

Christina Melick
395 Prospect Street, Franklin, NH

Subject: 6.5-acre solar installation proposal on Mojalaki property

I am submitting these comments to the Planning Board to bring to your attention my concerns regarding the proposed 1 MW solar project on the Mojalaki property.

My property line abuts the Hurst's open field, which abuts the solar project. Some of the 12-foot flags recently placed to mark the height and boundary of the solar panels are visible from my house.

**December 18, 2020, Planning Board Meeting
Conceptual Plan for Mojalaki Solar Farm**

I attended this Zoom meeting with an open mind as I am not opposed to the development of renewable sources of energy. Here is a list of some points made by presenters Mike Reddy, vice president of engineering at GSG NH, and Chris Nadeau, Director of Commercial Services at Nobis Engineering. This summary is not complete. *Please refer to the minutes once approved and available on the City's website.*

1. The 6.5 acres of solar panels will be enclosed with fencing.
2. Fencing will use pressure-treated wooden posts or composite posts.
3. Rather than heavy-gauge chain-link fencing, the design uses 8-foot knot wire fencing.
4. Fencing will have 4" x 4" openings which prevent larger animals from entering, while allowing entry by smaller animals such as foxes and raccoons.
5. Bee pollinator vegetation and grasses will be planted around the panels, and they will hire a wildlife biologist to assess if the project is environmentally net positive.
6. Recent technologies have reduced the noise level of solar installations to 50–60 decibels, which is imperceptible from 100 feet away.
7. This one 6.5-acre (1 MW) solar farm is the only solar project being proposed on this property at this time. A much larger, 50-acre (5MW) farm was being considered in anticipation of a new, favorable State law allowing larger solar projects. The bill did not pass, so the smaller farm is now being planned.
8. 100 feet of tree clearing will be required on the south and east sides of the array of panels, (How close to abutters?)

9. The design will incorporate vegetative plantings to screen the fencing and panels from the view of abutters and from the street.
10. Several large transformer poles will be needed within several feet of Prospect Street, adjacent to one house and visible from several other homes.
11. The solar project will be sold to a California-based company that will lease the property from Mojalaki Holdings, LLC.
12. The attendees of the meeting were encouraged to visit other city-owned and/or private solar farms in Franklin. The Mark Street and Duffy Street solar sites were mentioned.

Visiting Mark Street and Duffy Street Solar Projects

On January 8, 2021, I visited the Mark Street and Duffy Street solar farms ("M&D") located in a residential neighborhood a few blocks off Central Street, behind the Blossom Shop. I was shocked and dismayed that this 2 MW solar project (this is actually two adjacent 1-MW projects) was ever allowed to be developed smack up against residential homes.

While Franklin has ordinances that are designed to shield residential zones from industrial activities, the State of New Hampshire has a law that allows the installation of renewable energy projects (wind, solar, etc) in all zoning districts, thereby negating residential protections. After learning that the State law allows solar projects, I was still curious about how such an eyesore could get approved and built. I reviewed the minutes of City Council and City Planning Board meetings and public hearings. Here are a few items I noted about the M&D project plans, which concern me with the Mojalaki project:

Fencing

1. The M&D solar farm is enclosed by a heavy-gauge chain-link fence. A request for pressure-treated wood or composite fencing was ruled out. Developers stated that chain-link fencing was required due to the national electric code requirements with certain voltage, "but, they could put in a beefier vegetative buffer" (apparently to hide the chain-link fence).
2. The Mojalaki conceptual plan is for all wooden posts and knot-wire fence (better suited to a rural setting, according to Mr. Reddy). No chain-link fencing is in the conceptual plan.
3. **Concern:** Does M&D voltage create a safety issue never addressed?
4. **Concern:** Does the national electric code requirement relate to Mojalaki, and if not, why not? What other factors would require current plans to change to chain-link fencing?

Panels

1. M&D solar panels were initially planned to be 3 feet by 6 feet “single axel tracker system” (they move with the sun). Andrew Keller of New England Solar Garden stated that the peak is below 8 feet.
2. M&D panel plans changed to taller “fixed tilt” panels where arrays “may be as high as 12 feet.”
3. **Concern:** Plans changed after New England Solar Garden discovered that the shorter single-axel tracker systems are only appropriate in Southern states with more sun. Why would an experienced NH-based solar firm not use the most appropriate solar technologies for New Hampshire’s limited sunshine in their initial plans?
4. **Concern:** Mojalaki panels are planned to be 10-foot fixed-tilt panels. However, Mr. Keller stated in 2019 that these types can be as high as 12 feet.
5. **Concern:** I request disclosure of the total height planned, including the base, to fully understand the project description, so the visual impact can be appropriately addressed.

Clearing of trees

1. M&D site plan called for the panels to be set back 10–20 feet with vegetative buffers. With abutters’ permission, some trees on their properties were removed to eliminate excess shade.
2. Naomi Praul of Nobis Engineering presented an M&D site plan that showed keeping all the vegetation in a 20-foot buffer on one side of the abutters. However a Planning Board member informed her that all the trees and vegetation had already been cleared before the project began. The minutes reflect that Ms. Praul did not previously know this, but she said they “could replant a vegetative buffer.”
3. **Concern:** Mojalaki plans need to be clear and detailed and thoroughly reviewed at every stage for accuracy, including setbacks and buffers.

Visual Impact and Replantings

1. M&D public comments included many concerns about the visible impact of the solar installation.
2. Over the course of two years, M&D had numerous changes in the specifications of the fencing, solar panels, and buffer zone. Planning Board members and the developers acknowledged that these modifications had a direct negative visual impact on the abutters and neighbors.
3. To mitigate some of the concerns about the negative visual impact, M&D site plans added green vinyl diagonal slats woven into the 7-foot chain-link fence to create a screen. Having visited this installation I can attest that the fence is singularly unattractive. Although the slats were used to

conceal the solar panels, the panels are still visible. In addition, the panels are a foot or two higher than the fence. This is all visible from the ground level. It must look like a sea of solar panels from the second stories of the adjacent homes.

4. All parties promoting M&D repeatedly stated that the visual impact would be minimal or nonexistent. Here are just a few comments:
 - December 2018 minutes: Nobis representative stated, “The panels are typically seven feet tall and easily concealed from view by shrubbery.”
 - April 23, 2019, the *Concord Monitor* reported, “Nadeau said the panels would be concealed from abutters by shrubbery and fencing.”
 - April 28, 2019, the *Concord Monitor* reported regarding M&D, that solar developer NE Solar Garden stated, “Once it’s built, you won’t even notice it’s there.”
5. The June 2019 Planning Board meeting notes state that the “final decision on vegetative screening would take place after the panels and fencing were in place and that they would come to a collaborative solution on screening.”
6. The February 26, 2020, Planning Board meeting notes that after much concern voiced by an abutter, Ms. Hagan, regarding the unsightly project next to her properties, Mr. Keller agreed that berms would be added to the plantings, if needed.
7. On January 15, 2021, Todd Shongalla, who represents M&D property owners, stated to me that the M&D vegetative replanting phase is incomplete and will be planted in spring 2021.
8. **Concerns:** What is the time frame to finish the M&D plant screening? How many years will it take for plantings to grow to the height necessary to conceal the project? Will developers follow up with berms? Are M&D nearby residents included in the “collaborative solution on screening”?

What We Can Learn from the Mark and Duffy Solar Projects

1. I urge all members of the Planning Board and the City Council and members of the public to visit the Mark Street and Duffy Street solar projects to see the visual impact of this installation on the neighborhood.
2. The owners and solar designer and developer for M&D sites are the same parties for the Mojalaki site. What one sees at M&D site is possibly a prototype for Mojalaki. The Planning Board needs to require stricter specifications, making the visual screen a priority
3. Conceptual plans presented to the public for comments may be too conservative or vague in order to sell their project to the community.

4. Once a plan is approved, the developer “has their foot in the door” and can make changes to the plan without much pushback from the Planning Board. Numerous small changes can accumulate to large changes that depart from the initial plans.
5. I strongly request the Planning Board prioritize maintaining the rural landscape and beauty of Mojalaki’s abutters’ properties. The specifications of plant height, density, mix and berms should be stipulated throughout the planning process and not left to be determined at the end.
6. Engineers can make errors in initial plans. Who is accountable for changes due to an error, when it impacts people who live nearby?
7. Franklin needs stricter regulations than the current State law that allows investors and developers to build industrial solar farms in all zoning districts. **See discussion of law below.**

NH RSA: 672:1:III-a

The City Attorney, the City Council members and the City Planning members and developers have referred to NH RSA: 672:1:III-a as the State law that allows the Planning Board to grant permission to industrial solar projects within Franklin’s various residential zoning districts.

The actual statute is as follows (bold and underlining added):

Section 672:1

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. Therefore, the installation of solar, wind, or other renewable energy systems or **the building of structures that facilitate the collection of renewable energy shall not be unreasonably limited by use of municipal zoning powers or by the unreasonable interpretation of such powers except where necessary to protect the public health, safety, and welfare;**

The wording of this statute is vague and leaves much room for interpretation. However, Franklin City Planners have chosen to use the law at its face value without defining what reasonable limitations are to protect the public’s welfare.

Conclusion

Solar energy is a rapidly growing industry in New Hampshire. Franklin City planners face a future of many more property investors and developers requesting approval of renewable energy structures to be built in Franklin. In addition, it is just a matter of time before the State Legislature passes the law that Governor Sununu recently vetoed allowing 5 MW farms to be developed throughout the State.

I urge the City Planning Board to be proactive and develop stronger, clearer regulations and ordinances to protect our rural green spaces and quality of residents' lives while also allowing these solar projects to be developed in appropriate spaces. Rather than risking our prime open land, lake communities, and urban and rural residential neighborhoods, I urge the Planning Board to lead the community in defining what is and is not appropriate space in Franklin for solar projects.

This seems to be a critical time in the promotion of Franklin's image as a town that supports our natural environment, outdoor activities, and "going green." I am concerned that Mark and Duffy (and possibly Mojalaki) solar projects have set a precedent for future solar projects. I do not believe that industrial solar arrays popping up in urban and rural residential neighborhoods supports the clean image of "Franklin Goes Green." Just take a quick drive over to the Mark and Duffy solar installation and see for yourself.

Respectfully submitted,

Christina Melick

PUBLIC COMMENT ON THE INSTALLATION OF A SOLAR FARM AT THE MOJALAKI GOLF COURSE

Submitted Jan. 26, 2020, for the Planning Board meeting on January 27 by

Margaret Copeley
352 Prospect Street Franklin, NH

RESPONSE TO DECEMBER 16, 2020, PLANNING BOARD MEETING;

APPROPRIATE SITING OF COMMERCIAL SOLAR INSTALLATIONS

I am submitting these comments to the Franklin Planning Board to continue my strong opposition to the development of a commercial solar installation on the former Mojalaki golf course on Prospect Street and in response to statements made at the December 16, 2020, Planning Board meeting.

RESPONSE TO DECEMBER 16, 2020, MEETING

Destruction of greenspace

1. Michael Redding, vice president of engineering at New England Solar Garden Corp, stated, "This is a nice site because it's already cleared." The site is not "already cleared." The site is a major greenspace that is important to the residents of Franklin. Moreover, extensive clearing of trees was done by the developer before even submitting a permit application and further extensive tree cutting will be required for the project. Mr. Redding's statement shows that the developers care only about their own convenience and financial investment and are willfully oblivious to the harm this project will cause to the town.
2. Mr. Redding spoke as if the solar installation will be an animal refuge. He mentioned that the fencing will create larger openings for foxes and racoons, a wildlife biologist will be hired to assess project, and that his goal is for the project to have a "net positive" impact.
3. A large commercial solar installation can never have a net positive impact if it is put in a rural residential neighborhood against the wishes of nearby residents, a major greenspace is lost, large stands of mature trees are destroyed, property values are harmed, and abutting homes look directly on the solar panels rather than the forest and mountain view they had previously.

4. The claim that wildlife will be helped and the project will have a net positive impact is disingenuous and characteristic of **the developers' evasive and dishonest statements** about this project since the public meeting held at the Mojalaki clubhouse last year, when they refused to answer honestly and fully simple questions like "How many solar panels will there be?" I personally asked that question three times and did not get an honest answer. These developers cannot be trusted as they have deliberately deceived us in order to camouflage the real nature and impacts of this project.

Visual impacts of the project

5. Mr. Redding stated that a chainlink fence doesn't look good in a rural environment; thus the installation will have a knotwire fence. The images below show that both types of fencing are very unattractive.



6. Mr. Redding admitted that the solar panels will be visible to homes on Prospect Street. The placement of orange flags on the site in January confirms this. I went down to the flags and could clearly see houses from that location.
7. Mr. Redding stated that the vegetation to conceal the solar panels would consist of arbor vitae eight feet tall. Those trees will do little to hide the panels from Prospect Street.
8. Given the difference in elevation between Prospect Street and the solar site, I do not believe it would be possible to install a fence high enough to prevent the panels from being seen from homes on Prospect Street. A fence that high would be an eyesore.
9. At the December 16, 2020, Planning Board meeting, Dick Lewis, director of Planning, Zoning, and Building, stated that if people see the solar panels, it affects

the character of the surrounding neighborhood. At issue is not only the number of houses that are directly impacted, but the impact on the neighborhood and the City.

10. I visited the solar installation on Mark and Duffy Streets, built by the same developer. I was shocked at how ugly this site is. It was obvious that homes there have a direct view of the site, and no fence, no matter how high, could conceal that view, especially from the second floor. The developers' lack of concern for that neighborhood is disturbing. This is not something we should be encouraging around Franklin.

APPROPRIATE SITING OF COMMERCIAL SOLAR INSTALLATIONS

11. Residents of Franklin depend on the Planning, Zoning, and Building Office to "enforce and manage the land-use ordinance and regulations so that the interests of property owners and neighborhoods are protected."
12. **It is abundantly clear that a large-scale commercial solar installation does not meet that definition of a rural residential district.** It is disturbing that the City is even considering allowing this project to go forward.
13. At the December 16, 2020, Planning Board meeting, Dick Lewis stated that he relies on State statutes to determine proper land use in Franklin. He referred specifically to the statute stating that solar installations "shall not be unreasonably limited."
14. The statute in question is NH RSA: 672:1:III-a, which reads as follows (bold and underlining added):

Section 672:1

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. Therefore, the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy **shall not be unreasonably limited by use of municipal zoning powers or by the unreasonable interpretation of such powers except where necessary to protect the public health, safety, and welfare;**

15. As evidenced by Franklin's lack of a solar ordinance and lack of discussion of RSA 672:1:III-a at the last Planning Board meeting, to date, no attempt has been made to understand the wording of this statute and decide how it will be applied in Franklin.
16. Now is the critical time to do so. The lack of a solar ordinance in Franklin does not prevent the Planning Board from discussing the meaning of the State statute and applying both the statute and the Franklin zoning ordinance to a decision on the Mojalaki solar project.

17. An abundance of existing laws, local ordinances, and expert policy recommendations regarding solar installations mitigate against this project. Those include the following.
- a. **RSA 672:1:III-a:** The key word in the State statute is “unreasonable.” **The statute does not in any way state or imply that it is unreasonable for towns to protect their greenspaces, property values, or the public good.** I am confident that the State would not support the destruction of greenspaces across the state in favor of commercial solar installations.
 - b. **The Franklin City Code**, defining “rural residential” as “land of such character which would create an atmosphere of a countryside environment. . . . Such land area will preserve the natural characteristics of the region and establish an aesthetically pleasing environment which will preserve the natural topography, panoramic views and other pleasing residential qualities.” There is nothing “unreasonable” about the way this code is phrased, nor does it conflict with RSA 672:1:III-a. The proposed Mojalaki project goes against each and every element of the City’s definition of “rural residential.”
 - c. **Model Solar Zoning Ordinance, New Hampshire Sustainable Energy Association** (now called Clean Energy NH): This model ordinance for municipalities would prohibit large commercial solar farms in residential and rural residential zones.
 - d. **Model Zoning for the Regulation of Solar Energy Systems**, Massachusetts Department of Energy Resources: “DOER strongly discourages locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.”
 - e. **Best Practices for Low Impact Solar Siting, Design, and Maintenance**, developed by a coalition of nine Maine environmental and agricultural organizations, states that solar installations should be sited on “disturbed, developed, or degraded lands. This includes landfills, brownfields, roadway medians and edges, parking lots, rooftops, idle or underutilized industrial or commercial sites, and sand and gravel pits.” All of those appropriate sites are the opposite of large community greenspaces.
18. I’m sure there are many more credible sources that recommend against siting solar installations on valuable and historical community greenspaces, especially in a town that lacks such spaces, as is the case in Franklin. You will be hard pressed to find a piece of legislation or an expert source that would support an installation like the proposed Mojalaki project, because it goes against environmental and social

common sense, especially when there are thousands of less harmful sites across the State of New Hampshire.

RELATIONSHIPS AMONG PARTIES WHO WILL BENEFIT

19. Someone has given the developers and the property owner the impression that this project would be a suitable use of one of Franklin's most valuable greenspaces. It appears that one of those people is Anthony Giunta, former mayor of Franklin who recently resigned. The public needs to know that Anthony Giunta is the director of project development at Nobis Engineering, the project developer. This collusion between parties who will benefit financially from this project to the detriment of the City is shameful.
20. It seems clear that Nobis Engineering targeted the Mojalaki property for solar and/or other development from the beginning and that the remodeling of the clubhouse as an "event venue" is merely a cover to convince the public that the property is intended for weddings, when the true goal is industrialization of a rural residential neighborhood.

CONCLUSION

21. At the December 16, 2020, meeting of the Planning Board, abutter Carolyn Hurst asked, "Why are we even talking about a solar farm on this property?" Her sensible and obvious question received no reply. This is in fact the essential question. Given (a) the tremendous value of this property to local residents, and (b) the availability of countless other more suitable properties across New Hampshire, why is the Mojalaki property under consideration for an industrial solar installation?
22. The answer is simple, as stated by developer Michael Redding: because it's convenient, because the land has already been cleared. First, the land was not and still is not already cleared. Second, the developers' and owners' interests in financial profit should not take precedence over the needs of local residents, sensible environmental practices, and the Franklin zoning code.
23. It simply makes no sense to force an industrial installation on a rural residential neighborhood against the wishes of local residents. To date, no resident has spoken in favor of this project.
24. Note that no one has spoken against solar farms in general, only against the senseless siting of this project at this specific location.
25. It appears that the Planning Board has been approving solar permit applications but not working to develop a local solar ordinance. This is clearly urgently needed to both accommodate well-reasoned solar projects and to protect the community from intrusive installations that degrade neighborhoods and the environment.

26. This was confirmed by Dick Lewis at the last Planning Board meeting. He stated, "The thought has crossed my mind that maybe we need to tighten up regulations with specific ordinances. . . . We've reached a point where we need to put some regulations in effect." I believe Mr. Lewis also said that there are other suitable sites in Franklin and "I wish we had regulations in effect right now." The Planning Board should heed Mr. Lewis's words.
27. City Councilor Paul Trudel acknowledged, "What we're actually talking about here is dropping a commercial enterprise in the middle of a residential area." It is the Planning Board's job to prevent that.
28. It is in the best interests of the City of Franklin that this proposed project be rejected for all of the reasons stated above.

Public Comment regarding the Installation of a Solar Farm at the Mojalaki Golf Course

Submitted Jan, 27,2021 by

M. Katharine Fuller
200 Prospect St.
Franklin, NH 03235

I am submitting comments in opposition to the development on Prospect St. as currently being presented to the Franklin Planning Board this evening by GSSG New Hampshire ,LLC on behalf of Mojalaki Holdings, LLC with their agent of record Nobis Engineering.

I have lived in Franklin my entire life. I have lived on Prospect St for over 49 years now. I have served on the Franklin Zoning Board, the Franklin City Council, the Franklin School Board and have been on multiple Master Plan committees, the last time in 2000.

Recently this development was brought to my attention by social media.

This plan does not address adequately it's impact on our neighborhood. No mention of further development. Inadequate fencing. Franklin is already able to review a development completed by this owner in the Duffy/Mark St area of our community and it is not a positive development for that area. I remain concerned for further clear cutting and the visual impact to this wonderful residential area full of history as first a farm area and then later a Golf Club with an amazing history in this community.

I am very concerned upon doing just a little research that the Master Plan has only a brief revision in 2005 and nothing since. Then, I went to the Planning and Zoning ordinances, imagine my dismay when I noted the City has chosen not to address Solar Energy via ordinance with the exception of a 2018 ordinance #11-18 that references State RSAs regarding Renewable Energy Exemptions. Why ? Someone please correct me if I am wrong. I even found an article co-authored by Michael Redding (Who works for the applicant) " NHDES and some towns pave the way for large-scale solar" dated 5/7/20 in the NH Business Review that should be part of required reading for anyone interested in this issue.

I believe it is time to pause. Take the time to insure the community is protected from all developments that will have a long term impact on our community .

Our neighboring towns of Tilton and Sanbornton have adopted or are in the process of such Zoning and Planning ordinances that really address what the individual communities want. In fact Sanbornton has an extensive project on Tower Hill/ Guinta Family Development that they are reviewing and have such multiple issues with that they are utilizing an outside review to take place.

Doing just a brief search of the internet has led to further concerns. Projects of this size without local controls or ordinances can result in future developments without local control once you set precedent. What zone do you allow ? Many have chosen to restrict and prevent development in Residential zones. My personal opinion is to restrict placement so neighborhoods are protected.

The Community and it's citizens should be afforded the opportunity of speaking to the this issue via ordinances and not having to rely on social media to learn of projects such as this one. I understand that abutters are notified but entire neighborhoods are not. This is not a Ward 1, Ward 2 or Ward 3 issue. It impacts our entire community and we should not simply give in to who has the money to develop it when it has been economically feasible to make some money for investors. Please do not sell out our community.

PLEASE Pause and table any decisions on this development.

I would be happy to serve as a citizen on a Master Plan Update which appears necessary.

Thank you for considering my comments.

Kathy Fuller