



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2009-2010
David F. Sullivan, Chairman
Edward Warren, Vice Chairman

MINUTES
Work Session of 28 May 2009
7:00pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Discussion** regarding the proposed Wind Energy ordinance.

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:07PM.

ROLL CALL: Mrs. White called the roll.

Members – Dr. RA Marston, Mr. D Sullivan, Mr. E. Warren, Mr. R Morales. There were no alternate members or advisors present. There were no members of the public present.

Voting Members: There was a full voting Board for this meeting.

Board Business

Mrs. White distributed copies of the May 21 minutes. These minutes will be voted on at the June Meeting. Mrs. White also distributed the latest copy of the OEP Small Wind Energy System and the Wind Energy Ordinance passed by Newton in March 2009.

Light Industrial Park Tenants. Mr. Warren noted that he had had no information pertaining to the proposed tenants for the light industrial park at the last meeting other than the hand-written note from Mr. Masone. For this reason, he had felt unprepared in questioning them even though he had reviewed the materials. Although the usual procedure has been to question the proposed tenants in regard to the light industrial regulations from the ordinance book, it was decided it would be beneficial to both the tenants and the Board members to have those questions answered in advance by the tenant and then the Board ask any further questions the Board deemed necessary.

Mrs. White will put together an application for proposed tenants utilizing the light industrial park procedures and adding a notation that approved hours of operation for tenants will be the hours of the industrial park, and that a tenant may be open any time they choose within those operating hours. If there were a reason a tenant needed hours other than the specified park hours, as was the case with one of the tenants at the last meeting, that request would be reviewed on a case-by-case basis.

Mr. Morales noted that in most other towns, there was little to no control over what businesses would/could come into an industrial park; they just rent a space and open. Dr. Marston noted that it also enabled the Board to be assured that what the applicant was proposing was appropriate for the light industrial park.

East Kingston ordinance states that proposed tenants need to come before the Board for review and approval. This affords abutters the opportunity to express any concerns they may have regarding a potential business

Live Free or Die

coming in to the park. It also gives the Fire Department the opportunity to ask questions in regard to fire alarms, heat detectors, hazardous materials, the safety of storage of materials, etc.

Wind Energy Ordinance Discussion.

Although Mr. Donald has requested that the Board assist in the review of the site plan, abutter notification and determination of regional impact from abutter comment review, Ms. LaBranche has confirmed that that in accordance with the RSA, the Building Inspector will have the final say.

Mrs. White reviewed that Newton's ordinance is basically a procedure for review, as the Building Inspector is the one responsible for the final decision.

Mr. Morales noted that the Board could structure an ordinance that required anyone wanting to install a wind turbine to come before the Board and explain what they want to do. Once the Board reviewed it, then the Building Inspector would be responsible for following up and administering the regulations to make sure all the proper procedures were followed.

Mr. Warren noted that the OEP considered a recommended setback of 150% setback of the system height to be unreasonable; Newton had decided on 110%. In comparison, cell towers are 125% of the height of the tower from all lot lines. Mr. Morales opined that cell towers were much higher than the small energy wind turbines. Mr. Sullivan reviewed that the EOP regulations state the maximum height for a turbine is 150' or 35' taller than the surrounding tree canopy. Dr. Marston remarked that Coos Country had approved a 410' high commercial wind turbine.

Mr. Morales observed that some turbines are designed to collapse; the one at the Isle of Shoals allows the windmill to be lowered to the ground so it will not be damaged by hurricane winds. Mr. Warren opined that was a good idea, but perhaps it could be an option for the Board to consider as it was most likely quite a bit more expensive than a traditional wind turbine and not everyone would want or could afford to have that type.

OEP definition of a small wind energy system is 100kw or less, and 150' is the maximum allowed height. Turbines are permitted to be 35' taller than the surrounding tree canopy for availability for the best available wind resources. Mr. Sullivan noted that trees in the area are 75-80' tall at the most. Allowing for the blades of the turbine to be above the tree canopy, 105' to 110' feet was the highest a turbine should need to be.

Mr. Morales thought that 100kw of power seemed to be more than the average household would normally use, and thought a 100kw system would be selling power back to the grid. It was noted that the intent of allowing small wind energy systems in the first place was to generate power for a household's consumption.

Discussion ensued of how much power could be generated by various kilowatt amounts. Mr. Morales opined that if people wanted to generate power for their own consumption and were not trying to sell the excess back to the grid, 25kw should be large enough. Dr. Marston stated that they were not sure of the size of a 100kw turbine, as they have not seen them. Mr. Sullivan thought the amount of turbines allowed should be severely restricted, Dr. Marston thought people should be allowed to have as many as they wanted to.

A field trip to observe a small wind turbine system was discussed. Asking some manufacturers/representatives of turbines to come and talk to the Board was also discussed.

The short timeframe for getting this ordinance completed was discussed, as Mr. Donald had hoped the Board could have something in place before the state law came into effect. Mr. Morales noted that was not going to happen since it became law in July. If they passed an ordinance in the next month or two, it would still be a period of time before it would take effect. Any ordinance the Board approved would not take effect until 90

days after being passed, and would be in effect until the next Town Meeting, at which time it would be voted on. If it was upheld at Town Meeting, it would continue to be in effect. If it was voted down, then HB310 would apply. Mr. Morales noted that even without an ordinance, they could set forth a *regulation* that would require people wanting to construct wind turbines to come before the Board to discuss their plan.

The Board thought it would be good to have someone who understood it much better than they did to come and explain it.

Mr. Warren noted that the RPC said one of the most important things for towns to realize is that they needed to allow the tower height to be at least 35' above the tree canopy. He opined that the 150' maximum tower height set by the state should apply and not be lowered. There was also a lot of discussion regarding capacity.

Mr. Morales stated that as the regulations are at the present time, any power sold to the utility company is paid to the person generating the power (in energy credit, not cash) at the same price the utility would charge them; the utility loses money. But it is law they have to pay the same rate. Therefore, it would appear that anyone not on the system will end up having their rates increased to make up the difference. In the future, the PUC could end up allowing the utility companies to pay a wholesale rate instead of a retail rate.

Mr. Morales noted that the intent was for people to have the opportunity to generate their own power, not become a mini-utility to selling power back to the grid by generating much more energy than what is needed. The OEP definition of a small wind energy system states it will be used primarily for onsite consumption. It seems that allowing up to 100kw when 4kw might be what is necessary for individual consumption, is conflicting with the statement of "*primarily for onsite consumption.*"

The RPC recommends limiting the number of turbines a property owner could have. Dr. Marston thought people should be allowed to generate as much electricity as they wanted. Mr. Warren liked Newton's amount of 60kw and thought it was reasonable. He thought 100kw was high, but the state definition of a small wind energy system is up to 100kw. He and Mr. Sullivan thought the 100kw could be an adequate number if someone wanted to have 2 turbines; the two could add up to the 100kw.

There was discussion regarding whether a person could lease their land to someone else for a turbine. Mrs. White noted she was sure previously Eric Steltzer, the former RPC Circuit Rider and author of the state wind energy system requirements, had stated that under the definitions that was not allowed. The person installing the turbine had to own the land.

Mr. Warren noted that for consistency's sake, he thought using the same 125% of the height for a fall zone as was used for cell towers was good for the wind turbines as well. Mr. Morales agreed. They suggested the capacity should be 60kw and the height should be limited to 150' or 35' above the tree canopy, whichever is less.

Dr. Marston thought they needed to know more about the systems before they could make any decisions. In discussion regarding decibels, the Board noted they might want to talk about blade size as well. Mr. Morales reported he had stood directly under a turbine and could not hear any sound.

Mr. Warren noted that a small wind system could cost \$15,000-20,000 and would take 15-20 years to recoup the investment. He did not have a problem with a person generating more power than they needed to help recoup that amount, as long as they were limited to one system. Stated in that manner, Mr. Sullivan had to agree. Mr. Sullivan did not think there would be many in East Kingston, even with rebates, as there were not many places where there was a large amount of wind.

The Board was not sure they could even tell the difference between 4kw and 100kw, as the difference may be inside the system and not visible. Mr. Warren was in favor of encouraging wind turbines, but recognized the need to have limits.

Dr. Marston recalled that approximately 20 years ago, some windmills were erected at Red Oak Hill as a government project, but they only lasted about a year; it seems they fell down.

The Board determined that they should learn more about different systems and just what their options for regulating the turbines were. The Board asked Mrs. White to contact Eric Steltzer and see if he would talk to them at their next meeting.

Mr. Morales noted that there was a 30% rebated from the federal government, but nothing from the state.

November Meeting

Mrs. White asked if the Board would consider having the meeting in November on an alternate date than the third Thursday. She would like to request November 12th for the November Meeting. The members present had no problem with changing the date. Mrs. White will check with the Selectmen's Office to make sure the date was available.

ZBA and Mr. Caley

Mr. Morales asked when Mr. Caley was to come before the ZBA, and Mrs. White reported that he had not approached her yet to be on the agenda.

Condominium Documents.

Mrs. White noted some language in the one of the condominium documents and will check with the previous Town council as to the specific reason it is included and get back to the Board. It appeared to be a safety net so those documents could not be changed without the Town's knowledge.

Other Board Business

After the meeting, Mr. Sullivan will sign the Turner mylar and review the proposed letter to Mr. Masone.

Mr. Sullivan asked for a motion to adjourn.

MOTION: Mr. Morales **MOVED** the Planning Board adjourn. Dr. Marston seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 8:15 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

Minutes approved _____

David Sullivan
Chairman