

Town of Farmington
Board of Selectmen Public Hearing Minutes
Wednesday, August 30, 2023
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Gerry Vachon, Chairman
Charlie King, Vice Chairman
Ann Titus
Doug Staples
Penny Morin

Others Present:

Ken Dickie, Town Administrator
Ed Cherian, for Nutes Solar, LLC

1). Call to Order:

Chairman Vachon called the meeting to order at 5 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3) Public Hearing:

The Board of Selectmen will hold a Public Hearing in accordance with NH RSA 31:95 b, III (a) on Wednesday, August 30, 2023 for the purpose of: The Board of Selectmen to accept the PILOT agreement between the Town of Farmington and Nutes Solar.

Chairman Vachon said the only thing on the agenda tonight is the public hearing for the Nutes Solar Payment In Lieu Of Taxes program and called for a motion to open the public hearing.

Motion: (Morin, second Staples) to open the public hearing for 15 minutes passed 5-0.

Mr. Vachon asked if the board had any questions, concerns or comments on this.

Mrs. Morin asked if everything has been updated.

Mr. Dickie said yes and that he validated it with the Town Attorney and she sent him the latest copy that was agreed between her and Dale Knapp and that is what they have before them.

The board briefly reviewed the agreement and Mr. Vachon asked if their representative if he had anything he would like to discuss at this time.

Mr. King asked for an update on what they think their schedule is going to be to update everybody that is watching.

Ed Cherian said if they sign this tonight, he would take it with him and get it counter signed tomorrow and then get it back to the Town. He said the next step was they ran a Request for Proposals for the site plan work and field work which is a big scope. He said it's all wetlands so it's survey, wildlife and Heritage Bureau, Alteration of Terrain permit, NH Dept. of Environmental Services and ultimately the site plan package the full thing. He said they have

narrowed that down and indicated their probable favorite they just haven't inked that deal and they will probably finalize that next week and get out in the field so they get some of this stuff done before the snow flies. We should be able to get all the wetlands in but we may have to come back in the spring for the vernal pools so they will do that and the survey.

Mr. Cherian said once they have a 30% design, they will do an initial outreach with AOT. He said sometimes they'll go with just a conceptual on a project coming up and here's what they plan to do and ask them what they think to get their feedback early so they may do that earlier and then meet with them again at 30% and usually just before applying.

He said he was not sure of the timeline between the AOT and the Planning Board but he thought they would be working on both at the same time because the level of detail is pretty equivalent.

Mr. King said so the time before the Planning Board looks like next year.

Mr. Cherian said it depends on how quickly they jump into to it and to get it ready to go this year seems like a big lift but that is something to work out with the contractors as far as scheduling how fast they can do it. He said some of the design work can be done as the field work is folded into it but he is guessing it will be next year sometime in the winter.

Mr. King said subject to that approval they could be breaking ground next summer/fall.

Mr. Cherian said that is a possibility again it depends on the DES Wetlands because of the way NH does it that goes to the Army Corps of Engineers and storm water because NH is a little bit of an outlier and those federal laws get devolved to the states to implement but NH declines to do that as do a few other states. He said for example for storm water it goes to the U.S. EPA in Boston to the feds rather than the state. It's a little bit of a wild card what you're going to get out of somebody from Boston having gone through that experience before he said.

Mr. King asked if that was because of the size of the project.

Mr. Cherian said it's because the Clean Water Act is a federal law but the power to regulate is allocated to the states if they choose to which means they can issue storm water permits under the DES or wetland permits but there are a few states, NH being one that let the feds take care of it. He said that DES is involved if its minor wetlands permit but ultimately the Army Corps of Engineers New England District will be the agency to issue that permit and for storm water it will be the U.S. EPA instead of DES. So, it's not by size of project it's because NH declines to take that permitting authority for whatever reason he said.

Mr. Cherian said there is a lot to do for the Planning Board and there's other stuff that's not technically required like they did a view-ship summary, they are going to do a visual simulation and there's a bunch of stuff they'll do that they want to have as part of the Planning Board package to make sure it's complete whether it's required or not. You know what is going to come up-roads, can I see it, noise these are the things that people care about so we're just going to have those studies done or added to (that they did for the Zoning Board) and we'll consult with the Town with Mr. Dickie, the Planning Board Chair or the Technical Review

Committee rather than just say "here you go, here's the application". We want to make sure that we have it in the right format, that all the elements are so there are assurances that we have everything checked well before we actually submit it so that adds more time he said.

Mr. Cherian said they are required under this to notice the landowners subject to the lease so they will take care of that and then provide the proof of the certified letters to them at least within 30 days so they will get that out next week. He said the parcels that are subject to are listed in here and they may call and make sure with the Tax Collector they have the right people with the right parcels with the right addresses so they are properly served on certified mail because some of them are not local or are not full time here.

He said if they file with the Planning Board in the winter depending on how long it takes, they might potentially start construction next fall. We don't want to start too late he said.

Mr. King asked what he thought the time from start to finish would be on this size project.

Mr. Cherian said about a year weather depending and it's better if they get a real winter as frozen conditions are easier to work in and then if you get that mid-winter melt, we've had it just throws everything up in the air when you have mud in Jan. so that slows things down. I'd rather have a hard freeze and a short mud season in a perfect world he said.

He said if they start it in the fall and they might do the site prep work because some of the stuff that's required can only be done in the growing season like the reseeding and stabilizing so they might do the site prep work, the storm water and either shut down for the winter and come back in the spring or depending on conditions get all the posts in and then come back and do the more detailed work come spring.

He said they are also still waiting for the system impact study that is now 4 months overdue and that should confirm that they can connect here, that there are no surprise interconnection costs or line upgrades all of which was reviewed during the feasibility study but it's Eversource so it's always a little bit of a black box. He said it has been a rolling 1 week delay for months and the most recent said Aug. 11 and they haven't heard anything since and they should have that any day. That's a complication but not a concern because we've already gone through the first couple of technical reviews with them he said.

Mr. Cherian said at some point in there they would bid the full construction probably to a turnkey Engineering Procurement Construction contractor and normally what they would do is get the engineering up to a certain level maybe like 60% and then have the construction company do the final engineering so you don't hand them the drawing and they said they would have done it this way and it's going to cost 5% more that kind of stuff happens.

He said they met with the Economic Development Committee and their intention once they have a selected EPC contractor is to have a meeting with any interested local contractors because there are a lot of things they will need to contract locally everything from fuel and CAT service and food to gravel, sand, cement, labor and you name it. He said they usually want to connect as much as possible as there's a lot of civil work and if they hire a firm from Maine

they're most likely not going to bring civil down here so it makes more sense to do it locally. He said they will have some type of a contractor open house and let people show up and make their pitch about what they have to offer to the prime contractor.

Mr. King asked if in all cases they find a prime contractor or do they sometimes "GC "(general contractor) it themselves.

Mr. Cherian said sometimes they GC it themselves and they have a project in Maine that they are partly GC-ing but they don't have someone in a construction trailer on a daily basis they have a construction management company that they put a superintendent there to keep a watchful eye for them. He said it depends on how many people there are.

Mrs. Titus said Mr. Cherian covered a lot and gave them a lot of information and he came to the EDC and people have heard it and watched that so he has been out there telling the public.

Mr. King asked for the total amount of acres that will have solar panels.

Mr. Cherian said that will be subject to the design but it's about 40% of what they have under lease because there are a lot of those parcels that either have wetlands and buffers or are not contiguous or are not needed so it's probably about 125 but he wouldn't put that in stone. He said it depends on the engineering because there is a lot of analysis that goes into the distance between the racks, shade analysis and whether you a 2-P which is 2 modules high or 1 and he thinks they are planning to do one. That's part of the engineering that is fairly complicated we have other companies that do that and look at the shade impacts and how to minimize that on a compact site without losing your own sections to shade particularly in the early morning and late day when you have low sun he said.

He said how it's separated will affect it and the road width they would generally do 12 or 14 ft. wide roads and other than that it's not a lot of room for change besides that. He said they want to make it as compact as possible because the more land they disturb the more it has to be covered by the storm water permit and reseeded and re-vegetated and all that stuff is expensive.

Mrs. Morin asked if there were any concerns that came out from their community engagement that they have addressed.

Mr. Cherian said they had an open house, 2 or 3 ZBA meetings and they were at Hay Day and there was not a lot of interest and most of it was asking if they can put them on their house. He said at the open house they had a few people from Milton that were complaining and a gentleman also came to the ZBA about people running ATVs on his property and there is not a lot they can do about that it's a problem all over the state. He said the project will be fenced there's electrical equipment in there but he didn't know if that would help with people running trails. There's already trails back there you can go back there and see that people party back there and that's what happens and they can't solve those problems.

He said there were a lot of concerns with visual people don't want to see it and there was some concern about noise and it's kind of surprising because it's at most if you're right next to a

transformer the hum of a refrigerator. He said given that all of their inverters are set back and there's a 150 ft. minimum of woods and there's virtually no chance that anybody would hear anything. He said he has done wind farm stuff where there is actual sound and people get upset about that but solar is not that as there's no moving parts.

He said at the Zoning Board there were some unusual questions about impacts to wildlife and they will be required to coordinate with NH Fish & Game and NH Heritage Bureau. He said they already screened long before to see that there's no threatened or endangered species there that's an early step you take. He said a lot of bats are on the endangered species list now so the general rule is they do not like you to cut trees during the bat puppy season which is typically sometime between March and October so they want you to cut in the winter which is generally favorable when you have frozen ground as it's easier to skid stuff out when it's frozen.

Mr. Staples said that track has been cut pretty hard anyway.

Mr. Cherian said it's already been cut pretty hard and there is a lot of scrub in there and there is some good pine in a few spots but he thought they would fine more slash and chips than whole logs in there. We pay the landowners for the timber value and we pay the timber tax he said. He said that's the primary stuff and for a lot of people it's something new and its big so it scares people. He said he did the first wind farm in NH and you would have thought that they were bringing in invaders from Mars. The project got built and now it does what it does and the Town gets lots of money out of it he said.

Mr. Cherian said a lot of it will be on them to continue to outreach to people and they talked about doing a tour and they need to schedule that before the weather gets bad over to Wells, ME site which is about 45 minutes from here and let people walk around and see what a typical site looks like. He said they would get that going in Sept. or Oct. and they will probably put a notice on the Town's website. We'll call the people that signed up at the open house first and then let anyone else that wants to sign up in advance can do so and maybe we'll do 2 separate dates he said.

Mr. Vachon asked if he said the fencing was not chain link and is something that lets the wildlife go through.

Mr. Cherian said it's not chain link its agricultural or a stockade fence which looks a lot better and they will see at the Wells site. He said it has a gap at the bottom and they usually don't want big wildlife getting in there. He said they jumped the fence at Wells because there is tons of clover and the deer figured that out in hurry and then kept jumping until they knocked down a section in the corner so where there's a will there's a way particularly if there's clover. But it's a stockade fence there is just wood posts and thin wire it's not chain link or razor wire or anything like that. He said they would provide a spec sheet and a picture of it to the Planning Board so they could see what it looks like.

Mr. Vachon said they passed their 15 minutes and asked for a motion to close the public hearing.

Motion: (Morin, second Titus) to close the public hearing passed 5-0 at 5:22 p.m.

Mr. Vachon said if everyone is in favor all that's left to do is to accept the PILOT program.

Motion: (Morin, second King) to accept the PILOT program as outlined in the agreement between Farmington and Nutes Solar;

Friendly Amendment by Mr. King: and to authorize Ken Dickie and/or Gerry Vachon to sign subsequent documents on behalf of the Board

Mrs. Morin accepted the amendment.

Mr. King said there may be something that comes up that needs to be approved and this would authorize them to sign the approval.

Vote: the motion passed 4-0-1 (Vachon abstained).

Selectmen then signed the PILOT Agreement.

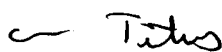
4). Adjournment:

Motion: (Staples, second Morin) to adjourn the meeting passed 5-0 at 5:24 p.m.

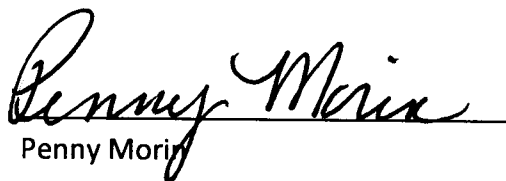
Kathleen Magoon
Recording Secretary

Gerry Vachon, Chairman

Charlie King, Vice Chairman



Ann Titus



Penny Morin



Douglas Staples