

DEERFIELD CONSERVATION COMMISSION
1967 – FIFTY-SEVEN YEARS AND COUNTING – 2024
Special Meeting Minutes – March 25, 2024

Attendees: Haley Andreozzi, Davis Brush, Josh Freed, Serita Frey, Erroll Rhodes
Members Absent: Ken Cohen, Chloe Gross
Visitors & Guests: Jeanne Menard

Chair, Serita Frey opened the *Special Meeting* to address the *Eversource G146 Transmission Line Structure Replacement Project* at approximately 7:40 pm

Historical References:

On April 10, 2023 Eversource and its representatives from GZA GeoEnvironmental, Inc. met with DCC members regarding its **3/31/2023 Planning Board CUP Application** (GZA File No. 04.0191410.34). DCC made the following observations and agreed to respond as noted in the minutes of its April meeting:

DCC will provide a letter outlining its baseline recommendations to the Planning Board, based on the application and information obtained during the meeting; however, DCC cannot fully respond without having seen the Fish and Game requirements, which could be 7 to 8 weeks away. DCC is also especially interested in reviewing the vernal pool assessment and will recommend that they be avoided entirely, stressing that matting over a vernal pool for a year was inappropriate.

On February 9, 2024 NHDES responded to an Eversource *Utility Statutory Permit-by-Notification (SPN) (RSA 482-A)* **NHDES File Number: 2024-00269**. The notification acknowledged that the Utility SPN application met the required criteria, and that NHDES was allowing the work to commence in accordance with conditions listed in its reply. NHDES subsequently required **Eversource to submit a Standard Dredge and Fill** application for the project.

On February 28, 2024 a *Standard Dredge and Fill Wetlands Permit Application* dated February 2024 was submitted by Eversource and accepted by the Deerfield Municipal Clerk, pending Eversource submission of the application to the NH Department of Environmental Services (NHDES) for review. The application was prepared on behalf of Eversource by GZA GeoEnvironmental, Inc. (GZA File No. 04.0191410.34).

On February 29, 2024 DCC was copied with updates to the Eversource 3/31/2023 CUP application, which had been submitted by Eversource to the Planning Board for incorporation into the 2023 CUP application. Conor Madison, GZA (representing Eversource) later confirmed in his March 22, 2024 email:

...the standard dredge and fill wetlands application incorporates the proposed CUP amendment that the Planning Board and Conservation Commission received in early March. (Presumably meaning March 2024).

On March 11, 2024 resident Jeanne Menard expressed her concerns regarding the project at the DCC regular meeting. As the result of information received from Ms. Menard at the meeting, and in order to temporarily suspend NHDES action and ensure DCC's ability to comment on the *Standard Dredge and Fill Application* within the prescribed time frame, **DCC notified the NHDES of its intent to comment on the project, as required, within 14 days following the date the application is filed with the municipal clerk**, which in this case was March 13th. This enabled the members to investigate new information being provided, and to give feedback to the DES regarding the application. **Feedback must be given to DES within 40 days of the date the application is filed with the municipal clerk, which in this case is April 9th.**

March 25, 2024 Special Meeting: DCC invited Ms. Menard to share additional documentation regarding her concerns about the **Eversource G146 Transmission Line Structure Replacement Project**.

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Ms. Menard suggested a number of topics on which DCC might wish to focus in formulating its response to the DES which were based on a comparison of the March 2023 CUP Application with the February 2024 Dredge and Fill Wetland Application, as well as her on-the-ground observations.

Relative to the two applications, the CUP application was more broad; however, it was noted that comments and recommendations previously made by DCC to the Planning Board based on DCC's review of the 2023 CUP application appear to have been incorporated into the 2024 Dredge and Fill Wetland Application. **The Fish and Game requirements have now been included in the wetland application.** As noted above, DCC's previous concerns and recommendations to the Planning Board were limited by the absence of NHF&G's comments.

A major cause for concern exists regarding the elimination of structure #22. Although the pole is not being replaced and will be eliminated by cutting it off at its base, **it is unclear how construction of the proposed access road which crosses a steeply-sloped section of ledge will be addressed.** The wetland surrounding structure #22 is located below the ledge, and a small brook or stream is also located at the base of the ledge in the wetland. It is understood that blasting will be needed to construct the road, creating a situation in which the blasting will send debris into the wetland below. It was noted that this is a good example of not thinking through the steep slope above the wetland or the impacts to it. A second pole in this area is also affected. **It was asked whether abandoning the existing poles entirely and leaving them intact would be an option,** in which case the lines could be removed and relocated using a helicopter, as has been done in other projects.

Although NH Fish and Game conditions for activities in the ROW between Mountain Rd. and Nottingham Rd. are specified in the 2024 Dredge and Fill Wetland Application, project timing and potential conflicts also merit DCC review. Special attention is being given to the various threatened or endangered species having habitats in multiple project areas, especially rare turtles and their hibernating patterns. After its review, **NHF&G is prohibiting work on structures 1 through 31 between April 15th and October 15th;** however, the agency has created an exception, stating that the **"access road to structure #22 and the work area at structure #22 is to be completed between April 15th and October 15th".** Matting can be placed and work on structure #22 may take place during that time period. Ms. Menard strongly recommended that the vernal pools be a focal point for DCC. It was suggested that DCC question whether special timing restrictions will be in conflict and/or how they may affect the vernal pools.

Upland impacts merit DCC review. The upland impacts to the wetland at Structure #22 are explained above. It was noted that State regulations are lacking with respect to impacts to wetlands from upland impacts.

It was questioned if the 2023 CUP application and the 2024 Dredge & Fill Wetland application operate in harmony with each other or if one takes precedent over the other. The two applications appear to have differing areas of focus. Considering the CUP relates to local regulations and the wetland application to state regulations, it would appear they are not linked. Although the CUP was conditionally granted, it is contingent on the overall project being done well.

Additional Comments and Questions:

- The plans should reflect Deerfield zoning and the Planning Board should be informed of the blasting.
- The impacts of 100-foot x 100-foot work pads can be problematic.
- Permanent removal of structure #22 would cause a major disturbance to this high-value wetland.
- What response does Eversource have for the upland areas?
- DCC presented its comments on the CUP to the Planning Board...it did not "sign off" on the project.
- Our zoning is misrepresented in the application.
- Get a timeline...Eversource needs to operate in the right places at the least impactful time.

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DCC will meet again on April 8th for its regular meeting at which time there will be additional discussion and a final decision on what should be in our letter to the DES. In addition to Ms. Menard, Cam Prolman will be invited to attend and will be brought up to speed on the situation in advance of the April 8th meeting.

DCC's deadline to submit comments to DES is April 9th. It is understood that DES will be submitting DRAFT comments to Eversource on April 10th.

The meeting adjourned at approximately 9:10 pm.

The next regular meeting is scheduled for 7 PM on Monday, April 8, 2024

(Please check the website townofdeerfieldnh.com for scheduling changes) These minutes were prepared and submitted by Judy Marshall. Revisions, if any, will be contained in the minutes of the next meeting and posted to the Town website, after approval by the Deerfield Conservation Commission