

TOWN OF WEBSTER
SOLAR PROJECT SUBCOMMITTEE
MEETING MINUTES THURSDAY DECEMBER 22, 2020

The Solar Project Subcommittee held a virtual meeting on Thursday December 22, 2020. The meeting was held virtually due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04.

Subcommittee members present: David Hemenway (Chairperson), Craig Fournier, Susan Rauth, Martin Bender, Daniel Nudd, Elizabeth Janeway.

Also, present: Normandie Blake (Selectwoman), Dana Hadley (Town Administrator), Russell Tatro (Land Use Coordinator), Michael & Laurie Wiltshire, Matt & Katie King, Jeffry & Sandra Gammons.

Chairperson Hemenway opened the December 22, 2020 Solar Project Subcommittee meeting at 7:05pm.

The first item on the agenda was new membership

Chairperson Hemenway stated that there was a change in membership. Susan Roman could not continue participating as the representative for the Conservation Commission and Elizabeth Janeway would be taking her place.

MOTION: David Hemenway

To appoint Elizabeth Janeway to the Solar Project Subcommittee

SECOND: Martin Bender

SUSAN RAUTH – YES

CRAIG FOURNIER – YES

MARTIN BENDER – YES

DANIEL NUDD - YES

The motion passed 4 to 0

Chairperson Hemenway asked members of the public currently in attendance if they were interested in joining the Subcommittee. Mr. Wiltshire stated that he was thinking about joining and he wanted to know more about the process. Chairperson Hemenway stated there was no formal application. He would need to express his interest and a motion would be made after review by the subcommittee.

Chairperson Hemenway moved onto the next item on the agenda, project update.

Chairperson Hemenway stated the purpose of this section was to provide new information from the public hearing. Unfortunately, the public hearing did not provide any additional information. Olivewood Energy had not provided the maps that had been expected. They stated at the hearing that they were still in the process of completing several studies and the maps would be coming soon. During the hearing Olivewood Energy had expressed interest in providing various benefits to the Town to offset project impacts.

Susan Rauth, Planning Board representative, asked if Olivewood Energy would have more detailed maps by mid-February? Chairperson Hemenway responded that after the public hearing Olivewood Energy had stated they expected to have more details over the next couple of months.

Mr. Wiltshire asked if most or all the panels would be going in Webster and how much input with Hopkinton have in the process. Chairperson Hemenway responded that most of the project would be primarily in Webster. The only part of the project Hopkinton would be a part of was the joint owned land

1 at the transfer station. He stated that Hopkinton could sign onto the MOU Webster created and had been
2 in contact with the Hopkinton Select Board. Mr. Wiltshire asked if Webster would have the larger tax
3 benefit. Chairperson Hemenway responded that the Town would and described the benefits in the current
4 pilot agreement. He stated this was what the Town had currently and was looking into renegotiating the
5 pilot.

6
7 Chairperson Hemenway moved onto the next item on the agenda, reports from Boards and Committees.

8
9 Chairperson Hemenway stated that he had received feedback from the Planning Board and had sent the
10 comments made by Craig Fournier to the Subcommittee. Craig Fournier, Planning Board representative,
11 stated that he felt that the Fitzwilliam MOU was a good starting place. The Fitzwilliam MOU was
12 comprehensive, and he felt that it needed to be customized to Webster. Ms. Rauth asked if security would
13 be the responsibility of the Town or Olivewood Energy. Chairperson Hemenway stated that it would
14 likely be Olivewood Energy, but the topic could be included in the MOU.

15
16 Mr. Fournier started by reviewing road access. He asked if roads might need to be paved or repaired
17 before project construction began. Chairperson Hemenway stated that this was something that should be
18 included in the MOU. He thought there should be a clause in the MOU regarding Olivewood Energy
19 fixing damaged roads caused by their construction vehicles. Ms. Rauth commented that a traffic study had
20 been performed during the Copart project and it should be made available to Olivewood Energy. The
21 Subcommittee discussed the traffic impact and agreed that it should be in MOU.

22
23 Mr. Fournier moved onto the subject of run off. He commented that this would likely be one of the
24 primary concerns of residents. Amazingly the land for the proposed project was relatively flat. However,
25 this did not necessarily mean that there would be no impact. He felt that this was important to the MOU.
26 Chairperson Hemenway commented that this was being considered in the impact studies and would be
27 addressed further once they had detailed maps from Olivewood Energy.

28
29 Mr. Fournier moved onto the creation of the electrical substation. He asked if the power company would
30 be paying for the substation connection or would Olivewood Energy. Selectman Hemenway stated that it
31 was the power company that put the connection in and then it would be jointly maintained. Mr. Nudd, the
32 local representative from the energy industry, commented that the power company typically put in the
33 substation and maintained it. Ms. Rauth commented that she had reached out to the Town Administrator
34 of Fitzwilliam and they had commented that the generator at the substation had been a noise problem. She
35 just wanted to make the committee aware of the issue so it could be addressed in the MOU.

36
37 Mr. Fournier moved onto the subject of decommissioning. The primary questing being what the Town
38 like the project land to look like after decommissioning. Chairperson Hemenway gave a couple
39 decommissioning examples such as creating a park or reforestation. Decommissioning would be an
40 important topic would need to be discussed further. Mr. Fournier commented that the life of a typical
41 solar panel is 30 to 40 years and he expected that they would replace the panels and continue the project.
42 However, the Town should still have a decommissioning plan in place. Chairperson Hemenway
43 commented that it would be up to Olivewood Energy to decide if they would upgrade the project or
44 decommission.

45
46 Mr. Fournier moved onto the environment as aesthetics of the project. He commented that herbicides and
47 pesticides should not be allowed. Chairperson Hemenway commented that there could be a situation in
48 the future that special exemptions may be needed and asked if the Town should create a process of
49 approval under unusual circumstances. He thought the Town should be forward thinking regarding the
50 MOU and include the ability to adjust to MOU when special circumstances warranted it. Mr. Nudd

1 commented he thought the process should be approved by the Select Board. The subcommittee discussed
2 the potential process and several scenarios. The subcommittee agreed that this Topic would need to be
3 discussed further in the future.

4
5 Ms. Rauth commented that the section in the sample MOU stating that the company must provide detailed
6 construction plans before any changes to the project were made was a good idea. This was something the
7 Town should include in the MOU. She thought this would be good to make sure that the project was
8 adhering to all Town ordinances. She suggested that the Subcommittee also consider what 3rd party
9 studies should be performed and if Olivewood Energy should be paying for them. The Subcommittee
10 agreed that this was something that should be taken into consideration.

11
12 Mr. Fournier moved onto liability insurance and the Subcommittee agreed that Olivewood Energy should
13 be fully responsible for any liability issues.

14
15 Mr. Fournier moved onto the subject of conservation easements. This was an unusual situation because
16 the project was a mix of privately leased land and Town land. Chairperson Hemenway said typically
17 projects like this were done on Town land and this was typically offset via restoration or putting
18 comparable land in conservation. The Town could only address the land that Olivewood Energy owned,
19 and Town owned land. A possibility could be a one-time payment used to put a property into
20 conservation or used to offset the costs of a current conservation project. Mr. Fournier commented that
21 the use of the payment would have to be decided on by the residents of the Town. Appropriate mitigation
22 would have to be discussed further.

23
24 Mr. Fournier moved onto contract review and successor clauses. Chairperson Hemenway commented that
25 Olivewood Energy is a development company, and they created Deer Meadow Solar to maintain the
26 project after development. He felt that the successor clause would be necessary to protect the Town's
27 interest in the event of a sale. Mr. Fournier asked if the MOU could be renegotiated every ten years.
28 Chairperson Hemenway thought this would render the current agreement invalid if the Town could not
29 come to an agreement with the energy company.

30
31 Chairperson Hemenway moved onto questions and comments.

32
33 Ms. Janeway asked if Webster eclectic users would benefit from this project. She wanted to use the
34 project to lower electric costs for the community. Chairperson Hemenway responded that it would not be
35 possible because the way the project would have to be wired. However, it was possible for a community
36 power agreement. This would allow the Town to purchase power at a different rate through collective
37 bargaining. Olivewood Energy was amiable to the possibility. This would be separate from the MOU and
38 SEC process.

39
40 Mr. Wiltshire asked what the impact of the project would be regarding properties that were open to
41 recreation. Mr. Fournier responded that Olivewood Energy was still in the planning process and the use of
42 the properties involved would eventually be changed. Chairperson Hemenway commented that the type of
43 current use would determine if recreation would still be allowed on the property. He expected that the
44 status would apply until construction started.

45
46 Chairperson Hemenway moved onto the discussion of the procedures going forward.

47
48 Ms. Rauth stated that the Planning Board was reviewing the examples of MOUs provided. They would
49 compare the MOUs requirements to the Zoning, Site Plan, and Subdivision regulations. They would
50 compare this to the draft submitted by Olivewood Energy. Chairperson Hemenway commented that the

1 draft had not been received yet, but Olivewood Energy said they should have it sometime after the new
2 year. Ms. Rauth commented that the site plans submitted by Olivewood Energy would be critical to the
3 process. The subcommittee expected to have more detailed plans by mid-February.

4
5 Chairperson Hemenway had not heard anything from Conservation Commission yet. He asked Ms.
6 Janeway to get an update at the next Conservation Commission meeting.

7
8 Chairperson Hemenway planned to create a summary of what he thought should be included in the MOU
9 based on what was in the MOU samples. He planned to create a document that could be edited by
10 Subcommittee members. This would become the working draft of the MOU. He would make that
11 document available hopefully by the next meeting.

12
13 Chairperson Hemenway moved onto the next item on the agenda, legal status update.

14
15 The Select board had chosen Attorney Douglass Patch. He had worked on the Fitzwilliam MOU and
16 formerly sat on the NH SEC. The hiring was contingent on Olivewood Energy paying for the Town's
17 legal expenses. This had not been agreed upon yet with Olivewood Energy, but they should have an
18 answer soon.

19
20 Chairperson Hemenway moved onto the next item on the agenda, scheduling the next meeting.

21
22 The Subcommittee agreed to meet again on January 26, 2021 at 7:00pm.

23
24
25 **MOTION:** David Hemenway

26 ***To adjourn the meeting at 8:46pm***

27 **SECOND:** Daniel Nudd

28 **SUSAN RAUTH – YES**

29 **CRAIG FOURNIER – YES**

30 **MARTIN BENDER – YES**

31 **DANIEL NUDD - YES**

32 **ELIZEBETH JANEWAY – YES**

33 **The motion passed 5 to 0**

34
35 The meeting adjourned at 8:46pm

36 These minutes will be approved as written or amended at a future SPSC Meeting.

37 Respectfully,

38
39 _____
40 Chairperson David Hemenway

41
42 *Minutes taken by Russell Tatro*
43