

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
September 25, 2019
6:00 p.m.**

Minutes

Call to Order:

☐ Pledge of Allegiance

☐ Roll Call: Present - Jo Brown, Tim Flaherty, Chairman Dave Liberatore, Kathy Rago, Rob Sargent, Tim Stangroom, David Testerman, & Donna Tully. Also present - Planning Director Richard Lewis. Absent - Mayor Anthony Giunta and Christine Dzujna.

☐ Approval of June 26, 2019 Planning Board Minutes. Motion to approved by Member Brown, and seconded by Member Rago. No corrections were noted. Motion passed by a vote of 5-0-3 with Members Stangroom, Sargent and Liberatore abstaining since they were not at that meeting.

Old Business: None

New Business:

P 19-07: Franklin Commons Realty Group, LLC [owners] and Blue Planet Funding, LLC [applicant] are seeking subdivision approval to create two new lots from a 28.82-acre parcel on Commerce Drive, Map/Lot 102-402-00, Map Sheet S7 in the I-1 [Industrial] zoning district.

Member Rago motioned for the application to be accepted as complete. This was seconded by Member Brown. **The application was accepted by a vote of 8-0-0.**

Chris Nadeau from Nobis informed the Board that the intended subdivision was on property at the end of Commerce Drive, just off Industrial Park Drive. The property is shown in yellow on the plan and is approximately thirty acres. The hope is to divide the plot into three separate lots to allow them to put in three separate one-megawatt solar array projects. The Zoning Board has already granted a variance for two of the lots to have zero road frontage. This approval was conditioned upon only being allowed to do a solar development. No other uses would be allowed. In 2015, the property was approved for a 1-megawatt solar installation. If this subdivision is approved, they will be coming back with a three-megawatt site plan in order to get the maximum value out of the property.

Member Testerman asked at what rate the generated electricity is sold.

Allen Funk from Blue Planet Funding, LLC, said that this is a group net metering project so they sell it to PSNH Eversource and then they have to find off-takers or net metering customers to comprise the output of the field. "In a sense, we sell it to the utility, they pay us a rate, but we have to have off-take of any equivalent nature or else we get the wholesale rate. The rate that we get to use, if we have the

right amount of customers comprising the entire off-take of the field, is what is called the default service rate. According to Tariff Number 9 of the Eversource tariff on page 90 or 91, and it changes every 6 months, the current rate is 8.83 cents.” Member Testerman asked if this was the same rate that PSNH could purchase electricity from other sources. Mr. Funk answered, “No, the lowest rate available to Eversource, currently as reported by Eversource is about four cents. So theoretically, the least cost alternative to them is four cents. We’re selling it at 8.8 cents.” Member Testerman then asked who pays the difference. Mr. Funk said that there is a solar cost recovery charge, so the difference is spread across the entire rate base. Eversource is not unduly hindered by this other than the fact that it is a little more complicated to balance the grid. They charge us for any interconnect and grid balance. Theoretically, everybody pays for this. That’s why it is a State law that allows this.” Member Testerman said that his rates with no solar goes up because of the installation of a solar farm. Mr. Funk stated that they’ve already gone up; the solar cost recovery charge is already in the bill.

Member Stangroom asked about access to the two properties to the south, what appears to be PSNH property across those properties, and the wetlands areas and the associated slope of those areas. Mr. Nadeau said the two southern lots are landlocked, but will have access through the northern site. All three properties are owned by General Properties, LLC. It will be leased by Blue Planet Funding to do the solar development and they will have access agreements across the properties. The PSNH area is only an easement and although they can not install solar panels there, it will be all right to drive through those areas. There is a brook that runs along the southside of the property, and there is a steep slope that drops down into that. The wetland cuts down the middle with a couple other wetlands to the north. Both of these drain to the southern wetland. There will no solar panels in any of the wetland areas.

There was no one from the public to speak and the discussion was brought back to the Board. Member Stangroom asked Planner Lewis about the comments under number 3 and 4 in the Decision and Conditions. He was concerned that a precedent might be set if the Board accepted a plan that is not drawn properly, as is stated on the plan itself. Mr. Lewis said the configuration of the perimeter of the solar farm will be different from the 2015 plan. This is just for the purposes of subdivision. The approval of the solar farm will necessitate a brand-new site plan. As for the map lot numbers, those are generated by the Assessing Office and may not be the same as those on the plan. An updated plan with the correct Map/Lot numbers will need to be provided. This is strictly an administrative item.

Member Testerman asked Planner Lewis if the only way this application can be denied is for economic reasons. Planner Lewis said no, that this is a subdivision, not the site plan, a denial based purely on economic reasons won’t pass muster with any court. As indicated in memo this is a fairly simple subdivision, conditioned by the Zoning Board for solar application only because they have no frontage. The draft decision includes that language. When you get into the site plan, the Board can at that point bring in other considerations. The City would be on an unstable legal foundation if the Board were to deny it for strictly financial reasons.

Member Rago made a comment in light of what Member Testerman said. Although she understood where he was coming from on that, the legislature approved these sorts of projects that will spread the rate increases to every rate payer, so she will go ahead and approve this subdivision.

With no further discussion from the Board, Chairman Liberatore called for a motion. Members Brown and Rago, motioned and seconded approval of the application. **By a vote of 7-1-0 the motion passed. Member Testerman voted to deny.**

Public Comment: none

Other Business:

Planner's Update: The Planner had an update on miscellaneous projects. With the veto of the net metering bill there is some uncertainty as to what will be happening to any of the solar projects. There hasn't been too much progress on the City-based projects.

The Edmunds subdivision on Hill Road went before the Zoning Board and their plan to put in 5 lots was denied, now they are coming back with a four-lot subdivision. The Chinburg project has been a slow process with many financial layers involving grants and tax credits and loans. Mr. Chinburg is very interested in the white-water park and as that moves forward there will be more incentive for Chinburg to move ahead with his project. Member Brown supplied the information that Vulgar Brewery is anticipating a Columbus Day weekend opening with staff training in the next day or two.

The old Central Street Market has been demolished and the site will be stabilized and fenced off. The City has also demolished a building on Chance Pond Road and an old Victorian house at 34 Central Street. The City is still investigating brownfield cleanup operations at the old Stanley Tool site.

The White-Water park is making progress. They have submitted their wetlands and shoreland permits with DES. The Mill City Park team has been working closely with DES to move things forward. Member Stangroom asked about the funding for the project. Planner Lewis mentioned the CBFA tax credits, a net of \$400,000 of the \$500,000 grant which will go toward the first river feature. There are ongoing discussions with representatives from the State's business and economic affairs division. The governor initially had \$1.5 million in his budget that was subject to a lot of political wrangling and eventually pulled. We are looking at getting some of that back. The land base portion of the White-Water Park is being assisted by grant funds from the National Park service. The City was awarded a grant of \$512,000 from DOT to build a walkway across the Trestle Bridge to connect the Mill City Park to the Winnepesaukee River Trail. There were seven submissions to do the engineering work on that project with five applicants being interviewed. The package will be going to DOT outlining the bid process, the legal ad process and the check and balance that is needed on this type of project. Once DOT approves that, the city will be given authorization to enter into negotiations with the top selected firm.

Chairman Liberatore asked about any plans for using the site of the Central Street Market. Planner Lewis suggested that Nanou-Nanou might consider it for some outdoor seating, but the slope is probably too steep for that. The site is too small for parking and there would be a lot of congestion with cars entering and exiting the lot with the traffic light just 60 feet away. Al's Pizza bought Packers Outlet and the hope is that he will have the building demolished and more parking created.

At the October meeting there will be at least one site plan application for the renovation/modification to the Peabody Home. It will be a design review phase. Planner Lewis has had multiple discussions with engineers working on the Lennie Burk, Ciao Pasta and Elks properties for the relocation of Cumberland Farms and they may come in October or November for a conceptual design on that. Member Testerman asked about the plans for the old Cumberland Farms. Planner Lewis expects they will pull the pumps, remove the tanks and either take down the building or market it with the building. There will likely be restrictions on future gas sales. It may wind up a landscape lot or turned into a small take-out restaurant.

Tim Stangroom mentioned that when they repaved Central Street, they didn't put in lines for turn lanes at the intersection of River Street and Central Street. Planner Lewis said he'd check with MSD about that. Member Stangroom asked about the Oak Laminates Building on North Main Street. Planner Lewis said that he wasn't aware of anything going on there.

Adjournment: Member Brown and Member Rago made a motion to adjourn. The motion passed unanimously at 6:36 pm.

- The next Planning Board regular meeting is scheduled for October 23, 2019 at 6:00 p.m. and the application dead line date is October 2, 2019.