

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
February 26, 2020
6:00 p.m.**

Minutes

Call to Order:

☐ Pledge of Allegiance

☐ Roll Call – Present: Mayor Tony Giunta, Jo Brown, Christine Dzujna, Rob Sargent, Ted Starkweather, David Testerman, and Planning Director Richard Lewis.
Absent: Chairman Dave Liberatore, Tim Flaherty, Kathy Rago, & Donna Tully.
Mayor Giunta served as Chairman for application P20-02. Alternate Member Starkweather was seated for voting purposes.

☐ Approval of January 22, 2020 Planning Board Minutes: Members Starkweather/Dzujna motioned/seconded approval of the minutes as written. **The motion carried by a vote of 6-0-0.**

Old Business: None

New Business:

P20-02: Stanley Weglarz, owner and Colin Brown, applicant are seeking subdivision approval to partition off the existing solar facility and create frontage for a future industrial parcel. The land is located off Industrial Park Drive, Map/Lot 082-408-00 in the I-1 [Industrial] & R-1 [Low Density Residential] zoning districts.

Member Starkweather motioned to accept the application as complete; Member Brown seconded. **The motion carried by vote of 6-0-0.**

Applicant Colin Brown spoke about the purpose of the application. The idea is to subdivide off the property containing the solar array thereby creating a 9.95-acre lot from the total lot acreage of 35.26. They also want to create a turn-around space at the end of Industrial Park Drive. The remaining acreage of 25.3 acres, has frontage on Salisbury Road. With no questions from the Board, the meeting was opened to public comment. When no one from the public chose to speak, Planner Lewis told the Board that a copy of the plan was supplied to the Municipal Services Department and that Director Sullivan felt that the turn-around was a positive thing for the City's maintenance of Industrial Park Drive.

A motion to approve the subdivision was made by Member Starkweather and seconded by Member Sargent. There was no further discussion and **the motion carried by a vote of 6-0-0.**

P20-03: Sun Development Group, LLC / General Properties, LLC, owners and GSSG New Hampshire, LLC, applicant, are seeking a revised site plan approval to install two photovoltaic solar panel arrays. The 1.5-megawatt installation will be divided between two separate parcels, Map/Lot 147-404-00 [I-2 Zone] on Sanborn Street and Map/Lot 147-051-00 [RS, S.F. Residential Zone] on Mark & Duffy Streets.

Mayor Giunta recused himself, and Councilor Brown served as Chairman for this application. Approval of application was made by Member Dzujna and seconded by Member Starkweather. **The motion carried by a vote of 5-0-0.**

Planner Richard Lewis said that the memo sent to the Board last Wednesday lacked some updated information. On Thursday, February 20th a letter from Andrew Keller was received that explained the revised project in more detail. Following a discussion with Chris Nadeau from Nobis Engineering, Planner Lewis drafted up a decision based on the revised plan. He suggested that the Board take some time to read the letter and the draft decision before hearing from the applicant. Planner Lewis added that one important thing about the draft decision is that the foundation of the draft decision is based on the approval issued on June 26, 2019. Mr. Keller outlined that the revised project has a smaller footprint than the 2019 project. The proposed fixed panels are 1-2 feet higher than the tracking system previously considered. One item discussed during the 2019 hearings was the screening and buffering of the site. Additional language has been added to the draft decision that addresses the fact that the panels will be higher, so when there is a review in 4-6 months, the visual impact can be reduced with additional or taller plantings.

Chairman Brown asked Andrew Keller, Granite State Solar Garden, what changed with the project and the impact of those changes. Mr. Keller apologized for being back, saying that they try their best to engineer these projects so that they can present a nice buildable envelope. As they get further down the path of development, they try to see how they can optimize the site within the envelope that was approved. Initially, the intention was to maximize the production of the sun. A tracking system that moved from east to west with the sun seemed like the best option at that time. The normal sequence of events is first to get approval from the board and then move onto the other stages of their permitting, for example State Approval from AOT (Alteration of Terrain), and going through the utility process. They are here now with all those permits in place ready to start construction. During that exercise while they were optimizing the site, they recognized that the different tracker technologies they'd considered had certain snow load restrictions. Technology-wise they were put in a place where they could not move forward. A lot of the tracking solar arrays are designed for areas in the southern part of the country, but their installation is migrating north. There are some in Massachusetts, so for their initial analysis it made sense, but now they realize that wasn't going to be the case here. Therefore, they moved back to the tried and true fixed tilt, south-facing array. As a result, the installation footprint has shrunk and there will be less clearing and less open areas which will lower the amount of stormwater management. The increase height, by about a foot or so, would only mean installing taller trees and more screening. Other than the change to a fixed array, there are no major material changes that will impact the original application.

Chair Brown asked about the height of the panels and any changes to the catchment. Chris Nadeau, Nobis Engineering, said that they've reduced the array by about 30% and therefore the amount of runoff is reduced. In spite of this, they have actually increased the size of the retention ponds a bit.

Member Starkweather asked if land clearing had taken place. Mr. Keller answered that they haven't done any clearing, that the clearing that had been done was by the previous owner. Member

Starkweather said that it appeared that the lots were owned by two different owners. Mr. Nadeau clarified by saying that the different LLCs are owned by the same entity [owner]. Member Starkweather asked if the retention ponds would be adequate for the water problems up there. Mr. Nadeau said that they would actually be reducing the flow. The proposed retention ponds will actually surpass the AOT requirements. Member Starkweather confirmed that during construction all access will be from the foundry site off Sanborn Street and that there will be security up there. Mr. Nadeau said that the proposed gate off Duffy Street is by the request of the Fire Department to allow for emergency access to the site, but that staging and access will only be from Sanborn Street.

Member Testerman said that the approval process requires a decommissioning plan for the administrator's approval. Does that include a bond so that thirty years from now there will be money for that? Mr. Keller said that they usually leave it up to the Board to require that. In Granite State Solar Gardens' land leases, there is language that states that they need to provide a bond with the landowner, if the City doesn't require one. Typically, their normal course of business is to have the decommissioning spelled out which will be finalized once they have the construction company, which they now do. The maintenance and decommissioning plan will be spelled out. They put a surety bond in place that will cover the cost for decommissioning.

Member Starkweather asked who the bond was made out to. Mr. Keller said that typically it would be to the City, or if not required by the City, to the landowner. Member Sargent asked when the decommission plan is given to the board and Mr. Keller stated that it is submitted along with the building permit application and the maintenance schedule. Member Starkweather asked when they hoped to get started and Mr. Keller answered that it would be late spring, finishing in late summer.

Chair Brown asked if the City benefits from the energy output. Mr. Keller said that during the planning stage of the project, businesses ask if they can join in, and the answer is always 'yes.' However, their business model has never focused on the residential market. This project was built with the idea of having businesses join in. This buy-in is just one of the five approvals that are necessary to construct. They have the land lease, the Planning & Zoning and State permits, the tax agreement, the utility permit and the off-take approval from the State. On this project, the off-take is already in line. Chair Brown asked if there were any city beneficiaries. Mr. Keller said no, but that the City benefits from the upgrades that are being done to the grid. Eversource is making improvements and Granite State Solar Gardens will shoulder some of the costs of upgrades to the systems.

Member Starkweather asked if they had done any land clearing on this property and Mr. Keller said all they've done is a few test digs for the AOT requirements, but no clearing. Member Sargent said that his understanding is that there are two LLCs for the properties, but asked if that was one owner. Mr. Keller said General Properties is the single owner of the properties.

The public was asked if there were any comments or questions. Mr. Gary Brassard asked for the actual names of the applicants. Planner Lewis answered that the owners were Sun Development Group, LLC and General Properties, LLC. The applicant is Granite State Solar Gardens. Mr. Brassard asked for the actual names of the LLCs. Planner Lewis stated that the owners are LLCs and that there could be multiple people involved in the LLC. Mr. Brassard asked if the public doesn't have the right to know and Planner Lewis suggested he go to the State website for the information.

Mandie Hagan from D R Builders asked for confirmation that the 2019 abutter's notices were sent out.

Ms. Hagan asked for clarity as to where the solar site is compared to their properties, two of which appear to back onto the array. Mr. Keller and Mr. Nadeau showed Ms. Hagan the plans and discussed with her the potential screening aspects. Mr. Keller indicated the areas that were to be cleared and stated that the twenty-five-foot setback is the building setback, not the clearing. Ms. Hagan said that her two best lots will be overlooking what will be an eyesore. Mr. Nadeau said that they will leave a vegetative buffer there, but Mr. Keller added that they have to make sure there isn't too much shading. Ms. Hagan asked about the height of the proposed privacy fence and Mr. Keller told her it was to be seven feet. He also suggested that she keep her properties' buffers in place as well, which would effectively double the vegetative buffer between the two properties. This discussion was held between Ms. Hagan, Chris Nadeau and Andrew Keller.

Chairman Brown asked for a summary of their discussion. Mr. Keller said there was concern about the abutters on the west side of the property. Ms. Hagan indicated that they were going to be cutting their trees right to their property line. The solar project has chosen not to cut right to their property line, thereby leaving a bit of a buffer there. He stated that they have to consider the shading on the panels, but that they are abiding by the 25-foot building setback. Mr. Keller suggested that Ms. Hagan keep the buffer on her property as well. If each of them kept 10 feet there will be 20-feet of buffer. Ms. Hagan stated that for a second story house, the array would still be visible. Mr. Keller said he can't help with people's view above the array, but that they will be providing a 7-foot privacy fence. Chairman Brown asked about the height of the panels. Mr. Keller said that on average the 1 to 2-foot increase in height of the fixed panels would be concealed by the fence, but he asked that they keep with the original arrangement which stated that once the array was built, the screening would be reevaluated. If a berm was necessary, then it would be put in place. Chair Brown asked if that could be considered for Ms. Hagan's properties. Mr. Keller, said yes, but also asked for consideration on her part that she would maintain a partial buffer on her properties. Mr. Keller asked Mr. Nadeau about the depth of the buffer on the west side of the property and it was determined that is was about 10 feet of pretty mature trees. Mr. Keller added that he wouldn't want to be held to the agreement that he not cut trees on the solar site, while Ms. Hagan can cut hers to the lot line. Ms. Hagan said that her concern was that a commercial project was going into a residential area. Is it zoned for that? Chairman Brown told her that it was zoned for that. She explained that several members of the Board walked the property before the April 2019 approval was granted. At that time, it was agreed that the need for additional plantings would be assessed after the construction was complete.

Mr. Keller asked if D R Builders subdivision had been approved by the Planning Board and if there was any information on that approval about clearing to the property lines. Mr. Keller asked if there would be a way to incorporate a 20-foot buffer on Ms. Hagan's end. Mr. Lewis stated that what was approved then could not be revisited. Ms. Hagan asked that her properties be included in the final assessment of the screening. Planner Lewis said that a condition regarding those two lots could be added to the decision.

Member Sargent asked Ms. Hagan if she was notified back in 2019 and she answered that she didn't know since she doesn't get her mail, but that she didn't sign for the certified letters, nor did she see them. The Recording Secretary said that the mailings went out, but that she would have to verify delivery status when she was back in the office. She added that the addresses used in the mailings come from the tax cards and if that address has been changed and Assessing hasn't been notified, there would be no way to know.

Member Starkweather read a portion of the letter from solar panel company that stated that the screening would be managed by fencing or landscaping and that they confirmed after construction that any additional screening would be addressed after the project was complete. Mr. Keller said he had no concerns about incorporating Ms. Hagan's properties into the agreement. He asked that they work together on this, especially with regard to the undergrowth. Putting in smaller trees to replace the undergrowth is the goal.

The Public hearing was closed. There was no additional discussion from the Board. Chair Brown asked for a motion. Planner Lewis brought to the attention of the Board condition number 2 which talks about screening. He would propose the inclusion of lots 07 and 08 for evaluation and additional screening/buffering during post construction inspection. Chairman Brown asked for a motion to include such language. Member Starkweather so moved. The motion was seconded by Member Dzujna. The motion to include the amendment to the conditions and allow the project to move forward was **carried by a vote of 5-0-0.**

Public Comment: Steve Rayno complained about what he called a chop-shop at 52 Thompson Park. He stated that people are living inside the building, taking scrap parts out of a big truck, and racing up and down the road. He further added that they are working all night long and it is a nuisance to the neighborhood. Planner Lewis stated that it isn't the roll of the Planning Board to deal with this. He has already received a copy of the service request and is waiting to get a response from the property owner to set up a site visit with the Code Officer Steve Reale. Mr. Rayno said that the State hasn't given them permission. Planner Lewis said that some of these issues are being dealt with by the police.

Other Business:

Planner's Update: nothing

Adjournment: Member Sargent/Member Dzujna motioned for adjournment. The motion carried by a vote of 5-0-0.

The next Planning Board regular meeting is scheduled for March 25, 2020 at 6:00 p.m. and the application dead line date is March 4, 2020.

Minutes Recorded by Cheryl Y. Fisher, Administrative Assistant, Planning & Zoning