

**NEWINGTON PLANNING BOARD MEETING**  
**Minutes**  
**Monday, June 12, 2006**

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1. **Call to Order:** Sandy Hislop, Chair Person called to order the meeting at 5:03 P. M.

**Present:** Sandy Hislop Chair Person, Denis Hebert, Peggy Lamson, Jack Pare, Vincent Frank, Chris Cross, Gail Klanchesser, John Frink, and Tom Morgan, Town Planner.

**Not Present:** Cosmos Iocovozzi

**Guests:** Tom Hoffmann, Dumpling Cove Road and Justin Richardson

2. **Minutes:** Minutes of May 1, 8, 15 and 22. Review at end of meeting.
3. **Correspondence:** Board of Selectmen's Public Hearing of 5-25-06: John questioned the paragraph that started with "Dennis Hebert says when Shattuck connects to Gosling, *they*" John wanted to know who they were. "They" was explained is the Planning Board. FEMA: Three people received relief. No other correspondence.
4. **Driveway Application:** *Bill Murray for 10 Little Bay Extension*  
Sandy: It's pretty straightforward. Chris had a question on the diagram regarding the driveway. Discussion ensued. John moved to approve the application with the condition it meets all the PB driveway regulations. Chris suggested including the regulations in correspondence to Bill. Denis seconded it. All in favor of the motion, AYE.
5. **Old Business:** Access to Smokey Bones and Pizzeria Uno.  
Sandy: Are there any representatives here? Tom: No, we didn't invite them. Tom remember when we talked to Peter Loughlin, he advised us of two things to get a professional engineers opinion on that situation and to collect the accident statistics for that area and a letter from the Police Chief. Then as Tom recalled, Peter said to have a Public Hearing notifying the abutters, the applicant, and owner. Then you will have everything you need to make a decision. Tom suggested scheduling a Public Hearing for the July meeting. Tom talked to the Police Chief and the accident data will be provided and Mike Desrochers has been down at the site and he will write us letter. We should have everything we need by the July meeting. Chris: Mike sent us the letter with the DOT Standards. I presume in his letter he will be comparing these Standards with the actual existing distances. Chris just wants to see actuals done by somebody professional. Tom: he also going to compare it with the Access Management document prepared by the Rockingham Planning Commission not that long ago. We have document here and Tom has read it. Mike saw some things that Tom has missed and will be sighting it in his letter. We need to take a vote on a Public Hearing. We haven't had one yet. Chris made a motion that a Public Hearing be set for the second Monday, July 10<sup>th</sup>. Vincent seconded it. Sandy: Any discussion on that motion. All those in favor, AYE. None opposed.

## 6. Preliminary Discussions:

### **A) Proposal for a Wingate Inn behind the Exxon:**

Tom: Unclear as to where they stood in their preparations. Put it on the agenda and sent Mike a copy a week ago. Unless he's out of town, I assume he's aware we want to keep up with him here. Tom: Do you want to place him on the Agenda? Sandy: A good idea. Chris: We should not put him on, Not unless he submits plans 14 days required, 10 days required and give us a chance to look at the floor plans, drainage, elevations and he needs to get a copy of elevations to the CC for view. It's a prominent building site. The entrance to town and one of the things we didn't put in at the time of on proposed considering the visual impact of the building particularly one that's 3 stories tall at the entrance to the town. Discussion ensued. Consensus: to wait until all the information comes in and Tom will notify the PB.

### **B) Proposal by Tyco for a 2-lot subdivision:**

Tom: Tyco is revisiting their proposal. Saving of the deRochemont House. Not prepared to discuss anything tonight. They need more time.

### **C) Proposal by Tom Hoffman for a lot line adjustment at Dumpling Cove:**

Tom has two adjoining lots on Dumpling Cove. The house is on one of the lots and the other is empty. He wants to put on a 2-½ garage and a bedroom. Tom passed out plans to everyone, explaining what he proposes. Sandy: Does everyone understand what's being proposed? John: Do you have an approved lot with a shared driveway? Tom Yes. Tom gave John an explanation. Discussion ensued. Sandy: Good proposal as it sits. Tom Morgan: Need to notify the abutters before taking a vote and take it up at the July 10<sup>th</sup> meeting. All agreed. Tom would like to have it done in July.

### **D) Proposal by King Weinstein (developer) to expand parking lot at 177 Shattuck Way:**

Sandy: No representative here tonight. Tom: King wrote a letter two weeks ago to keep him on the Agenda and Tom sent him a copy of the Agenda. Tom hasn't received any plans. Sandy: Move to the July 10<sup>th</sup> meeting.

### **E) Hydroelectric Proposal: Application: Preliminary Permit**

**Project #: 12664-000, date filed: 3-29-2006**

**Applicant: NH Tidal Energy Co.**

**Location: Piscataqua River, in Rockingham & Strafford Counties, NH, NY & Maine**

**Deadline for filing comments, protests, and motions to intervene: 60 days from the issuance date of this notice (May 2, 2006).**

**Description of Project:** The proposed project would consist of: (1) 50 to 100 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of 0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility. The PB was given a copy of this Project.

Peggy: The CC had the opportunity to have Jack Pare give the presentation on this. Also, Justin Richardson is coming and will add his input on this discussion.

**Jack:** He previously worked for Batel who did research in this field. Jack: Basically you've seen the newspapers and this NH Tidal Energy co. is made up of private investors to an outfit called Verdant Power from Alexandria, VA. What they have been doing is they have been developing and patent protecting ways to generate electricity in

a distributed generation scheme. They have multiple patents and devices, but what is most promising is and what they apparently are going to try to apply for, their description describes something that is essentially an analogy to an underwater wind farm. Jack has a 55-slide power point presentation. Jack will show it here tomorrow morning around 10-10:30 when Cliff comes here. He didn't bring anything tonight because of the full Agenda and the meeting in the other room. Will describe some of the things that are important about this proposal. They in essence are having underwater windmills; the head of them is about the size of the wind generator on Fox Point. Instead of putting out 250 kilowatts when you stick that underwater, water is about 920 times denser than air and doesn't compress, a generator of that size will put out a megawatt. Jack gave everyone a packet with diagram. He goes on to explain the gray areas and then the orange areas.

Very simply the preliminary application that they filed is the first step in the regulations that control power development process. The regulations that govern this are put in place to benefit the power industry. Not necessarily us as public at large. Reason for this first step is to keep multiple parties from spending money doing engineering, environmental, and economical analysis over the same site. They haven't really started that yet. Idea is to put in their claim to say, stating they are going to study this area so if someone else also doesn't spend money in studying this area. They are staking their claim. Then what will happen, if there is no other person in the industry to say they have a competing plan during the 60 day comment period, then they have the first right to file and go through the necessary steps, etc. That's when you actually start getting the public involved and when you start going thru those sharing processes. What they are trying to do with the first regulations are just simply to keep two or three power companies from going in and spending money and/or fight over the same territory. These laws are written for any power development. It takes three years to actually begin the process. So this is just staking the claim for the next three years. There is a 60 day intervention period and have until June 30th/July 3<sup>rd</sup>, because the 2<sup>nd</sup> falls on the weekend. Not sure which date they will interpret. But any comments need to be in. As a local party they get to comment, if you are another power producer or another person like that, you can go in and intervene or you can put in a competing plan. I believe as a local jurisdiction, we can make comments. There are about 6 producers in North America about 2 here and 4 in Canada and a fully strong contingent in Europe. Verdent Power is probably the largest and most powerful in North America, a better field in North America. Another outfit that is pretty competitive is Blue Energy in Canada and another is scattered in US subsidiary, called Underwater Electric Kite, called UEKUS.com. There are competing technologies, several companies in Scotland and one in UK and one in France. All of which might be possibilities for NH's three bridges. Basically we don't want this claim to disable the region and this town. The choices could be made later around these bridges.

Jack: Also went ahead and explained about Lord & Bower. They have greatest number of high-powered engineers and the greatest amount of money and the largest number properties under their belt. It turns out they did pretty good work. The technology they are proposing and had an artist's conception in the paper and mentioned in text in the application is the analogy of underwater wind farm. The idea is you place these windmills anchored to the bottom and they are spaced apart a distance so they don't interfere with each other. Can't be placed too close together. Continued to explain this

technology regarding RPM/fish. Jack's personal impression is what they are proposing is good technology. There are other technologies, not wind mill farms and went on to explain he's put a fair amount of effort into looking at the technology and engineering and the economics of this. Jack's personal impression is; What it comes down to is what they are proposing for free and open unobstructed areas where you have the analogy of the wind blowing free is a good technology and a good company to go at. They are however, claiming areas where the under bridge kinds of technologies, of which there's one very good one in Canada and two very good companies in Great Britain, and also other places in Europe that has these technologies. What he recommends in talking with other State agencies for their comments is that they have the closure or the energy areas be refrained/constrained from 600 feet within a DLT bridge. Two reasons, 1<sup>st</sup> is the DLT to work on a bridge needs to be able to anchor vessels, i.e. crane barges, other ships, tugboats, etc. So you need that 600-foot buffer zone so that you're not dropping from the other guy's electric array. The other reasons is these technologies, because you have a type approach under the bridge and a sensitive wind farm type process, you want to keep a turbulence buffer zone between the two. Jack's proposing that the 600-foot anchoring buffer would serve as the proper buffer for turbulence. The idea being that the State and the region would have it in their interest to also enter at a later time and entertain and perhaps invite other of these bridge-based technologies to come in and use the bridges which NH DOT has three. Those three bridges could probably turn out power equal to or greater than the 100 power units that they're proposing in this project here. Jack has a personal issue that he wants to try to recommend to the RPC, to the Selectmen, to the PB, and to the NH DOT in that these guy are also in their filing with FERC (Federal Energy Regulation Commission) they're coming too close to the bridges where other technologies may be more appropriate.

Jack explained about the different depths of the water in different areas and also about Verdant Power who has specific technology in the East River, of NY City for two years. They are now staking claims with their 2-year experience. It's a five-stage build out, etc. They are selling their power to ConEd.

In terms in price of electricity, most expensive place in the US is Hawaii, New York and New Hampshire. Because of high cost of energy in these areas, this type of technology is cost competitive. Where they make the money is being able to sell transferable renewable energy credits to someone else that has a carbon plant, which is 4.7 cents per kilowatt per hour. This is really where they become profitable.

On navigation about large tankers coming into Newington, will there be room?

Basically these turbines will not go between the red and green buoys and they cannot by federal law you can't impede that navigation because the controlling depth is 40 feet in this channel and not really enough just lower than 40 feet at low tide to stick anything. They didn't bother to claim that at all. It stands a chance of doing, not reducing price that we are paying but might slow down the increase in the future because of the availability of a very competitive source, you don't have to import anything. Question: What would the town receive? Jack: Doesn't know of any benefit other than the taxation of the shore-based component. You would need a shore-based component because you have to tie in to the electric the same way and that's where the cabling area comes in. The value of that above the high water mark is taxable in whatever community that it is. This technology is in its infancy. Been six

years in Nova Scotia, is another Tidal plan, the longest plant in this area. There is a very similar technology off the coast of England since 2000. It's a higher RPM technology and in our vicinity it would be a fish killer and would not be recommended. This system is fish safe, but don't know if it's marine safe. Other questions were asked.

This is a regional impact. Obviously, the town needs to get some standing in it because it affects a lot of businesses in town, particularly pier owners. You could also make the claim that, okay, what happens if a ship drifts out of the navigation channel due to a casualty of steering or engine power and does come ashore. We need to have some pretty good oversight as to have disaster preparedness and so on. Particularly if it happens to be a tanker and it happened to puncture the bottom of one of these tankers against one of these towers.

He explained other issues in the ecological area, i.e. for instance, the technology has been proven in the Hudson River. A few things the Hudson River doesn't have, lobster traps and harbor seals. The technology has proven to rotate slowly enough so that these turbines do not endanger large fish. They run 32-38 RPMS and at that speed the fish will get out of the way. Technology hasn't been proven regarding harbor seals. Lobster traps can get caught in the turbines, it won't be good for much and hard to retrieve and make a mess out of the trap. No studies have taken place yet.

Basically it looks good if they keep away from these areas of concerns. Regarding bridges, DOT would be the one to intervene. All in all, they would be able to address these issues. They should be able to end those three years, do their engineering studies, and prove to the core of Engineers, the Coast Guard, DES and all the other agencies that they have something.

Denis: How did you get involved in this? Jack: The reason is he used to work for a co. called Batel. Worked in the aviation/space division. He could see his project coming to an end and was interested in this Tidal stuff, looking at it and watching web sites and proposed that a different division of Batel get into the business of engineering and doing all of the investigations, environmental assessment/impact studies for the Tidal industry. They had an Energy and environment division. Jack proposed a research project to put together, what it would take to enter that market and it was totally within his co. and of course it was co. confidential, and had been working on it for 18 months. It made the top 4, two choices that they could fund, but it didn't make the final two. Essentially his project ended with one division and the other division couldn't take him and the research on. Jack had all this knowledge. Then these guys filed and then what he did was detuned, took out all the intellectual property he had from this presentation and here it is. Denis: Are you working for these people? Jack: No. It was his job before he got laid off. It just happened he had all this information on hand. Jack ensued this discussion and then handed it over to Justin.

**Justin:** He is on the CC and works for the firm of Upton and Hatfield and the Selectmen had asked his firm to look at representing the town and he won't be acting on behalf of the CC. Denis: How did the Selectmen get to choose the firm? Justin went on to explain. The selectmen were notified of this when he became aware of the project and made Tom and the BOS aware of this. Denis: Is this a conflict of interest in doing that? Justin: The selectmen acted on their own behalf. Denis: Upset, The PB has never taken a lead in technology projects in the past. How did this happen? Last time we had someone represent the town very well and good experience did a good job

and don't understand why the Selectmen went ahead and did this. Denis: Wasn't even aware of this. Tom: His role in all this as soon as he received the information, he forwarded it to the PB, CC, and the BOS. The reason is because if reading the packet we have a 60 day time frame to comment and those few days will run out the end of June. So there's no time to waste. It's a scheduling issue. Selectmen happened to be first, then the CC met and now the PB. Justin will not be involved in this, his friend is. Justin: Understands concerns. Need to act on this immediately. It's important that you become involved. To say we are here, we have all these concerns, we want to see these guys come and appear before us. He went on to explain their options. There are host of environmental concerns, safety rules, interconnection with the electric grid, Industrial Road Corridor, Industrial spills, also tax issues. His firm represents the town on taxation of the Newington Energy Facility on taxation of the Newington station. That's something that is predated. Explanation and discussion ensued. Tom: The Selectmen have made legal assistance available. Tom: CC was presented with the same presentation on Thursday, 6-8-06, and they voted to have the Town's legal counsel do whatever to preserve their rights and maintain 600 foot buffer from the bridges. Tom: Jack and Justin: Is there anything we're forgetting? No, It's sufficient and to go forward. Keep it open. Chris made a motion that the PB requests the Selectmen to apply for intervene status and to pursue issues relative to the potential Tidal power project that may impact the town planning, conservation, and other issues that may need to be preserved for the residents and businesses. Vincent seconded. Chris: Our suggestion, we concur this should actually take place to give them support just like the CC gave them support and to vote to protect our interest. Sandy: Any further discussion? All those in favor of the motion, AYE. Any opposed? None.

**7. Public Hearing: *Amendment to driveway regulations***

Sandy: Open Hearing. "No residential lot shall have more than one driveway entrance or exit along a Town Road." It's appropriate at this point to vote on this. Discussion ensued. Sandy: Close Public comments. John made a motion that the PB delete Section 3 from the driveway regulations and remember the subsequent sections accordingly. Section 3 reads as follows: "No residential lot shall have more than one driveway entrance or exit along a town road." Chris seconded it. Sandy: Any discussion on this motion? Discussion followed. Vincent suggested limiting it to a two curb cuts. All in favor of this motion, 1 Aye and all those opposed, the rest of the Board, AYE. The motion was defeated-stays the same.

8. *Gail wanted to discuss going to the Rockingham Planning Commission PB Training Opportunity Seminar at the Exeter Town Offices on Wednesday, June 28<sup>th</sup>. Fee \$10.00 per person. Sandy: Anyone interested, sign up on the sheet. Most of the Board will be attending.*

**9. Minutes of the Meetings of May 1, 8, 15 & 22: Discussion**

Denis: For the record, not voting on the minutes: He didn't get a chance to read them. Minutes of May 1st. John: Make a correction on Page 4, last paragraph. It should read: "Denis: Regarding the Cemetery, there needs to be a discussion." All in favor of accepting the Minutes, AYE. Chris abstained. Any opposed. None  
Gail made a motion to accept the Minutes of May 8 and Peggy seconded it. Any

discussion? Gail: On Page 5, under A) Proposal by Tyco for a 2-lot subdivision, 7 lines down, the sentence should read "*I have no user in mind or site plan at this point.*" Sandy: Any other changes? All in favor of accepting the minutes of May 8<sup>th</sup>, AYE.

*Master Plan Work Session, May 15<sup>th</sup>*: Peggy: Made a motion to accept the minutes of May 15<sup>th</sup>, Gail seconded. John abstained, wasn't at the work session. All in favor of accepting the May 15<sup>th</sup> Master Plan Work Session, AYE. Any opposed, None. Chris abstained.

Gail: Made a motion to accept the Minutes of May 22<sup>nd</sup>. Peggy will not be voting on this. John: Correction of Page 2, 20 lines down, the sentence should read: "Denis: *I'm* all for a new facility". Just a minor correction. Sandy: Any other corrections, None. All in favor of accepting the May 22<sup>nd</sup> Minutes, AYE. Any opposed, None.

Tom: Charlie wanted a few minutes to speak to the PB.

Charlie Smart: Talked about sign regulations. He would like a consensus from definition and something we can get in black and white on how to decide size of sign. He would appreciate getting it in writing. Tom: He just needs a few lines to give specifics on how to measure signs. Discussion ensued. Tom: Do you want to put signs on the Agenda?

Sandy: Have a work session on signs/school and recreation on June 19, 2006. We will have a field trip and meet at the Carriage House for 6:30 P.M. Meeting to continue at 7:00 P.M. at the Office.

Vincent made a motion to Adjourn and Gail seconded it. All in favor, AYE.

**Meeting Adjourned at 7:00 P.M.**

Respectfully submitted:

Pearl Travis-Sirois, Recorder/Transcriber

*File: NPB Minutes 6-12-06*