

**FRANKLIN PLANNING BOARD  
PUBLIC HEARING MEETING  
APRIL 24, 2019  
6:00 p.m.**

**Minutes**

**Call to Order:**

- ☐ Pledge of Allegiance
- ☐ Roll Call: Present: Chairman Dave Liberatore, Mayor Tony Giunta, Brian Barry, Jo Brown, Christine Dzujna, Kathy Lauer-Rago, Tim Stangroom, Donna Tully, & Planning Director Richard Lewis      Absent: Tim Flaherty & David Testerman
- ☐ Approval of March 27, 2019 Planning Board Minutes: Mayor Giunta motioned/Member Brown seconded approval of the minutes as written. **By a vote of 7-0-1 the motion passed** with Mayor Giunta abstaining since he was not present at the March meeting.
- ☐ **Old Business:** None

☐ **New Business:**

**P 19-03:** 15 Tannery Street, LLC, owner and T.F. Bernier, Inc., applicant are seeking approval to subdivide parcel 148-015-00 [Map Sheet N10; RS & B-1 Zones]. One lot [148-015-03] will be in the Single-Family Residential Zone. The second lot [148-015-00] will be partly in the RS zone and partly in the Low-Density Business & Commercial Zone. The proposed lots meet the Lot and Yard Requirements and will front on Cross Mill Road. Member Stangroom/Brown motioned/seconded to accept the application as complete. All were in favor.

Tim Bernier, Surveyor, presented the application stating that the existing lot was on Cross Mill Road, a U-shaped parcel. He pointed out that the property is opposite the Franklin Savings Bank, approximately 250 feet down from Central Street. The zoning boundary cuts through the property. The total parcel is 2.76 acres. The proposal is to create a 1.132 Acre residential lot in the RS zone and a 1.632 Acre Commercial lot in the B-1/RS zones. Both lots have nearly double the required lot size and frontage. There is a Sewer Easement on the southern, residential parcel, but there is still plenty of room for a house. This residential lot will have sewer and water hookup with the City. The B-1 section on the Commercial lot is larger than the 20,000 sq. feet required by the Zoning Ordinance with 186 feet of road frontage and an additional 93 feet of frontage in the RS zone. No State approvals are required.

Planner Lewis said that he outlined everything in the memo and the draft decision, although he had one question: at the Zoning Board Meeting it was indicated that the commercial property would have a well. Property owner Garth Dubois told the board that the residential property would be tied into the city water

and sewer, however the commercial property would have a well since tying into the city water would be expensive and involve a road cut across the whole width of Central Street to reach the water line.

Mayor Giunta asked how the water going into the sewer would be metered and MSD Assistant Director Brian Barry indicated that a flow meter could be installed to measure the amount of water going into the building.

No one from the public addressed the Board. Mayor Giunta made a motion to approve the subdivision application, which was seconded by Member Brown. Member Stangroom asked if there was any issue involving the sewer easement under the residential lot and Planner Lewis answered that the line was deep in the ground and would not affect any landscaping although the easement will have to remain somewhat open. **By a vote of 8-0-0 the motion passed.**

**P 19-04:** 15 Tannery Street, LLC, owner and T.F. Bernier, Inc., applicant are seeking Site Plan approval to construct a 4,800 sq. ft. commercial building on the newly subdivided lot 148-015-00 [Map Sheet N10; RS & B-1 zoning district]. Zoning approval has already been granted allowing a portion of the commercial use to be placed in the residential zone.

Members Brown/Dzujna motioned and seconded to accept the application as complete. All were in favor.

Mr. Bernier informed the board that they had received a variance to use a portion of the RS zoned Commercial lot for parking and a storm water pond/retention basin that has been designed to exceed town and state requirements. The large pine trees will be taken down, but they intend to leave as much of the hardwood as possible to serve as a buffer. A single driveway, opposite to the savings bank drive-thru, will be installed with front and rear parking lots. The building is a 4800 sq. ft. multi-tenant building with two professional office (i.e. lawyer or accountant) in the front with a total of 1080 sq. feet with a front canopy and dedicated parking spaces. Garth owns Gap Mountain Drilling and the rear of the building will be used for that. The rear parking lot will be used by the drilling company. Access to this part of the building and parking will be gated. There is a dumpster location on the north side of the lot in the rear. The business sign has been relocated so as not to obstruct visibility into and out of the business. They are asking for a waiver for site-specific soil survey. A small test pit was made and the site seems to have just one soil type. The lighting has been designed by an electrical engineer and will be downward-facing, dark skies lighting fixtures. It is possible for the professional offices to be open for business until 7-8 pm, but all lights should be turned off by 9 pm. GAP has only five employees, plus Garth. During the day they aren't going into and out of the site. They come in the morning, get the equipment and are gone all day. A lot of the time, the drilling equipment is moved from site to site instead of coming back to the business site. The front office space would accommodate 2 employees at the most. Generally, with the type of business anticipated renting those offices, there would be clients coming in by appointment, one at a time. There are nine dedicated parking spaces for those front offices.

Planner Lewis reminded the board that he'd outlined the design, parking, and utilities details. He will be adding the waiver for the site-specific soil survey to the draft decision.

With no public comment, the discussion was brought back to the board. Kathy Rago motioned and Brown seconded the approval of the site plan P19-04. Tim Stangroom asked if it was necessary to make a condition regarding the correct disposal of any oil or other fluids from maintenance. Chair Liberatore felt that condition should be added. Mayor Giunta asked if it was necessary to do an amendment to the motion to add the waiver for the soil survey or do that as a separate motion. Planner Lewis mentioned

the amendment prior to the motion being made by Member Rago so he felt it was covered under that motion. Both Members Rago and Brown agreed that the amendment was included in the motion and would be so noted in the minutes. **By a vote of 8-0-0 the motion was approved.**

**P19-05:** Sun Development Group, LLC / General Properties, LLC, owners and GSSG New Hampshire, LLC, applicant, are seeking Site Plan approval to install a 3-megawatt solar panel array on approx. 13 acres of abutting properties [147-404-00 & 147-051-00, Map Sheet L9 & M9] between 293 Sanborn Street and Duffy & Mark Streets in the R1/RS [Low Density Residential/Single Family Residential] zoning districts.

Mayor Giunta recused himself due to his employment with Nobis Engineering. Member Dzujna/Brown motioned/seconded acceptance of the application as complete. **By a vote of 7-0-0 the motion passed.**

Andrew Keller, representative from the applicant and Ms. Naomi-Clare Praul from Nobis Engineering made the presentation. Mr. Keller stated that he would address any questions regarding to the solar array, while Ms. Praul would speak to the site plans. Mrs. Maureen Farmer, 25 Duffy Street, asked why Chairman Liberatore didn't recuse himself since he acted as realtor for the sale of the Little property. The Chairman stated that he had nothing to do with the project, that the land sold and that ended his association with the property.

Ms. Praul with Nobis Engineering stated that the project is an installation for a solar panel array utilizing 13 acres of a total of 39 acres (combined acreage of the two lots). Each panel is 3'x6' with 7.5 feet between each row of panels. The access to the project will be from Sanborn Street, coming through the existing foundry property with a new 15-foot-wide gravel access drive into the panel array. Surrounding the array will be a 7-foot-high chain link security fence with a gated access at the driveway. No security lighting is proposed. There will be approximately 20 acres of total tree clearing for the installation of the project. In the area of the wetland where clearing is proposed, the stumps will remain in the ground, but underneath the panels grass will be planted. They will also be leaving a twenty-foot buffer of trees to the south and a ten-foot buffer of trees along the western property line. The existing topography of the site is approximately a five percent slope from north to south. No changes to that topography are being proposed other than some grading to provide for better drainage swales and drainage retention ponds. Basically, the drainage patterns on the site will remain the same. There will not be an increase in stormwater runoff from the site due to the installation of the retention ponds. They will be required to get State permits for the alteration of terrain as well as for a small wetlands impact for installation of the driveway.

Planner Lewis asked about leaving the stumps in the ground. Ms. Praul stated that they would be leaving them in the ground in the area where the wetlands are being cleared to avoid the need of getting a State Wetland permit which would be problematic. The stumps will be removed where the panels would be installed, but the stumps on the perimeter of the actual array would stay in place.

Chairman Liberatore asked about the capturing of stormwater. Ms. Praul showed where the swales and retention ponds would be located so that they can collect any of the water that sheets off the panels. This prevents the water from getting into the wetland and directs the water to the retention ponds. Chairman Liberatore asked if this would help with the increased runoff that occurred because of the clearing of the property. Ms. Praul said that it should decrease the runoff by a bit. Member Stangroom asked about the capacity of the swales and ponds. Ms. Praul said the conveyance and pond is designed to handle a 50-year storm.

Chairman Liberatore mentioned the December discussion of screening for the residents on Mark and Duffy streets, however the current plan doesn't show that. Ms. Praul said a 20-foot vegetative buffer would remain in place, but Chairman Liberatore informed her that the property had already been cleared and that there is no longer a 20-foot buffer. Ms. Praul acknowledged that she didn't know what area was cleared, that that was prior to their involvement. She said that they could replant a vegetative buffer in that area.

Planner Lewis asked about the collection swale; how that much drainage is going to get to that since the topography runs east to west and the swale is on the north side of that area. Without a conveyance mechanism it is just going to surface flow to some unknown point. Ms. Praul stated that the water will sheet flow to pond. The swales were proposed to intercept the water before it got into the wetlands and then run off the site uncontrolled. Planner Lewis then asked about the southern portion of the lot with its sizeable wetland in the middle and a proposed basin on the right-hand side that doesn't seem large enough to handle all the runoff. Ms. Praul pointed out that there were actually two basins and that the western one also had a swale that intercepts the flow and directs it to the pond. Member Brown asked for confirmation that there are actually three ponds and Ms. Praul answered in the affirmative.

Chairman Liberatore noted that in December the space between each row of panels was stated to be 15 feet, now it is only 8 feet. Mr. Keller said that the original design was for a fixed-tilt solar installation which typically includes four to five panel stacked up on the racking system. The 15 feet was to keep the panels from shading themselves. The new plan is for a single axel tracker system, which allows the panels to be closer together since there is only one panel per rack.

Chairman Liberatore again referred to the presentation in December where they discussed a wood or composite fence at the Mark and Duffy Street side, not the chain link that is being proposed here. Ms. Praul answered that the security fence is a code requirement, but they could put in a beefier vegetative buffer. Planner Lewis asked what triggers the code, the size or megawatts of the project? Mr. Keller answered that the national electric code requirements come into play when the voltage goes beyond a certain level.

Member Stangroom asked if the project covered two separate properties and Ms. Praul indicated that the orange outlines on the plan defined the two parcels that will ultimately be merged upon approval for the project. Member Stangroom then asked about the impact to the old Foundry with the road coming through there to the site. Ms. Praul said that, to her knowledge, that area will remain the same. The access driveway will come off the current gravel drive and the gated access is well past that facility. There won't be any access from the Mark/Duffy side of the property. Member Stangroom confirmed that this was also true for any stump removal and all other work for the project.

Planner Lewis pointed out in the memo that there had already been a first technical review with the Fire Department. He's hoping for a second technical review to clear up any issues or questions, possibly in the first week or so of May. Member Stangroom asked about the power line coming off the Foundry building and if there would be any security lights coming on in the evening. Mr. Keller said that the security fencing met the regulations and no lighting was planned at this time.

Member Tully wanted to know exactly how far the panels would be from the property lines. Ms. Praul said that the panels would maintain the setbacks; more than 30 feet from front and 25 from the side and rear. All panels will be set back from the fence. Member Dzujna asked about the buffers and what would be visible to the neighbors from the second floors of their houses. Mr. Keller indicated that except in

winter when the leaves are off the trees, there would be very little visible from the houses. Planner Lewis asked how many panels were being proposed and Ms. Praul said there would be 9,720 panels. Mr. Keller added that the peak at the panel is below 8 feet whereas with a fixed tilt system that could be as tall as 12 feet.

Planner Lewis mentioned another solar project in town that has jagged connections and peaks between many of the panels. Is this project going to look like that project? Will this be a smooth roll with the earth or jagged? Mr. Keller stated that this technology allows for a cleaner look. This system is built in sections and they have to move, so they need to move smoothly together without affecting other panels near them. This site lends itself to that as well. The State alteration of terrain process and expectation of solar projects now has changed and there is an extra level of oversight by the state as to how these systems will act and look once they are out in the field. Planner Lewis asked if these panels will move with the sun and how that would be controlled. Mr. Keller said that all the equipment is mounted on the racking system or on its own rack. All the inverters will be placed in strategic places around the array. Member Dzuja asked about the noise factor when the panels move. Mr. Keller said there was no noise.

Member Stangroom asked about the power lines indicated on the plans and if those were going to be tapped into to go out to the grid. Mr. Keller answered that the power lines that come in from Sanborn Street go partly through the property. They will be extending the lines to the actual project, however, they won't go as far as Duffy Street. Everything from the last noted power pole will be underground, so there will be no poles going through the panel site. Member Lauer-Rago asked what happens to the site if they go out of business. Mr. Keller stated that in the New England region solar projects don't normally go out of business unless there is a major geo-political change that imposes a tax for solar. These projects are set up to be compensated for the power they produce by the utility company. These projects are considered community solar projects. They share the value of that power with the community of New Hampshire as long as you are in the same utility service area as Eversource. The utility pays the bills. At a federal level, if you install any type of power generating facility, there is federal law that supports the compensation for the power produced. Although they don't anticipate shutting down the business, there is a decommissioning plan bound to the project.

Member Stangroom asked who would be responsible for the disposal of the panels should the property be sold and Mr. Keller said the landowner is not responsible, he's just the underlying landlord. If he sold it would be with the solar project as a long-term tenant. The entity who owns the solar array is ultimately responsible for the disposal of the panels.

The meeting is opened to the public:

Wayne Ives, 78 Clark Street, asked why the ponds are only rated for a 50-year storm when recently there have been 200-year storms. Ms. Praul said that the criteria with the city is only for a 50-year storm. She added that there is no change to the topography, just the removal of the trees where the panels will be going. Mr. Ives asked how many trees constitute a twenty-foot buffer. Mr. Keller said that there will be a mixed size batch of trees in the buffer zone. Mr. Ives remarked that they have a fifty-foot right-of-way that is treed and they can see right through that. He suggested they come up with some other buffer vegetation. He also asked about the stability of the solar panels and Mr. Keller said they are stable over their lifetime which is approximately 25 years. Mr. Ives said that with the panels in place there will be a runoff from the impervious surface of the panels and the potential for erosion. Ms. Praul said that the erosion issue is the state's number one concern. The panels are not modeled as impervious due to the

spacing between the panels and the fact that water can flow beneath the panels. Mr. Ives asked if there was going to be a city tax gain in all of this. No one on the board could speak to the City's tax structure.

Jillian Mailloux asked how the project affects the residents of the city's electric bills. Mr. Keller answered that New Hampshire public utility commission made a study looking at whether solar projects cost shift. In other words, does the solar company shift the incentive to the project's benefit to the shoulders of the rate payer. That has been disproven by the State's study. Within our system of power, our power comes from one location, usually very far away before coming into your house. By putting these projects (called distributive generation) around the state, there is a value to you as the rate payer. There are a lot of old poles and lines around the state. All upgrades necessary for a solar installation is paid for by the solar company. Solar use is primarily focused on towns, schools, hospitals and large businesses that spend a lot of money on electricity. The solar system allows those businesses to reduce those bills by about 10 percent. That may not affect an individual directly, but it does affect the community. The other question that comes up is what is that going to do to my property value. Currently, there are no studies specifically related to New Hampshire because New Hampshire is just getting into the solar business. However, there are studies in other states that indicate that a solar project doesn't have any negative impact on property values. The solar installers try to be respectful to the neighbors, there is no impact to the schools, the police, to the fire department. Once it is built, you might not even remember that it is there.

Ben Roberts, 38 Duffy, lives at the end of the road abutting the proposed project. He informed the applicants that there had been a bad run-off issue even before the land was cleared; now that it is cleared it is even worse. For three weeks when the snow melted there was runoff all through his yard. Five or six years ago a 6' sink hole formed at the end of the road. The city fixed that. "You say that the run off won't be any worse. If it doesn't get any better road will crumble." Ms. Praul said that the proposed swale and retention pond should help with that situation. She believed that the swale would intercept the water before it reached the catch basin.

Gary Brassard, 731 Central Street, asked how this project was to be taxed and wondered why no one from the city government was here to tell the public how it is to be taxed, how other communities tax these projects, and whether it would be taxed by the panel or by the project. Mayor Giunta stated that taxation is a Pilot agreement. Pilot stands for a payment in lieu of taxes or a payment made to compensate a government for some or all of the property tax revenue lost due to tax exempt ownership or use of real property. In this case the project would be taxed per megawatt, so the city is looking at around \$10,000-\$15,000 of tax value. This type of project has no impact to school, police, fire, so it is direct revenue. Mr. Brassard asked if every community tax solar projects the same way and the Mayor answered that in some cases communities tax based on the cost of the equipment which can discourage some developers because the price is too high. Mr. Brassard said that some cities give solar parks a sweet deal. The Mayor answered that each community comes up with their own numbers, but it will be for the city councilors and the city manager to decide what Franklin will do in this case.

Patricia Simpson, 59 Mark Road, asked if the solar project would be selling power to Eversource. Mr. Keller said that they don't have an agreement with Eversource, but state law required Eversource to pay the solar project at the default service rate; the same rate that you pay for your power. Ms. Simpson asked about the poles. Mr. Keller said that the poles will be extended to the corner of where the panels will be placed. These poles will only be going through the landowner's property, after that the lines will run underground throughout the array. Ms. Simpson said that she looked at the panels over on Industrial Park and was not impressed. She is disturbed that something like this will be going in next to her house. She stated that they bought thirty years ago and she doesn't want to see the neighborhood go downhill.

Ms. Simpson went on to say that up at Industrial Park there are signs with “Danger” and wondered if it is dangerous, how do you keep kids from climbing over the fence. Keller said that fences are meant to protect the community and that any signs she saw at the other site were probably put there by Eversource and not the developer. The way this system is built there is no danger.

The homeowner at 38 Dearborn asked if anyone had considered how the project will affect them. She reminded the Board of the disturbance made by the logging company that cleared the lot last year. Between the clearing and the installation, all the wildlife is moving off. She asked if the board and the developers if they would want to have this in their backyard. What about the impact on the community? Mr. Keller said that the reason he got into community solar is because he’s a New Hampshire resident with three adopted children and he felt it was his duty to provide a business service that would have an impact. He can’t describe to the individual landowner how this will help them personally, but it will impact the community. “The bottom line is that installing solar panels in our communities with a level of respect of you as a neighbor, which I think we have done by following the regulations of the city, allows for your children and my children and my grandchildren, someday, to live in a place that is hopefully better than today.” The last point he wanted to make is that these are not long-term construction projects. This is not a new subdivision with the hammering of nails for three years. The equipment for the solar projects comes in small bits of time and there will be a bit of noise during installation, but once the array is in it won’t be noticeable. Regarding property values, there is no proof that the array will have any impact of the neighborhood’s property values.

Maureen Farmer, 25 Duffy Street, asked if there wasn’t anywhere else in the city that this could be placed. She asked the board is any of them wanted to live next to 9,700 solar panels. She asked if any board members had even driven up Mark and Duffy and looked at the neighborhood and considered how a commercial project would change that. She went on to ask why the city would consider changing a residential area to a commercial area. Chairman Liberatore asked her to look at the plan, showing her that they’ve moved the array well inside the property and that they are going to put up buffers. Mrs. Farmer reminded the board that at the December meeting there was a verbal agreement to install a wooden fence and tall arborvitae. She added that taxes have increased this past year and asked if the city would change the valuation of their houses next year. She stated that if she were going to buy a house, she wouldn’t buy next to a solar array, so in her mind that decreases the value of her house.

Member Brown asked a general question to the board, that if this is installed and there proved to be an issue with the visibility, could this be addressed at that point. From what she was hearing while listening to the experts is that this isn’t going to be an issue. There isn’t to be any noise and the project won’t impact the city, so she recommended that the neighborhood wait and see if the buffers work. “If all of that works, then the investment we’ve made in Franklin is bigger than all of us.” Ms. Farmer said that she is just asking that the city monitors the project. If after it is built the array is visible, that something will be done. Chairman Liberatore said that the questions asked tonight are addressing those issues because of the changes to the plans since the December meeting and he assured the public that those questions will be part of any type of approval. If the project isn’t federally monitored, they will be city monitored. “From what they are telling us and what those plans are going to be when they’re approved, that is going to be addressed because of what they told us in December.”

Ms. Farmer brought up again the problems with the logging last year and Member Brown reminded her that that project was in no way associated with the solar project. Chairman Liberatore explained that the clearing last year was done by the previous owners when they hoped to sell the property for a single-family house. When the property didn’t sell, it was eventually purchased by General Properties, LLC.

There are federal and state regulations that demand that setbacks and buffers be met by the solar contractor. There will be conditions that will address those buffers.

The meeting was closed to the public and brought back to the board. Planner Lewis said that as indicated earlier, there had been one site review and he hoped to arrange a second in early May. If the surveyor or engineer could stake out the site it would help. In his memo, he suggested a simple motion to continue the hearing to the May 22<sup>nd</sup> meeting. Mr. Keller asked for clarification as to what that means to them; do they have to come back to the board? Planner Lewis indicated given additional time and review he would be closer to the point where he could present to the board a draft motion similar to those from the previous hearings. There wouldn't be a need to notify abutters or post another legal ad, this would just be a 'date certain' continuation. Member Tully asked about the possibility of the Board receiving some photographs of what the project will ultimately look like. Mr. Keller indicated that they could provide some pictures of similar projects.

Chairman Liberatore asked for a motion to continue the meeting to May 22<sup>nd</sup>. In the meantime, there would be an on-site review. The motion was made by Member Dzujna and seconded by Member Brown.  
**By a vote of 7-0-0 that motion was approved.**

Member Stangroom asked Planner Lewis if the Board needed to take into consideration the boundary lines when the two properties are merged. Planner Lewis said that following approval, that would be an administrative step through his office to merge them. Member Stangroom asked about information on the Foundry and whether there was any contaminated soil that would hinder the solar project. Planner Lewis said that there was some ongoing cleanup, but that he'd have more information on that at the next meeting.

**Public Comment:**

**Other Business:**

**Planner's Update:**

**Adjournment:** Member Brown made a motion to adjourn at 7:45 pm. The motion was seconded and all were in favor.

**The next Planning Board regular meeting is scheduled for May 22, 2019 at 6:00 p.m. and the application dead line date is May 1, 2019.**

Minutes recorded by Cheryl Y. Fisher, Administrative Assistant, Planning and Zoning