



APPROVED – MINUTES
NASHUA REGIONAL PLANNING COMMISSION
Held at the NRPC Office
9 Executive Park, Suite 201, Merrimack, NH
September 16, 2015

Members Present:

Mike Dell Orfano, Amherst	Thomas Young, Litchfield	Dan Kelly, Nashua
Susan Ruch, Amherst	Steve Brown, Lyndeborough	Sarah Marchant, Nashua
Robert Larmouth, Hollis	Louise Lavoie, Mason	Mary Ann Melizzi-Golja, Nashua
James Battis, Hudson	Tom Mahon, Merrimack	Dan Moriarty, Nashua
George Hall, Hudson	Anant Panwalkar	Dave Hennessey, Pelham
Jeff Rider, Hudson	Janet Langdell, Milford	

Others Present:

Kat McGhee, EFAC-Hollis	Emily Cashman, Senator Shaheen’s Office
Nancy Mayville, NHDOT	John Greene, Congresswoman Kuster’s Office
Tim Murphy, Director-SWRPC	Mike Izbicki, NHRTA

Staff Present:

Tim Roache, Interim Executive Director	Jen Czysz, Assistant Director
Sara Siskavich, GIS Manager	Karen Baker, Program Assistant

WELCOME AND INTRODUCTIONS:

Chairman Hennessey called the meeting to order at 7:06 PM. He pointed out new Commissioners present Steve Brown, Planning Board member from Lyndeborough and Louise Lavoie, Selectwoman from the Town of Mason. He then asked for introductions from the rest of the Commissioners present.

PRIVILEGE OF THE FLOOR:

There were no members of the public present that wished to speak.

APPROVAL OF THE MINUTES – JUNE 17, 2015

The Chair asked if there were any comments on the minutes of June 17, 2015. After further discussion, Mahon motioned with a second from Battis:

THAT the minutes of June 17, 2015 be approved as amended.

The motion **carried.**

PRESENTATION: MIKE IZBICKI – NH RAIL TRANSIT AUTHORITY (NHRTA)

Roache introduced Izbicki and stated that he asked him to come to the Commission to provide a presentation on passenger rail to bring the Commissioners up to date on the latest developments with the project. Izbicki started off by providing a background on the NHRTA and its history. He talked about the workforce challenges that NH faces based on facts from the NH Center for Public Policy that cite NH’s work-age population will decrease in the next 20 years and that the age 65+ population will double in every NH county during that time period. The lack of in-migration is negatively impacting employers. He pointed out that NH is ranked the worst state for young adults.

Izbicki moved onto discuss NH’s Capitol Corridor. The 73 mile stretch from Concord to Boston is the busiest corridor in NH and the only corridor in the US with 500,000 residents not served by rail. Izbicki referred to the economic impacts as outlined in the NH Capitol Corridor Study released earlier in the year and the evaluation of passenger rail service and other transit alternatives. Based on the study findings, it was determined that the Manchester Regional Rail alternative, serving four stations – two in Nashua and two in Manchester at a moderate to high frequency, would have the greatest economic benefits based on the investment. He further

illustrated the economic impacts based on ridership, jobs, and the commercial and residential development potential based on the Manchester Regional Option. He also cited examples of success from increased ridership and property values along newly established MBTA lines in Massachusetts and the Downeaster in Maine, pointing out the increase in enrollment at UNH due to the Durham Station.

Izbicki referred to the total capital investment needed of \$246M, without Federal and MA contributions, for the Manchester Regional option adding that this is relatively low compared to other similar commuter rail projects. He added that once NH puts more skin in the game, then the MBTA will contribute, but only if the rail goes to Manchester. Mahon talked about a grant that would take care of the north end of the station and also taking advantage of transit subsidies as well as the potential of 50% from the Fare Box which is what the Downeaster gets.

Izbicki talked about the public support for rail pointing out that 68% of residents favor extension of commuter rail, but we need to educate the lawmakers to complete the transportation system. He added that they are making progress and referred to Senate Bill 63 which reorganized the NHRTA's structure to a 9 member board of directors and an advisory board which increases the likelihood of obtaining federal funding. He also referred to Senate Bill 88 – which created a legislative study commission to look at public-private partnerships for funding intermodal infrastructure projects. Izbicki talked about what's next for rail and talked about the NHRTA goal of raising 4 million to complete the project development phase. Lastly, he informed the group on how they could help by reaching out to legislators who will ultimately need to approve this investment and reach out to your elected officials and tell them why rail is so important. He asked if there were any questions.

Dell Orfano asked about the \$7M annual NH investment. Izbicki said operating costs to run system, half the ticket sales, refreshments and the rest would be subsidized. He added that the initial \$246M is federal operation costs that will come after 5 years of service which has to be proved.

Moriarty commented that it has been proven that passenger rail is an economic enhancement, adequately funded but the challenge is convincing, for example, Lebanon, who would not benefit from rail. He suggested coming up with a way to convince them of the benefit through reduced taxes or creation of jobs. There was further discussion between Izbicki and Moriarty on state tax revenues and the reduction of taxes to the state and showing the proof of that. Izbicki commented that rail is only one piece of the transportation puzzle and you can't single it out.

Langdell asked if it was possible to get a copy of the corridor to Portland study or an alert to where to find it. Izbicki said yes.

Hennessey stated that all the work and studies done in the previous years should be linked to policy recommendations to assist in decisions on what to support and what not to.

ENERGY FACILITIES ADVISORY COMMITTEE (EFAC) FINAL REPORT – ACTION REQUESTED

Hennessey provided a brief summary of the EFAC to date and passed the floor to Roache who provided an abbreviated "reader's digest" version of the PowerPoint presented by EFAC Chair Williams at the Sept. 9th joint meeting of the EFAC and Commission. He talked about the EFAC activities from February to June 2015 and position statement from the EFAC taken at their June 5th meeting. Next Roache summarized what was new since the June meeting. He talked about the questions presented to Kinder Morgan (KM) from the congressional delegation on safety and need, and going on with the NHPUC. He referred to the BIA meeting that Williams attended adding that the BIA does not endorse or oppose any particular energy project. He reviewed new EFAC findings related to proposed facilities referring to the diameter reduction to the pipe from 36" to 30", the design capacity of 2.2 Bcf/day reduced to 1.3 Bcf/day, and the reduction of compression at the station in New Ipswich. He also summarized what was new on the federal and state regulatory fronts, as well

as the call for action from the federal delegation. Lastly, Roache provided a summary of the actions by impacted NRPC communities and the 8 in opposition. McGhee commented that Hollis was back in due to the recent change to the proposed route which brought the number of potentially affected communities back up to 9.

Hennessey referred to a recent meeting with SWRPC and how folks from that region are saying that we are leading the charge against the pipeline. He stated that this is not true and the Commission has not taken a position but would be taking action on the preliminary report and calling for a vote.

Battis said he felt that EFAC did a great job on presenting the significant issues with the pipeline. He added that there is a problem because this is a transportation pipeline and not a distribution pipeline and the only thing we can do is list the faults in terms of issues. He concluded that he was in favor of accepting the whitepaper. Ruch commented on the process and data collected and said she did not see any reason not to accept the report.

Mahon stated that Merrimack received a new route modification at 4:00pm today pointing out that the new route did not have any town owned properties and that he felt it was never their intent to use the original route. McGhee stated that she attended a meeting in Amherst earlier that day because of the route change, adding that this is the new preferred route that KM will be submitting to FERC. When questioned by Hennessey, Mahon commented that these developments would not impact any part of the info collected in the whitepaper. He then added that Liberty has stated that they were going to tap into the Concord Lateral to provide gas to businesses, which seemingly contradicts their earlier assertion that the lateral is "full."

Dell Orfano congratulated the efforts of the volunteers but felt the Commission should not accept the whitepaper as final, adding that it is a moving target and that they should talk to Liberty to understand the long-term economic impacts. He added that it is about the region, not local towns and that he did not see enough info in the report to endorse or oppose the pipeline.

Kelly asked if the realignment impacted other towns. Mahon said Amherst and Hollis. Kelly commented on the great job on the whitepaper, but said it only addresses half of our energy needs. He recommended that they expand the current EFAC group and the scope and offer a report with the needs of the region all energy needs. Hennessey commented that Williams (not present) agreed with Kelly's sentiments.

Marchant commented that this is a stage 1 report and the committee was told not to disband. She had concerns on stretching EFAC's resources by expanding out to other energy issues like the Northern Pass.

Dell Orfano motioned to accept the whitepaper. Battis seconded.

Panwalkar felt they should concentrate on this project and move onto the next phase. Hall and Lavoie commented on the issues with not accepting the report. Lavoie commented on the big impact to Mason due to the lateral, she felt there was no apparent need for the lateral, and she would like to see this further explored. Langdell suggested a friendly amendment to the motion to change the title of the white paper to read "Status Report As of September 16, 2015".

Langdell also asked if there were any work or studies done in areas such as hours (with both gas transmission and distribution) that examined economic impact of increased expanded distribution. After further discussion Hennessey called for a vote on the motion:

THAT the NRPC accept the whitepaper as the work product of the EFAC and amend the title to read "Status Report As of September 16, 2015".

The motion **carried.**

Next, Roache provided a background on the *Proposed Resolution by the Nashua Regional Planning Commission regarding the Northeast Energy Direct (NED) Pipeline*, work to date, and how this evolved from the EFAC Proposed Resolution.

Moriarty disagreed with the evidence that there are no long term jobs benefits. He added that a reduction in business taxes would be a further economic incentive for growth.

There was discussion on NRPC's credibility if they take a position and if they take a stand to formally state it, or not to take one at all. Marchant commented that the reason for this was so that NRPC could submit comments to the SEC and that asking for a statement was so they could submit to FERC. She added that this is not a forever statement. Roache added that FERC is looking for technical comments and a position on the project is not imperative by the October 16th deadline.

Dell Orfano said to take a position with absence of information how can you make a definitive resolution? Ruch felt it would be beneficial to take a vote to support this and get it into the docket before it closes saying what our judgement is on this pipeline as currently proposed. Dell Orfano commented that you are not going to get anything regarding regional benefits from KM, you need to see Liberty. He added that he feels there is a regional need, and the pipeline is going to go in anyway, and he feels there is an abundance of misinformation and would not dream of supporting.

Panwalkar commented that the NH SEC docket is not open for comments yet and the New England region is 3-4 times higher than the national average for energy cost. He added that anyone who wants to bring energy should, as it will fix the drain on our system. He added we should figure out how to use this to our benefit.

Hall commented that any substitution for oil is a benefit to our air quality adding that the government is encouraging this. He agreed that the pipeline would come and that there would never be an agreement on benefit.

Mahon agreed with Dell Orfano that the gas pipeline was probably coming anyway. He added that in regard to comments to FERC, they will use these comments and say they listened, which will weaken the traction to overturn the decision in court. Mahon said the resolution has unfounded assumptions and weakens the agency's position. He felt it would not be taken seriously.

Dell Orfano motioned that NRPC not take a position, ever, for or against the pipeline ever but serve as a fact finding body. There was no second to that motion. Ruch suggested Dell Orfano replace the word "ever" with the phrase "at this time." Dell Orfano amended his motion with a second from Panwalkar.

Ruch commented that FERC welcomes and respects the comments from RPCs. She felt making a statement is an appropriate role for the Commission and that is a part of their roles and responsibilities as commissioners. Rider commented that he was not in a position to take a position until "Phase 2" is done.

There was discussion on the motion. Langdell agreed with Ruch saying that NRPC is here to respectfully look at the region and the orderly development of the region. She added that 8 communities stood up in opposition but as a group, how do we also balance and respect what we do as a regional commission.

McGhee commented that all EFAC members had different perspectives and there was an evolution due to the route change from MA. She added that EFAC's statement of concern came about from research and evidence,

not from preexisting anti-pipeline sentiment. She said they looked at competing gas projects vis-à-vis the “gas crunch” cited as justification for more gas. McGhee said they came to a conclusion looking beyond what was being told to the public by asking important questions. The consensus of the group was to come to a statement that they all agreed needed to go out there. The NRPC recommendation was not done lightly.

Langdell returned to the issue of benefit to the region. The report brought light the lack of evidence of benefit to the region, which supports her concerns about the NED project.

Marchant commented on the NRPC’s amazing data store, and the data included in the whitepaper should go to FERC. She added that NRPC is enabled by statute to submit to the SEC.

Roache returned to the language of the resolution and emphasized that it was written deliberately in support our communities.

Dell Orfano read a letter from NRPC sent to the Town Administrators in each community, and he pointed out that it does not read in the letter that part of the committee’s charge is to report findings and recommendations to the “general public,” but to the Full Commission. He added that he would agree to submit the whitepaper with some type of letter or statement and to continue work.

Siskavich explained that the formal comment period enables FERC to prompt KM to respond. She said this is an opportunity to think strategically about the most important questions needing answering. Hennessey added that the comment period is up on the October 16th. After further discussion, Mahon motioned with a second from Battis:

THAT the Nashua Regional Planning Commission (NRPC) not take a position for or against the pipeline at this time but serve as a fact finding body.

The motion **carried with 10 for and 5 opposed.**

Dell Orfano suggested asking FERC to get KM to provide economic info to determine if the payback for environmental impacts is worth the cost the pipeline will bring. Hennessey commented that there is a definitive change to the Amherst and Merrimack route. Pelham, Windham and Hudson we don’t know the environmental impact so these would be two questions for the white paper. Marchant stated that it is not our decision and cautioned what you ask, adding that FERC does not have to justify to us. Langdell asked what the harm would be to ask Dell Orfano’s question as a demonstration of our interest.

Battis commented that each pipeline is ruled as a separate item. The problem is that we are asked to deal with NED, not Spectra or Portland. You can’t make a decision on the benefits of NED because they are a transportation line, so you can’t comment on the economic development. Lastly, Battis stated that orderly development of the region will only be desirable when distribution utilities come forward with their plan.

Panwalkar stated that the process is based on who comes first when putting questions to FERC and KM. The responsibility of NRPC is to let them know towns are having questions and issues that need to be addressed and it needs to be in writing.

Hennessey asked for input on the last sentence on page 2 of the resolution. Dell Orfano felt it was not appropriate. Panwalkar said only the first half of the statement should be used. Langdell felt it was okay but suggested adding the NRPC focus is on the orderly development of the region and therefore they have questions. Ruch suggested the group have another meeting to discuss further the wording for a letter to

accompany the white paper to FERC. Hennessey suggested wordsmithing to come up with a base letter. After much discussion on how the letter should read, the group came up with the following:

The Nashua Regional Planning Commission (NRPC) is dedicated to promoting the orderly development of the region. Furthermore, NRPC acknowledges the positions of its member communities that are directly impacted by the pipeline. Many communities have taken a position to oppose the proposed pipeline. NRPC needs to obtain more information to help our communities to evaluate risks and evaluate the pros and cons of the proposal and impacts to the orderly development of the region. Attached please find a copy of the "Status Report and Summary of Findings as of September 16, 2015 Relative to The Proposed Northeast Energy Direct Pipeline" (white paper) which sets forth some of the issues that we believe must be addressed by FERC going forward.

Dell Orfano asked if there was special information from KM that would contribute to this discussion. Siskavich said she would ask for an update on the GIS alternatives file. Langdell suggested that if anyone had questions, to ask them now have the EC approve. Dell Orfano felt that this would be a recast of what we just voted not to do.

There was discussion on the timing of providing comment to FERC. Murphy, Executive Director for the Southwest Region Planning Commission (SWRPC) talked about the 34 communities and potentially impacted towns due to the pipeline. He gave kudos to the NRPC Commissioners and their process. In regards to the comment period, Murphy stated that FERC is building a draft Environmental Impact Statement (EIS) and this is an opportunity to influence it. At SWRPC staff has been delegated to address the regional issues.

Roache said he has a pretty good pulse of what people feel at the table and suggested using staff to funnel questions to the Executive Committee. There was discussion on whether the Commission has to give approval to the Executive Committee to conduct business on their behalf. Roache explained that the Executive Committee is authorized to conduct business and vote on behalf of the full Commission as outlined in the NRPC by-laws. After further discussion Marchant made a motion with a second from Kelly:

THAT that the Full Commission delegates to the Executive Committee that they summarize the words here tonight and submit comments to FERC with the white paper attached.

The motion carried.

9:10 PM - COMMISSIONER'S ROUNDTABLE

The Commissioner's Roundtable was not held.

ADJOURN

Hennessey informed the group of the Strategic Planning and Regional Development that the EC would be working on going forward. He also reminded the group of the October 16th deadline for comments. The Executive Committee members scheduled a special meeting to address this on October 7th at 6:00pm.

Mayville clarified that the DOT advocates for community attendance at the GACIT Public Hearings for the TYP projects and encourages individuals and/or communities to submit your comments. Motion to adjourn came from Moriarty with a second from Battis. All were in favor. The meeting ended at 10:00pm.

Respectfully submitted

Tim Roache, Official Recorder: _____