

**Starks Planning Board Meeting**  
**April 7, 2021**  
**6:30 p.m.**

**Present:** Gwen Hilton, Ken Lust, Claire Nelson, John Newsom, Eric Hoar, Joe Hartigan

**Guests:** *NECEC representatives:* Nick Achorn (Engineer, Black and Veatch), Gerry Mirabile (Permitting Manager, CMP), Lisa Gilbreath (attorney, Pierce Atwood), James Morin, (Burns and McDonnell).

*Community members:* Gene Tweedie, Ernie Hilton, Paul Frederic, William Frederic, Betty Austin, John Bradford.

Adequate public notice was given of the meeting, and a quorum was present. Due to a conflict-of-interest Gwen Hilton will recuse herself from any discussions and actions taken on CMP's revised application.

**Old Business:** Motion made and carried to approve the minutes of March 3, 2021 meeting

**New Business:**

*Appointment of Officers*

In compliance with the its by-laws, the Board must elect its officers for the upcoming year. Motions were made, seconded and carried to fill the positions as follows:

Gwen Hilton was elected as Chair

Ken Lust will continue as Vice-Chair

Claire Nelson will serve as Secretary

Gwen appointed Ken to oversee the monitoring of Letters of Credit or Bonds when they are required as a condition of the permitting process

Ken updated the Board on the status of permits received as part of CMP's NECEC application

*Review of CMP.s NECEC Revised Application*

As previously noted, Gwen recused herself and Ken assumed the duties of Chair. Because Eric had not participated in previous discussions of CMP's application, the Board determined that he would not replace Gwen as a voting member for these discussions.

In summary, CMP's Revised Application (March 1, 2021) touched on four amendments to its original application;

- (1) the transfer of the project's ownership from CMP to NECEC LLC
- (2) renaming and renumbering sections of the corridor
- (3) relocating some poles
- (4) changing some access points necessitated by the change in pole locations

With respect to **the transfer of ownership**, Ken expressed concern that the original application satisfied the Site Plan Review Ordinance's requirement for proof of financial capacity. In light of the qualified auditor's opinion for the Avangrid audit for FY 2016, which was the most recent available in

2020 when the original application was reviewed, more current financial information should have been provided on Avangrid and it was not.

After exhaustive discussions, it was agreed that CMP would provide the most current audited financial statement for Avangrid as well as the unaudited Corporate Annual Report for FY 12/31/20. Approval of the transfer of ownership is contingent on the statements supporting NECEC LLC's capacity to fund the project. Formal language detailing the conditions is included in the Final Decision Document.

**Upon a motion and second, the request to approve the transfer from CMP to NECEC LLC carried (3:1)** Newsom opposed

Regarding the request to **rename the poles**, the Board acknowledged NECEC's proposal to rename the poles without requiring Board approval.

The **relocation of poles** reflects refinements to the Project as it progressed from the Issued for Permit (IFP) design level to the Issued for Construction (IFC) stage. Modifications have taken into consideration engineering and environmental constraints. One benefit of the modifications involves the relocation of the one pole located in the Resource Protection District approximately 100 ft. further away from the affected stream.

**Upon a motion and second to approve the relocation of certain poles as delineated in the Revised Application, the motion carried (3:1)** Newsom opposed

Given that the proposed **change to access points** was an area of expressed concern by community members, Ken opened up the meeting to public questions. CMP contends that changing access points is necessitated by the proposed relocation of poles.

Ernie Hilton had provided a statement to the Board (enclosed) detailing his concerns which were focused on the environmental impact of stream crossings at proposed access points. Moreover, Ernie had questions regarding equipment to be used as part of the clearing operations, and a timeline for work to be done. Ernie also raised the possibility of town officials (or designee) having reasonable access to the site for periodic inspections.

Paul Frederic implored the Board not to second guess the extensive environmental studies conducted by the Environmental Protection Agency, the Army Corps of Engineers and others as it reviews the revised application.

CMP representatives were not knowledgeable as to the specifics of the clearing and twitching process but that environmentally sound practices would be used. Clearing would start immediately and cleanup would resume once roads were no longer posted. Wires would be scheduled to be strung in the fall.

As a result of the discussions, and as a condition of permit approval, language is included in the Final Decision Document giving access to the site town officers to conduct inspections.

**Upon a motion and second to approve the proposed changes in access points, the motion carried (3:1)** Newsom opposed

The need as to whether or not to hold a public hearing was discussed. Newsom moved that a hearing should be held. Since there was no second, the motion failed.

Additionally, the Board discussed whether a site visit was necessary. Newsom moved that the Board schedule a site visit. Since there was no second, the motion failed.

A motion was made to approve the revised application with conditions detailed in the Final Decision Document; Findings of Facts and Conclusions of Law.

**Upon a motion and second, the motion carried (3:1)** Newsom opposed

The Board will meet on April 16<sup>th</sup> to review and sign off on the application.

Next regular meeting scheduled for May 5, 2021.

Adjourn: 8:50 p.m.

Respectfully submitted,

Claire Nelson, Secretary