 Ordinance. She informed the Board that most of the changes had been made to the definitions, permitted
17 uses, required findings, conflicting provisions, and general language. Based on the findings of the legal
18 review the Board decided the proposed timber harvesting regulations needed further review.

19
20 At the previous meeting concerns had been raised over the legality of the Town to regulate timber
21 harvesting. Chairperson Rauth thought there had been a misunderstanding of the State code. She had
22 reached out to the attorney that had written the section of the code in question. The attorney explained
23 that Towns could adopt zoning ordinances regarding timber harvesting and many Towns did. The
24 Planning Board was in the process of reviewing zoning regulations from other Towns. Most Towns
25 included best management practices or conditional use permits. The Planning Board had not come to a
26 conclusion yet and wanted to spend the upcoming weeks learning more about the timber harvesting
27 industry before they made a decision.

28
29 Susan Roman from the Conservation Commission hoped to reach out to representatives from the timber
30 harvesting industry and get their feedback about the ordinance. She wanted to learn what the best
31 management practices are for timber harvesting and how the foresters could help keep the buffers intact.
32 Chairperson Rauth had reached out to Adam Mock, a local timber harvester, who had voiced concerns at
33 the last meeting regarding the proposed ordinance. She had a productive conversation with Mr. Mock, and
34 he had invited the Boards to observe a timber harvesting operation. He wanted to explain the best
35 management practices and show the Boards how the practices are applied in the field.

36
37 Joyce Rose, local timber harvester, voiced her concerns. The first being that it was hard to attend these
38 virtual meetings due to Covid-19 and this made it difficult to get community feedback on the ordinance.
39 Her second concern was that the State already regulated timber harvesting and felt additional regulation
40 would be a burden. She felt the timber harvesting industry should be exempt from the ordinance and if
41 they were not it could result in a lawsuit.

42
43 Selectman Hemenway was interested in learning more about timber harvesting best practices. He asked
44 Ms. Rose to better explain what the practices are. Ms. Rose responded that the best way was to observe
45 these practices on site. Chairperson Rauth was looking into the State's best practices currently. She would
46 make links to the regulations available. She thought it was possible to both address the concerns of the
47 timber harvesters and protect the wetlands. She thought it would be possible to address these concerns
48 and have the ordinance ready for a public hearing in the second week of January.

1 The Board discussed the best time to have the site visit with Mr. Mock and suggested it would be on
2 Wednesday December 23, 2020 at 1:00pm. A noticed would be posted when the date and time was
3 finalized.

4
5 At this time Craig Fournier joined the meeting.

6
7 Chairperson Rauth moved onto the next item on the agenda, the Deer Meadow Solar Project.

8
9 Chairperson Rauth briefly described the history of the project up until this point. The main purpose of this
10 discussion was the Memorandum of Understanding (MOU). The MOU is the contract between the Town
11 and Olivewood Energy. The MOU would govern the standards for construction and operation of the Solar
12 Project. The Solar Subcommittee chaired by Selectmen Hemenway wanted the Planning Boards
13 assistance in creating the MOU. Chairperson Rauth handed the floor to Selectmen Hemenway.

14
15 Selectmen Hemenway briefly went over the details of the project. His description included the project
16 size, location, and why the project shifted from its original smaller size. He also described topics that are
17 typically included in a standard MOU such as: traffic, tree coverage, wetland impact, erosion control, etc.
18 Once this agreement is completed the New Hampshire Site Evaluation Committee (SEC) reviews the
19 MOU and makes it legally binding.

20
21 Craig Fournier asked when Olivewood Energy expected to go before the SEC. Selectman Hemenway
22 responded that Olivewood Energy hoped to go before the SEC early next year, but the timeline had not
23 been finalized. He commented that the MOU did not need to be finalized before Olivewood Energy went
24 to the SEC. However, the MOU would have to be completed before the final SEC hearing. The Solar
25 Subcommittee wanted to decide on the topics and general provisions of the MOU over the next few
26 months.

27
28 Chairperson Rauth brought up the Sample MOU that the Town had from the Chinook Solar Project. Craig
29 Fournier thought the sample MOU was very comprehensive. He had written comments on the sample
30 MOU and he would make his comments available to the Planning Board. The Board agreed that the
31 sample MOU was a good starting place. The Board discussed several topics that they would like to have
32 covered in the MOU such as Town setbacks, conservation land, easements, etc. Chairperson Rauth felt
33 the Board needed to be mindful of the potential impacts of the project

34
35 Chairperson Rauth commented that this project was unusual because it included privately leased land.
36 Selectmen Hemenway agreed that the typical process was the Town purchased the land and then the Solar
37 Company leased it from the Town. He expected this would affect what the Town could ask for in the
38 MOU. Selectwoman Schadler commented that the Town had hired an attorney who had specialized
39 experience in solar energy projects. She felt this put the Town in good hands for the project. Selectman
40 Hemenway clarified that the hiring would be dependent on Olivewood Energy covering the legal
41 expenses. However, the new Town attorney also had experience in drafting MOUs.

42
43 Chairwoman Rauth commented that as part of the Fitzwilliam MOU the energy company had covered the
44 cost of impact studies. Selectwoman Schadler responded that the representatives from Olivewood Energy
45 been very supportive of the requests made by the Town. Selectman Hemenway added that these fees are
46 typically covered by the energy company.

47
48 The Board discussed the idea of having Olivewood Energy buy land to be placed into conservation to
49 offset the developed acreage. Ms. Roman asked how these expenses would be covered. Olivewood
50 Energy would only cover so much in lieu of taxes. Selectmen Hemenway explained that typically covered
51 in the pilot agreement. Ms. Roman stated that the residents of the Town would have different opinions on

1 how the payment should be used. The Board discussed payments in lieu of taxes and decided that they
2 would reach out to the Towns Assessors for more information.

3
4 The Board discussed if pilot agreement could be renegotiated. Selectmen Hemenway responded that this
5 was not the main purpose of the Solar Subcommittee, but they would review the pilot agreement. Craig
6 Fournier added that the Town did not need to sign a pilot agreement and he was interested in seeing how
7 much Olivewood Energy would be paying the State. He wanted to know if the Town could get a
8 percentage of what Olivewood Energy would be paying the State. Selectmen Hemenway responded that
9 the Town was already talking with legal counsel regarding the pilot agreement and reminded the Planning
10 Board that the Town had already signed the Pilot in 2019. The Town might have some wiggle room to
11 change the pilot based on the substantive changes to the project. He would have an update after review
12 from legal counsel.

13
14 Chairperson Rauth stated that she believed the Planning Board should look over the comments made by
15 Mr. Fournier on the sample MOU. She wanted the Board to become familiar with the structure of the
16 MOU and think about how to address the Towns zoning, site plan, and subdivision regulations in the
17 MOU. The Planning Board agreed this was a good idea and would discuss the MOU further at the
18 January meeting.

19
20 Chairperson Rauth moved onto the next item on the agenda, review and approval of the draft meeting
21 minutes from November 19, 2020.

22
23 The Board discussed the minutes and made some minor changes to the language.

24 **MOTION:** Paul King

25 *To approve the draft meeting minutes as amended from 11/19/20*

26 **SECOND:** Dave Hemenway

27 **PAUL KING – YES**

28 **CRAIG FOURNIER – YES**

29 **DAVID HEMENWAY – YES**

30 **KATHY BACON- YES**

31 **The motion passed 4 to 0**

32
33 Land Use Coordinator Tatro commented that the Board had not approved him as the Planning Board
34 Secretary yet.

35
36 **MOTION:** Susan Rauth

37 *To appoint Russell Tatro as the Planning Board Secretary to allow him to sign documents on behalf of*
38 *the Planning Chair when needed and to also act as a representative of the Planning Board when*
39 *appropriate.*

40 **SECOND:** Dave Hemenway

41 **PAUL KING – YES**

42 **CRAIG FOURNIER – YES**

43 **DAVID HEMENWAY – YES**

44 **KATHY BACON- YES**

45 **The motion passed 4 to 0**

46
47 Craig Fournier asked for clarification on the difference between the Planning Board Secretary and
48 Planning Board member. Land Use Coordinator Tatro stated this would not make him a voting member of
49 the Board and only allowed him to sign on behalf of the Board after they had reached a decision.

1 Chairperson Rauth thanked the Planning Board members for all the work they had done over the year.
2 She hoped that 2021 would be a better year.
3

4 Selectman Hemenway had a question regarding the proposed Clothespin Bridge width. The State did not
5 see any reason in the current application for the additional width. However, if the Town could prove the
6 need then the application could be amended. Selectman Hemenway asked if the Planning Board knew of
7 any studies regarding pedestrian traffic had been done in that area. Chairperson Rauth commented that
8 she did not know of any and suggested he contact the Central New Hampshire Reginal Planning
9 Commission.
10

11 **MOTION:** Susan Rauth

12 ***Motion to adjourn the meeting at 8:37pm***

13 **SECOND:** David Hemenway

14 **PAUL KING – YES**

15 **CRAIG FOURNIER – YES**

16 **DAVID HEMENWAY – YES**

17 **KATHY BACON - YES**

18 **The motion passed 4 to 0**
19

20 The meeting adjourned at 8:37pm

21 These minutes were approved as amended at the 1/21/21 Planning Board Meeting.

22 Respectfully,
23
24
25

26 _____
27 Vice Chairperson Lynn Marie Lehmann
28

Minutes taken by Russell Tatro