

**Joint Meeting of the Conservation Commission
And the Ashland Planning Board
Wednesday, February 22, 2017**

The Ashland Conservation Commission and the Ashland Planning Board met in a joint meeting on Wednesday, February 22, 2017 at 6:30 PM at the Ashland Town Hall. Present for the Conservation Commission were Walter Durack, Chair, Harold Lamos, Selectboard Liaison, Amanda Loud and Kathleen DeWolfe. Present for the Planning Board were Susan MacLeod, Chair, Carol Fucarile, Mardean Badger and Leigh Sharps, Selectboard Liaison. Present from the public was Tejasinha Sivalingam

The purpose of the joint meeting was to review the most recent Northern Pass SEC strategy meeting at the Senior Center earlier this month.

Peter Roth (Counsel for the Public) facilitated the strategy meeting with abutters/intervenors of the Northern Pass Project on February 11. He made the following points:

- Brought all abutters/clients up to date on where we are in the legal Northern Pass process.
- To exercise confidentiality relative to the process
- The proper behavior from intervenors' when presenting testimony to the SEC
- The applicant has made several attempts to change the schedule for Northern Pass
- The next deadline for Northern Pass is September 17, 2017 for approval of application
- SEC expects to finish the technical sessions by the mid to the end of March 2017
- March 28-29 SEC will set the schedule for applicant/intervenors' testimony for the adjudication process. Testimony will commence in April.
- SEC will give intervenors and applicant(s) time to add supplemental testimony and appropriate exhibits in advance of the cross-examination process

Eversource is circulating a written stipulation and asking all intervenor towns to sign it. The stipulation stays in effect until the Northern Pass is decommissioned or disbanded. Under the terms of the stipulation Northern Pass can be shut down for up to 24 months and then started up. None of the towns who sign the stipulation can lodge complaints. Under the stipulation Ashland would be considered a host town. Steve Whitley, attorney for one of the intervenors' groups is advising Ashland and the rest of the group not to sign the stipulation. Hydro Quebec one of the applicants will show in their SEC testimony and cross-examination exhibits that all the intervenor towns agree with the stipulation and have signed it.

George Sansoucy is a technical expert/engineer hired by certain towns who will testify on March 13 in the SEC Northern Pass process. Attorney Steve Whitley (Mitchell Group) represents four towns in Municipal Group 3. Attorney Christine Fillmore represents other Group 3 towns. Steve Whitley and Christine Fillmore are in contact with each other about the process.

Peter Roth made the following suggestions:

- The intervenor towns need to talk with each other.
- Choose spokesmen that are experts in each of the specific areas being addressed.
- March 11, 2017 is the next scheduled strategy meeting for intervenors

- Lawyers should not be spokespeople
- March 28-29 the order of testimony and documentation will be established
- The applicant will be cross-examined by the intervenors
- Intervenors need to make sure that all issues and concerns of the intervenors are addressed
- During the trial there will be intervals built into the proceedings for public comment. During these intervals only the public can comment. Intervenors are not permitted to comment during these intervals.
- Public non- abutters do not have intervenor status
- In most legal proceedings the applicant has the burden of proof. In an SEC legal proceeding this is not necessarily the case.
- Be careful if you decide to hold back information and present it during the cross-examination phase of the proceeding
- Be sure that you know how the SEC defines hearsay.
- Make sure that your information is based in fact and not hearsay. Make sure your information has a strong connection to the point you are trying to make
- Make yourself an expert on the information you present. Only use information that you know.
- Make sure that the testimony presented is not later dismissed by the SEC

Peter Roth stressed:

- Become very familiar with Barry Needleman who will be cross-examining the intervenors on behalf of the applicant
- Create a strong network among the intervenors and the intervenor towns. Use this network well. Intervenors and intervenor towns need to get together for strategy, to practice their testimony

The Ashland Conservation Commission, Planning Board, Selectboard and Water and Sewer Commission need to meet together and share all information each commission and/or board has concerning Northern Pass and Eversource concerns.

The Conservation Commission and the Water and Sewer Commission have the following concerns:

- Concerns about the digging of test pits and borings within 250' of the Pemi River
- No notifications from Northern Pass of these test pits/borings.
- If the borings are done within the right of way Northern Pass needs permits and permission from DES.
- If the borings are done between the clay lined lagoons and the river then a permit needs to be obtained
- Borings were done by Nobis Engineering as a baseline for the clay lined lagoons
- Eversource's request/stipulation for access off Collins Street for construction/maintenance of their power towers
- Concerns about damage to the clay linings of the lagoons
- Damage to the town well sites in the construction and maintenance process
- Concerns about damage to the Pemi River and Pemi Overlay

The Conservation Commission and the Planning Board as well as the Water and Sewer Commission need to meet and develop a step-by-step process/procedure going forward relative to Northern Pass and Eversource concerns.

The following information needs to be part of the information gathering:

- Share all information from all commissions and boards relative to Northern Pass and Eversource
- Establish a baseline for the clay lined lagoons
- Pinpoint where the debris from the I-93 construction project back in the 1960s has been buried
- Gather any and all supplemental Northern Pass information
- Ashland needs to determine how best to interact with other intervenor towns given the wide range of interests and concerns of other intervenor towns
- Don't be against other projects in other intervenor towns
- Determine the conditions that must be set in Ashland's testimony going forward for the Northern Pass legal proceedings
- Now is the time for all Ashland commissions and boards to meet together to map out their concerns/issues/conditions going forward.
- Subsequently meet with the other intervenor towns in our group to discuss their issues/concerns on March 11, 2017
- Ashland needs to clarify their issues and conditions and choose proper representation for testimony

Conservation Commission has the following concerns:

- The town wells, lagoons and the space within the Pemi and Pemi Overlay be respected by Northern Pass and Eversource
- Effluence from Northern Pass seeping into the Pemi will detrimentally affect towns downstream

Peter Roth advised intervenors that the SEC permits friendly cross-examination by fellow intervenors. Use this tactic to get more information into the SEC record. Please stick to information for which you are an expert. Make sure that your testimony is well rehearsed.

The Forest Society has made a request of the SEC to amend the schedule and to extend the deadline. It is not known if this request will be accepted or rejected by the SEC.

The following information should be considered as part of our intervenor process:

- Applicant will focus on the construction process; Second track will focus on the rest of the project
- Differentiate between "structures" and "access to structures"
- If the intervenor sees holes in the applicant information go after it.
- Eversource asserts that they can rent out the PSNH Electric Right of Way; Forest Society filed to dispute that claim so that they can't use the right of way but need a separate route
- Always think about the next step in the process as you move through the SEC process

- The SEC can accept information which “they will take under advisement” or “give it the weight it deserves.” The SEC can then dismiss the information later. If they reject information outright may cause them legal difficulty if Northern Pass goes to the State Supreme Court.
- Northern Pass has not received an Environmental Impact Statement (EIS) from the Federal Dept. of Energy (DOE)
(https://en.wikipedia.org/wiki/Environmental_impact_statement for explanation.)

The Conservation Commission, Planning Board, and the Water and Sewer Department will meet with the BOS on Monday, February 27 at 6:30 PM at the Town Hall in advance of the March 11, 2017 strategy meeting with other intervenors. The alternate date will be Wednesday, March 1, 2017 at 6:30 PM at the Ashland Elementary School Library.

The joint meeting adjourned at 7:20 PM.

Respectfully submitted,
Paula Hancock

Ashland Planning Board

Draft Minutes
February 22, 2017

CALL TO ORDER: Susan MacLeod, Chair of the Planning Board, called the meeting to order at 7:20 PM.

MEMBERS PRESENT: Members present for the meeting were Carol Fucarile, Leigh Sharps, Susan MacLeod and Mardean Badger.

MEMBERS ABSENT: Cheryl Cox was absent with notice.

DISPOSITION OF MINUTES

The Planning Board reviewed the minutes of their February 1, 2017 meeting. Mardean Badger made a motion to approve the minutes. Leigh Sharps seconded the motion. The motion passed with three votes in the affirmative and one abstention.

CORRESPONDENCE

Susan advised the Board that the Selectboard concurred with the Planning Board not to change the Building Fees Schedule at this time.

Mardean will collect all the information to date concerning Building fees and create an inclusive document. The finished document will be sent to the Board of Selectmen and the Town Administrator.

Susan MacLeod was in receipt of a letter from LaRocca LLC dated February 2, 2017 requesting the Planning Board to continue the Public Hearing relative to the Edward Adamsky property (44 Main Street, M/L 016-002-002t). The letter went on to request the Planning Board to go beyond the 65 day deadline for the Adamsky Site Plan. The applicant will renovate the 44 Main Street property in stages, renovating the façade and front of the building in the spring. When all issues pertaining to the conveyance of a portion of the property from the State to a private owner (Edward Adamsky) have been resolved Adamsky/LaRocca LLC will come back before the Planning Board with a revised Site Plan to install the ramp to the side of the building.

Susan MacLeod advised that she was in receipt of an email from Charles Ecker relative to the process necessary for wholesale auto sales at 6 Mill Street in Ashland. The new business would be:

- Wholesale auto sales that would sell used autos to other auto dealers in the area.
- The site would be a warehouse office space on the Andrew Lane property
- There would be no outside storage on the site.
- There would be two cars stored inside the warehouse.
- There would be no used auto repair
- This would be considered a change of use and would need a Site Plan Review.
- It is recommended that Charles Ecker come before the Planning Board of a pre-application consultation.
- Charles Ecker will need to come before the Planning Board with a Site Plan and a Letter of Authorization signed by Andrew Lane (property owner).

Susan was in receipt of an email from Charles Shoemaker inquiring about the process/procedure involved in installing an Emergency Communication System in Ashland. The system is called First Net and is an interoperable communication system. Mr. Shoemaker inquired about:

- Any local zoning/height restrictions for cell towers
- Restrictions and regulations relative to cell towers
- Restrictions of new cell towers in relation to residential areas

Charlie Shoemaker asked about co-locating his communication system on an existing tower. Verizon owns the cell tower in Ashland. Charlie Shoemaker would need approval from the Planning Board if they consider installing a new cell tower specifically for their communication system.

Under Article 9 of the Zoning Ordinance says that communication devices override all height restrictions. An access road would need to be constructed and maintained. There is a minimum setback for cell towers. Cell towers are on town property. There are setback restrictions from property boundaries. Cell towers need to be 110% of the height of the tower from any structure. Cell towers can be leased from private property owners. No cell towers are permitted within the Pemi or Pemi overlay areas.

Charlie Shoemaker as the applicant needs to prove to the Planning Board and the Selectboard that all other cell towers in Ashland are not usable for the emergency communication system. If the applicant can use the Verizon cell tower he would need to come before the Planning Board to be able to add his communication system to an existing tower.

The Planning Board drew up a list of projects in Ashland that remain incomplete at this time. These concerns will be sent to the Building Inspector, Code Enforcement, Selectboard and the Town Administrator.

- Racing Mart: has submitted a Site Plan Review Waiver. The Board is awaiting a signed Letter of Authorization from the owner. The letter is yet to be received by the Board.
- Mobil Station: have all permits been obtained or filed with the town?
- Dumbledore: No sign permit; no Site Plan Review Waiver;
- The Don Lester property: need a final inspection of the berm on the property as the final condition put forth by the Planning Board
- Revisit the large mobile sign [address or lot #?] across from the river on Riverside Drive. Need to be revisited by the Code Enforcement Officer relative to the definition of a temporary sign
- Follow up with the Code Enforcement Officer relative to the cars parked on the lawn on 17 Highland Street across the street from the Ashland Town Hall. This is a lot use not a parking issue.

The Planning Board needs to reread the first three chapters of the Master Plan:

- Land Use
- Transportation
- Housing/Demographics
- Sidewalk Update

- Look for outdated information contained in the chapters
- Make the Master Plan a living document
- Any amendments to the Master Plan can be taken care of at a Public Hearing
- LRPC is not needed to complete this project

Carol Fucarile made a motion to adjourn. Susan MacLeod seconded the motion. The meeting adjourned at 8:25 PM.

ADJOURNMENT

The next meeting of the Board will be Wednesday, March 1, 2017 at 6:30 pm at the Ashland Elementary School Library. The Conservation Commission, Planning Board and Water and Sewer Department will meet jointly on Monday, February 27, 2017 at 6:30 PM at the Town Hall.

Minutes submitted by Paula Hancock