

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING**

December 19, 2018

7:00 p.m.

Minutes

Call to Order:

☐ Pledge of Allegiance

☐ Roll Call: Present—Tim Flaherty, Chairman Dave Liberatore, Mayor Tony Giunta, Scott Clarenbach, Ted Starkweather, Tim Stangroom and Planning Director Richard Lewis
Absent—Brian Barry, Christine Dzujna, Jo Brown, Mike Freeman, and Dave Testerman

☐ Approval of November 28, 2018 Planning Board Minutes—Members Flaherty/Starkweather motioned/seconded approval of the minutes. Member Stangroom noted a typo on the first page ('at' not 'a' 33 Memorial Street). No other changes were noted. **Approval was granted by a vote of 6-0-0 with the noted correction.**

Old Business: None

New Business:

P18-14: Mercantile Place LLC is seeking Subdivision approval to annex approximately 2 acres of City of Franklin property [Map/lot 097-404-00] to their Tannery Street property [Map/lot 097-072-00] in the B-1 [Low density business and commercial] zoning district.

Motion to accept the application was made by Member Starkweather and seconded by Member Flaherty. **Motion passed by a vote of 6-0-0.**

Chris Nadeau from Nobis Engineering said they were seeking site plan approval for the annexation of approximately 2 acres of City property to the 1.3-acre parcel owned by Mercantile Place. The annexation is just to allow them more room. The property can't be developed since it is an Eversource easement. Planner Lewis added that the subdivision and annexation proposal was presented to the City Council which had no issue with the proposal other than the condition that the public boat ramp and the roadway to the ramp could not be affected.

Public: No public comment was made.

Planner Lewis remarked that since there are currently no identified uses of the property, the applicant would need to come back in the future with a new site plan detailing any site improvements or other uses.

A motion to approve the subdivision and annexation was made by Member Flaherty and seconded by Member Starkweather. **By a vote of 5-0-1 (Mayor recused himself), the motion passed.**

General Properties, LLC requests a conceptual review and discussion for a solar array located off Duffy and Mark Roads [Map/lot 147-051-00] in the RS [Single-Family Residential] zoning district.

Chairman Liberatore recused himself since he was the realtor for the land sale. Mayor Giunta said that since it was just a conceptional plan he would listen but not speak. Scott Clarenbach agreed to chair the hearing.

Planner Lewis presented a brief history of the property in question. In 2005-2006 the Planning Board approved an 11-lot subdivision. After approval, the housing market tanked and the subdivision didn't happen. Mr. Little passed away, so his wife and relatives merged it all back into one lot for marketing purposes. General Properties currently has a P&S on the property. Planner Lewis has been communicating with the city attorney regarding the question of the utilization of the property for passive industrial use in a residential zone and whether a variance is necessary. The City Attorney is in agreement that they don't need a variance, since 672-1.3a states, *"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."* Given that position, the eventual site plan application will be the appropriate forum to deal with all of the site layout and construction issues. It is possible that access for this solar project could be restricted to coming through the abutting Franklin Non-Ferrous Foundry parcel, which is owned by General Properties as well. This is a conceptual discussion, but more detailed plans would be presented at a future formal Site plan application hearing. This meeting allows for input from the public prior to a formal site plan.

Chris Nadeau from Nobis Engineering, described the project as utilizing the 6.6-acre parcel for a 1-megawatt solar array consisting of 4000 solar panels with the layout meeting required setbacks. The north side of the parcel abuts the Non-Ferrous Foundry which has just been purchased by the LLC that has the P&S on the Mark/Duffy Streets property. Some additional tree clearing may need to be done on that property and, if permitted, on some of the abutting properties to the east and west. An easement strip might also be requested of the abutters. The panels are typically seven feet tall and easily concealed from view by shrubbery which is proposed along with fencing on the south side facing Mark and Duffy Streets. Other than the visual part of it there is nothing of concern to the neighbors. This is a very passive operation that makes no noise. The whole site would be enclosed by chain-link fencing with a gravel drive coming off Duffy Street with a few control panels. All the power is connected to the control panels and then out to the grid. He added that they are here to get feedback from the abutters and the board.

Chair Liberatore asked for clarification as to the orange colored section of the site plan. Mr. Nadeau said that was all wetlands where the trees will be cut but not stumped. He added that there would need to be more tree cutting in the easements and hopefully on some of the abutting properties, but if they didn't get approval to cut on those properties the size of the array would have to be reduced. He added that the panels will be 14 to 15 feet wide and set at a 30-degree angle, with about 15 feet of grass between each row.

Questions from the public included the following:

1. Will entrance be off Duffy Street once the array is constructed? Mr. Nadeau answered 'yes'.

2. Who benefits from the power? Mr. Clark Fenner from Solar Garden answered that they market the power out to local businesses at a discounted power rate which equates to approximately 1 cent off the default service rate, or if you are already with a competitive supplier you can still get an additional discount.
3. How tall are the proposed shrubs installed for screening? Mr. Nadeau said the proposed arborvitae start off about 6-8 feet tall and grow to approximately 15 feet.
4. Could a wood or composite fence be installed instead of chain-link? Mr. Fenner said that it could be considered on the southern boundary with chain-link around the rest of the property. He added that whatever fencing was used it would be raised up about 6 inches to allow small animals to get through.
5. How much noise is generated? Mr. Fenner responded by saying that in the past, probably up to about five years ago, large projects used a central inverter. An inverter converts power from a direct current generated by the sun and the panels into alternating current which goes out to the grid. The central inverter was a very noisy process, but now they use string inverters which convert the power from a group of panels and these inverters have a very nearly inaudible hum. There will be a transformer but you don't hear those.
6. What about the cutting of trees on the abutting property? Mr. Fenner said that if the abutters were agreeable, they would take care of clearing the trees, especially the large white pines near their houses that are dangerous.
7. When would this start? Mr. Fenner answered that if permitting was approved this winter, then they would be looking at doing the construction next summer.

Maureen Farmer, 25 Duffy Street, asked the board to consider the residual effects of their decisions. She stated that she came to meetings to stop the building of those eleven houses when the subdivision of the land was being discussed. She said that she lived with the passing of that application with the condition that Proctor Street would be finished by the City, but that didn't happen. Now someone approved the tree cutting on the property which meant that double tandem logging trucks tore up and blocked the road all summer long. The City came in and made a temporary fix and that is already torn up. She added that she cares deeply about what this city looks like and she asked for the board and the city to consider the residual effects of the applications they approve.

Ben Roberts, 38 Duffy Street, asked where the entrance to the Solar array will be. He mentioned the water issue and the run off prior to the subdivision approval years ago. Now that the land has been cleared of trees the situations has gotten much worse when it rains. He said he had photos and video of the situation if anyone was interested. Chris Nadeau said that this site is big enough that it will require an alteration of terrain permit from the State of New Hampshire which requires a vigorous modeling of the storm water runoff. They cannot increase the flow or the State won't give them a permit. In order to mitigate that they put in drainage infiltration areas which will allow the water to percolate back into the soil. With solar panels the water runs off the panel and hits grass and runs under the next panel in front of that. As part of the engineering work that they do, they look at the site during rainstorms to see what the patterns are and set up models to see how to mitigate that.

Member Starkweather suggested that a better, readable plan accompany the site plan application. He also remarked about the high-water table in that area and that basement sump pumps run continuously. He recommended that any construction equipment come off the foundry site; Mark and Duffy Streets just can't handle construction equipment.

Member Stangroom asked about the impact on the power grid and other equipment in the area if the panels become submerged. Mr. Fenner answered that the property isn't in a flood plain and that the panels are 3 feet off the ground and it would be unlikely that they would be submerged. Generally, with a regional power generator like this, if there is a power outage in the area, it tends to add more redundancy and the area benefits from that. These arrays are fully isolated and engineered with Eversource. There are two different safety features built it, one that isolates the solar farm from the grid and another further down that isolates the grid from the solar farm.

Member Stangroom then asked about snow blowing between the panels and Mr. Fenner said that they do monitor that and if there is a heavy snow followed by a warm up and then a freeze leaving ice on the panels, they would perform work to free the panels of ice buildup.

Member Flaherty asked about getting the power to Eversource and whether there would be a lot of poles on the site. Mr. Fenner said that they would only be adding equipment to the existing poles that come up the street. From the pole the line runs down to the concrete pad on site and then underground to the panels.

Chair Clarenbach asked about the useful life of the panels and was told that the panels have a warranty of about 25 years. The program for net metering in New Hampshire is out to 2040 and there are generally options to renew those leases. Chair Clarenbach's concern was about the consequences if the technology changed and, instead of upgrading the system, the current owner just walked away. Mr. Fenner said that part of the agreement with the towns and cities is to remove any old equipment.

A member of the public asked about the effect of the solar farm on property values in the neighborhood. Mr. Fenner said that studies have indicated that it doesn't alter property values.

Another member of the public asked if the power would go out toward the Foundry and Mr. Fenner said that the utility company will determine that. It was then asked who will own the solar farm and Mr. Fenner said that New England Solar Garden is the developer, that the landowner is General Properties, LLC and an investment group called Global Solar Solutions will own it, however, solar farms are like trading cards and they go through a number of different investors. They are cash generators for investors.

Chair Clarenbach brought the discussion back to the board. Member Stangroom expressed concerns about opening up a residential area for commercial use and what that could pose for the future. Planner Lewis said that the discussion he had with the City Attorney, revolved around the language of RSA 672.1, some of which is somewhat of a free pass for land use directed toward, low and moderate housing, agriculture activities, forestry activities and renewable energy activities. That section started with the Agriculture and Forestry components that states that those components are part of the fabric of the State of New Hampshire. Over the years, more concern is being raised about energy issues with more emphasis on the renewable energy components. Those renewable resources need to be captured to the benefit of everybody. He suggested that the City Council could adopt a zoning change that would require renewable energy applications to file a conditional use permit/special use permit. The State limits to what a city could do to restrict those.

Several members of the public voiced concerns with the changes taking place in Franklin and remarked on several issues of concern with the safety of the public. Chair Clarenbach suggested that all the neighbors come together to report their concerns at the next city council meeting on January 7th at 6:00

pm. Member Stangroom again suggested that they consider carefully what path they take into and off the property.

Planner Lewis said that he wanted to make it clear to all abutters that this is a conceptual discussion. They will have some work to do to prepare a final plan, getting various state permits and approvals for storm water, and from the public utilities commission for the interconnection, etc., so there is homework to do. The question was raised about the impact on property values and as part of their application package they will hopefully provide some information about studies on this issue. There will be another notice for the formal site plan application. Copies of site plans will be available at our office. More detailed site plans will be available for review.

Chairman Liberatore reinstated himself for the conclusion of the meeting.

Public Comment: None

Other Business: None

Planner's Update: There is nothing specific to mention. It has been busy lately, one thing he hopes to do is take a closer look at some of the zoning issues, a few things that need to be cleaned up a bit. He'll generate a 'to do' list and incorporate some recommendations from the board and then schedule a public hearing in a few months.

Adjournment: Member Starkweather made a motion to adjourn which was seconded by Member Clarenbach. The motion was approved unanimously and the meeting ended at 8:10 p.m.

The minutes were recorded by Cheryl Y. Fisher, Administrative Assistant, Planning & Zoning.

- The next Planning Board regular meeting is scheduled for January 23, 2019 at 7:00 p.m. and the application dead line date is January 2, 2019.