

MINUTES OF THE PLANNING BOARD PUBLIC HEARING

TOWN OF CHARLEMONT

10/1/2009

Members Present:

Gisela Walker, Co-Chair
Dan Miller
Jerry Pratt
Trevor Mackie
Kathy Eicholz, Associate

Also in attendance were: Jim Schaefer, Berkshire East; David Strong and Kevin Schulty of SED and members of the public.

The meeting was brought to order at 7:07 p.m. by Walker stated that the agenda for this hearing will focus on site, lighting, access road, safety, utility connection, decommissioning and bonding. She explained that at the last meeting they discussed the degree to which the turbines would affect wildlife and the possibility of a raptor survey to assess whether the proposed site is a major migratory fly route. Walker stated that after talking to many experts, it was agreed that it was too late in the season to do a survey that would be statistically correct, so instead, the Board will negotiate with the Applicant to do a post-installation monitoring and if necessary, request changes to the operation. Walker also mentioned that they expect a report by the next hearing, from the Mass. Historical Commission and from the Charlemont Historical Commission, with regards to the 2nd balloon test that was performed.

Walker began with discussing the site specifics. Strong went over foundation layouts with the Board and explained that there were two options for the foundation of the Turbine; option #1 is a Pad and Pier foundation, which would consist of up to a maximum of 42'x42' concrete footing underground, with only a 17'x17' pedestal showing above ground. Option #2 is a Rock Anchor foundation, which would consist of a 25' concrete cylinder, with 10 anchors going about 40' down into the rock, using the rock as anchors. Strong noted that this would be dependent upon the integrity of the rock. Schulte added that the option they chose would depend on the tests done, but that the visible impact would be low with either option.

Walker asked about fencing. Strong felt there was not a need for fencing, as the turbine itself is not climbable and is not a hazard. Discussion ensued as to the possibility of vandalism and Walker left it up to the Schaefer's to decide if they wanted to fence it. However, two signs will be put up to warn people not to enter the site.

Next, Strong handed out a fact sheet with the safety lighting required by the FAA, which will be red and will flash 20 times per minute. Walker explained that blinking lights are better for birds and bats, as they are less likely to mistake them for moonlight and fly toward it.

Regarding color, Strong explained that the blades and tower would be a standard matte white. Miller asked about the life expectancy of the paint. Strong was not sure, but

stated that this particular paint was a grade 4, which is a high grade. Schulte guessed at least 20 years.

With regards to utility connection, Strong explained that currently there are two sets of transformers, and that they are working with the utility company to ensure that they approve of the generator, and explained they would need to upgrade the line at the beginning of the parking lot and up the mountain. Also stated they will clear as little trees as possible and bury as much of the 790 feet of new line as they can. The line that they cannot bury will need to go up on 30' poles, which they would also use for lighting. Schulte added that it is much more cost-effective to bury the line. Pratt asked if the area was flagged. Schaefer stated that it was not flagged at the trees. Pratt told the Applicants that when they have it all flagged out, he would like to walk it and see the site. Strong stated that they would like to get it done before the weather gets bad, so they will do it fairly quickly.

Walker asked how many feet of the road is actually in Charlemont. Strong stated there were 107 feet from the traditional town line to the middle of the turbine. Due to the heavy equipment, the road would need to be crushed stone and gravel, would be permanent and about 12' wide.

Walker then opened the hearing to public comment.

Ray Purinton stated that he is 100% in support of the project and urged the Planning Board to grant a conditional permit tonight, and hopes the Planning Board will not procrastinate any longer. Miller stated that they were not procrastinating, just gathering information. (Jim) Schaefer stated that this is the appropriate process and that he and SED are fine with how it is progressing.

Eicholz read a letter from Norman Pfeifer, which stated that the installation of a turbine would spoil the natural beauty of the area and went on to say that the project does not comply with several of the criteria which the Board uses to review the Special Permit.

Strong read a letter on behalf of the Schaefer family, which thanked the Planning Board members for their effort in this process and submitted four offers from Berkshire East, as part of a long term partnership and dedication to the community. The first being a \$2,500.00 scholarship, in the name of Jim's deceased wife, to be granted yearly to a graduation High School senior, the second a \$25,000.00 Charlemont Village Historic Preservation Fund, for the maintenance of historic properties in the village, third, the donation and maintenance of a computer station at Hawlemont School to aid in the development of a renewable energy curriculum, which would be networked to the turbine and would show real-time production of the wind turbine. Along with this, Berkshire East will host field trips to the turbine site. Last, Berkshire East will donate Renewable Energy Credits to the Hawlemont School, which would allocate the renewable attributes of the wind-generated electricity to the school, and in essence, eliminate all the emissions associated with the electricity that the school consumes.

Walker thanked the Applicants and noted that this was totally unsolicited by the Board, but added that this type of agreement is normal between Applicants and a Town, to negotiate or offset any negative aspects of a project. She also pointed out that the turbine will be exempt from property taxes.

Strong discussed their Operation and Maintenance plan, noting that it operates fail-safe, in that with any fluctuations or irregularities, the turbine will shut down and depending on what the fault was, will either restart or stay shut down until reset manually. The operation will also be remote-monitored and monitored by on-site personnel at B.East.

Discussion ensued around decommissioning and bonding, with Walker explaining the reason for and process to those present. Strong passed out a Decommissioning estimate, and after some discussion, the Board and Applicants agreed on a surety bond of \$210,000.

Walker asked of the Applicants to allow a post installation monitoring of the site for impact on birds, but that the Board was not yet ready with final language. The Applicants suggested the owners doing a daily walk of the site to look for any evidence of birds or wildlife being harmed by the turbine, but did not feel there was any scientific evidence pointing to the need to do a professional study of the effects on birds. After some discussion between the Board and Applicants Walker agreed to do some more research and to come up with language regarding the post-installation study. Schulte asked that the Board have some conditions written up by the next hearing.

Miller stated that he would like to have an independent Engineer review the plan and proposed site in order to get an unbiased opinion. Schulte was opposed and discussion ensued between Miller and Schulte, as to the purpose for an independent Engineer, with Schulte insisting that the Board has enough information to make a decision on the Special Permit. Schaefer stated that the Eaglebrook School had hired a consultant to assess SED's proposal, and offered to contact the school to see if they would be willing to allow the Board to view the report. Mackie made a request of Schaefer to contact the school. Walker made a motion that the Planning Board hire an independent consultant for the purpose of reviewing the proposed plans for the project, and to make recommendations, if necessary. The motion was seconded by Miller and failed 4:1, with Pratt, Eicholz, Walker and Mackie against.

Walker made a motion to continue the Public Hearing to October 15 at 7:00 PM. The motion was seconded by Pratt and passed unanimously.

At 9:46 PM, the Board convened for their regular meeting. The Board reviewed and approved the minutes September 17, 2009.

Walker reminded the Board of the All Board Meeting on October 5 at 6:30 PM at Mohawk Park; also that a training workshop on writing reasonable and defensible decision is available in Greenfield for the same night. A floodplain bylaw will be on the All Board agenda, Walker suggested Stephens could head this up for the Planning Board.

New applications for the Community Development Block Grant ask each Board to list its priorities. Last year Boards listed such projects as Road Work, Town Hall Architectural Plans, Deerfield River and the Tennis Courts as possible projects on the application. It was suggested that the Board request some assistance from the FRCOG in writing a wind tower bylaw, as there were likely to be more projects like that coming up in the future.

Walker informed the Board that they have to sign the final NEIHC agreement regarding the gravel pit operation, and that otherwise a court date was set for October 6. Town Counsel would like all the signing done before that date to withdraw from those cases. The Board agreed to use the All Board Meeting on the 5th to do the signatures.

Mackie asked if it would be possible to put in their zoning bylaws that a Special Permit the Applicant be responsible for paying someone to take the minutes at Public Hearings (such as with Millett). Board members agreed that it had been a great relief that Millet took minutes allowing Board members to focus on the hearing. Walker stated that it would need to be specified and state that this would be for only required for lengthy or significant projects. Mackie agreed to come up with some language for such a bylaw amendment.

The motion by Walker to adjourn at 10:02 PM was seconded by Eicholz and passed unanimously.

Respectfully Submitted,

Carlene Millett,
Former Secretary to the Boards