

**FRANKLIN PLANNING BOARD
PUBLIC MEETING
January 27, 2021 6:00 p.m.**

Due to the COVID-19 pandemic, and Executive Orders from the Governor, this meeting of the Franklin Planning Board was conducted via Zoom, using the following link:

<https://us02web.zoom.us/j/86891092928>

Meeting ID: 868 9109 2928

MINUTES

Call to Order:

- ☐ Reading of the Virtual Meeting Authorization by Planner Lewis
- ☐ Roll Call - **Present:** Interim Mayor Olivia Zink [home alone], Library Director Rob Sargent [office alone], Chairman Dave Liberatore [home alone], Christine Dzujna [home with husband, George], Christine Sheedy [home alone], Tim Flaherty [home alone], Kathy Lauer-Rago [home alone], James DeBernardo [home alone], Donna Tully [home alone] and Councilor Ted Starkweather [home alone]. **Absent:** Councilor Jo Brown and Dave Testerman [Member Testerman joined the meeting late]. **Councilor Starkweather** was seated for Councilor Brown, and **James DeBernardo** was seated for Dave Testerman for voting purposes. Of the 46 Zoom attendees, 32 were members of the public.
- ☐ Pledge of Allegiance
- ☐ Approval of December 16, 2020 Planning Board Minutes – Member Dzujna motioned for approval of the minutes. The motion was seconded by Member Flaherty. No corrections or amendments were noted. **By a vote of 7-0-2 the motion carried by roll call vote with Mayor Zink and Member Lauer-Rago abstaining.**

New Business:

Four motions were introduced for the Planning Board's consideration:

1. A motion that the Franklin Planning Board schedule a public hearing for Wednesday, February 24, 2021 to re-open the public hearing for the Solar Project located between Mark, Duffy, and Sanborn Streets. The reason for the re-opening is based on a failure of the applicant and developer to comply with the conditions of the Site Plan approval issued in 2020.

Planner Lewis said that based on the information he has and the issues he's identified, he suggests that the Planning Board reopen the hearing. Chairman Liberatore added that the project as it now exists is not what the Board voted for. Member Flaherty made a motion. Member Dzujna made a second. **The motion passed with a roll call vote of 9-0-0.**

2. A motion that the Franklin Planning Board schedule a site visit for 2/6/21 at 9 AM for the proposed Mojalaki Solar Project. The site walk will commence from the clubhouse parking lot at 321 Prospect Street.

Planner Lewis suggested that the Board choose the time of the meeting. For the record, this date and time will be posted on the City website and on the notice boards in both City Hall and in the Planning & Zoning office. Member Dzujna seconded Chairman Liberatore's motion. **The motion carried by a roll call vote of 9-0-0.**

3. A motion that the Franklin Planning Board schedule a workshop meeting for 6 PM on Wednesday, February 10, 2021 to discuss a proposed zoning amendment related to Solar Energy.

Planner Lewis said that based on events over the last 1-1/2 months, and based on all the information gathered on the Mark & Duffy project, together with the Mojalaki project, he suggests that the Planning Board discuss, and potentially recommend to the City Council, a zoning ordinance amendment related to solar energy construction in the City.

4. A motion that the Franklin Planning Board vote to schedule a public hearing on Wednesday, February 24, 2021 for a proposed Zoning Amendment to address solar energy construction in the City.

Planner Lewis said that if the Board chose to recommend the amendment to the City Council, he would work with the City Manager's office to get a slot on the March 1st City Council meeting.

Motion 3 and 4 were taken together. Councilor Starkweather seconded the motion made by Member Dzujna. **The motion carried with a 9-0-0 roll call vote.**

P21-01: Patrick & Kelly Lewis, owners/applicants are seeking a Special Use permit to convert a single-family residence into a two-family residence at 82 Pleasant Street, Map/Lot 135-004-00 in the R-3 [one-, two-, & three-family residential] zoning district.

Member Flaherty made a motion to accept the application as complete. A second was made by Councilor Starkweather. **The motion carried by a 8-0-1 roll call vote with Mayor Zink abstaining.**

Mr. and Mrs. Lewis introduced the application saying that the house is approximately 4,000 sq. feet and that it lends itself to the creation of two units. It has a second entrance set up in the back. Chairman Liberatore asked if this was for the creation of rental units and Mr. Lewis confirmed that. Member Rago asked the Planner what the problem was with approving this, since the house was large and the back unit space already exists. Planner Lewis said that per the zoning ordinance this is a Special Use permit, which is a discretionary permit on the part of the Planning Board as opposed to the Zoning Board. The issue that he highlighted in the draft decision to deny, is that the Planning Board refer to the Lot area as defined in the Zoning ordinances which excluded wetlands and steep slopes from the calculations of required lot areas. In this case, the lot slopes steeply toward the river, leaving only a small yard area for two families.

Member Rago said that she understands that, but in this case, she would approve the Special Use since the property owners are not adding anything onto the house.

Council Starkweather asked which of the two possible parking designs were they planning on using. Mr. Lewis said that they preferred the stacked arrangement and that there was enough room on the right of the driveway and on the lawn for snow storage. Member Flaherty asked if there were any safety codes that would need to be addressed for rental property, to which Planner Lewis stated that the owners would need to submit a building permit for any changes and would need to supply the appropriate smoke/CO and egress windows. Since this is

only a two unit, a sprinkler system would not be required. Member DeBernardo said that as he understands it, the issue is really just the landscape. Planner Lewis agreed.

Member Dzujna asked if the slope could present any danger. Planner Lewis said that it is steep, but putting a fence up would probably be a good idea. Member Sheedy asked if the second unit would be one or two bedrooms. The applicants said that it would probably be a two bedroom. The front portion already has four bedrooms. Chairman Liberatore said given the number of bedrooms, there might be more than two automobiles per unit, although he feels that there is sufficient room.

When opened to the public, Brian Colburn, abutter on the west side of the subject property, said that he can't see any reason why this conversion shouldn't be approved. He added that the backyard is bigger than it appears and that the slope isn't really a danger to children.

Member Rago made a motion to approve the application. A second was made by Member DeBernardo. Planner Lewis asked if the Board was comfortable with him drafting up an approval with the regular requirements of getting a building permit, etc. and sending it to the applicants. Member Rago said that would work and **the motion carried by a roll call vote of 8-0-1 with Mayor Zink abstaining.**

P21-02: F.I.P. Expansion, LLC owners and James Detzel [licensed surveyor] applicant are seeking a boundary line adjustment at Commerce Street/Industrial Park Drive, Map/Lots 102-403-01 & 102-403-03 in the I-1 [Industrial] zoning district. No new or nonconforming lots to be created.

Councilor Starkweather made a motion to accept the application as complete. This was seconded by Chairman Liberatore. **By a roll-call vote of 8-0-1, the motion carried with Mayor Zink abstaining.**

Mr. Detzel said that this is a minor boundary line adjustment between two existing lots. He believed that the purpose for the adjustment is to facilitate the development of both lots. The southern lot will have better access to the gravity-fed sewer line.

There were no questions from the Board. When opened to the public, Dean Laughy asked the intent of the development of this property. Mr. Detzel said that he couldn't answer that, however, he didn't think there was any planned development at this time. Planner Lewis said that he spoke with Jim Aberg about this and he believes that Franklin Industrial Partners has a P & S on the north property for a small, light industrial facility.

A motion to approve the boundary line adjustment was made by Member Rago and seconded by Member Dzujna. **The motion carried by 8-0-1 roll call vote with Mayor Zink abstaining.**

Old Business:

P20-10 Continued: Mojalaki Holdings, LLC, owners and GSSG New Hampshire, LLC, applicant are seeking site plan approval for the installation of a 1 megawatt (AC) photovoltaic solar panel array over approx. 6.5 acres of the 96.5-acre site. The property is located at 321 Prospect Street, Map/Lot 119-402-00 in RR/C [Rural Residential/Conservation] zoning districts.

Michael Redding, GSSG, said that the site has been flagged in preparation for the site walk. In addition to the flags that mark the boundaries of the array, he has also flagged the outside of the trees and the shrubs that border the property to the south. The pink and orange flags are only there to capture the eye. A large 50-70-foot-long pennant has been put up to mimic sections of the array. He shared other materials with the Board. The first

document was a letter from Aligned Climate Capital who is interested in purchasing this project. They already have seven other projects in the state. Mr. Redding stated that Aligned is a very substantial firm whose real focus is to invest in low-carbon renewable energy projects and assets, basically everything from solar to efficient transportation and green real-estate.

Mr. Redding presented the property value report by Cohn & Reznick that focuses on property values next to solar. The report made a comparison between properties abutting solar arrays and similar properties that didn't abut a solar installation. The other study from the University of Texas, compiled information from 37 different assessors, representing 23 states. Both reports indicate that there are no negative impacts to property values due to solar installations.

Member Flaherty asked if they might consider berms and double rows of arborvitae to block the view, not only of the solar panels, but also the fencing. Mr. Redding said that they were proposing knot wire fencing, covered with a green mesh, as opposed to chain link with vinyl slats. They have already identified some areas where they might put in arborvitae or other evergreens. He feels that the location chosen for the site, greatly reduces the views from most of the abutters. The removal of some of the taller trees on the south side of the array may necessitate some additional screening. That is an item that will be revisited after the array is constructed. Mr. Redding shared some viewshed views that he hoped would give the Board and public a better idea of what the site would look like from a couple different locations.

Chairman Liberatore said that the solar panels at Mark/Duffy are visible above the fencing. Mr. Redding said that the fence proposed here would be 8 feet tall and that they could possibly attach the screening to the top of the posts and achieve nine feet of coverage. Member Flaherty said that fencing doesn't solve the problem since the fence is part of the problem. Again, he suggested that only plantings could reduce the impact. Mr. Redding suggest that a compliance hearing be part of the conditions for the project's approval. Member Dzujna said that she was surprised and disappointed by the poles over at the Foundry and asked if there weren't other options for the poles. Mr. Redding said that the poles are the standard three-phase poles required for the solar projects. He said they had scheduled a meeting with Eversource to discuss this, but the meeting got cancelled due to weather. He added that he has not heard of the possibility of placing the wiring underground, nor has he heard of any camouflaging that is possible for the poles.

Councilor Starkweather asked if there were any studies were the abutters had to look down on an array as opposed to the flat terrain installations popular in the Midwest. He also asked about a maintenance plan with regard to the buffer plantings, saying that the pines being installed at Mark and Duffy would thin out at the base as they grew. Mr. Redding said that he thought the trees at Mark and Duffy were either Norwegian Balsam or Douglas Firs which will grow and fill out like a Christmas tree. If topped at a certain point in their growth, it will maximize the width and girth. Mr. Redding added that he likes to vary the plantings by using a fir trees separated by something like a rhododendron or mountain laurel. Councilor Starkweather said that nowhere on the plans for Mark and Duffy, were the poles indicated. He wants updated plans for everything that has been discussed. He reminded the Board that they have already shown two locations for the pole installation. Lastly, Councilor Starkweather asked about the two water crossings on the property. Mr. Redding said that there are two substantial culverts in place now, but that they will be making repairs to the culverts. The culverts are modern, made of corrugated plastic and should handle the firefighting equipment.

Member Dzujna asked about the number of panels and the number of poles required on this project and whether the homeowners from the other side of Prospect would be able to see the array. Mr. Redding answered that there would be 3,456 panels and five poles. He said that the view from the far side of Prospect would be negligible if non-existent.

Before opening the meeting to the public, Chairman Liberatore said that the Board has received a lot of feedback and letters from the public and they are taking all these things into consideration. As a result, the Mark/Duffy/Sanborn public hearing will be re-opened at the February 24th meeting, a site visit has been scheduled at Mojalaki for February 6th, and the Board will meet for a public workshop to consider amendments to the Zoning Ordinance regarding solar on February 10th.

Mrs. Carolyn Hurst, 425 Prospect Street, said she is not opposed to Solar energy, but she is opposed to its installation in the Rural Residential area. She listed her concerns and recommendations as follows: 1) that the Planning Board override the reasons for creation and not allow the installation in this setting, 2) the flagging doesn't adequately define the views since additional tree clearing is planned, 3) the whole solar array will be visible from her porch and deck, 4) she feels that the realities of the arrays are different from what is being presented, 5) she is concerned that in the future the rest of the property be subdivided to allow for an even larger array, 6) she suggests that the landowner put the remaining land in a conservation trust, 7) she feels that the proposed placement of poles will impact the whole area, not just the immediate abutters, and 8) she is worried that the additional power will cause damage to nearby trees as has happened in the past with power surges. Lastly, she requested that her property lines be surveyed should the Board vote to approve the application.

Dean Laughy, 1 Shannon Road, shared some photographs of the poles over at the Sanborn installation. His remarks included, 1) that the poles on the north side of the road were never shown on the plans, 2) that those poles could have been hidden within the array, 3) that the poles be removed from the side of the road, 4) that opposed to the documentation presented by Mr. Redding, his research has shown that properties closer to the array have lower property values, 5) no overnight lighting should be placed within the solar array, and lastly 6) whether site maintenance and plant growth will be controlled manually with mowing and trimming or with the application of chemicals.

Chris Carson, at 7 Calef Hill Road, said he suggests that no further projects be approved until the current mess-ups are resolved. He also researched property values and found that property values go down by 5-7% the closer the property is to a commercial solar array.

Tammy Feener, 70 Evergreen Avenue, said she currently has a beautiful view of Mojalaki. She stated that the Evergreen area has always had issues with the power and wonders what will happen with the proposed installation. She's heard that if the solar array isn't allowed, the property owner will put in low-income housing.

Margaret Copeley, who had previously sent out a letter to the Board, had difficulty with her microphone during the meeting, so she sent an email with her comment which read, "We're being misled about what can be seen from the street. I went down to the flagged area and could clearly see the Hurst home and the Melick home from that site." Chairman Liberatore thanked Mrs. Copeley for her well thought out letter to the Board.

David Testerman said that there is more than a dollars and cents impact on property value. He asked what were the psychological impacts. He said he doesn't look at his home as an investment, it is his place to live.

Kathy Fuller had also written a letter than was sent to all the members of the Board. She wanted to reiterated that it is time to stop and pause. There are issues in other communities and it is important to take the time to look at long term impact to the City with Solar Projects.

Christina Melick, 395 Prospect, asked if the letters she and others have written to the Planning Board would be available online. She feels that there are a large number of issues and all these need to be considered. She asked

Approved 02-24-2021

Mr. Redding why the National Code Requirement for the heavy chain link at Mark and Duffy, doesn't apply here at Mojalaki. She's afraid that the little presentations, overtime will be picked away at. She asks that the installers be held accountable.

Chairman Liberatore said that they will definitely be continuing this discussion on February 6th, 10th and the 24th.

Chris Carson said that the installers really need to be held accountable. The residents were told that the poles didn't need to be on the street and yet 4-6 months later they were installed.

Planner Lewis said that all the letters received thus far have been copied and distributed to the Board. He suggested a motion be made to continue the discussion at the February 10th and 24th meetings.

Member Flaherty made a motion to meet on those dates. The motion was seconded by Councilor Starkweather.
By roll call vote the motion carried 9-0-0.

Public Comment: None

Other Business: None

Planner's Update: Due to the length of the meeting, updates will be discussed at a future date.

Adjournment: The meeting adjourned by unanimous roll call vote at 8:30pm.

- The next Planning Board Regular Meeting is scheduled for February 24, 2021 at 6:00 p.m. and the application dead line date is February 3, 2021. The Workshop Meeting is scheduled for February 10th at 6:00 p.m.

Minutes recorded by Cheryl Fisher, Administrative Assistant, Planning & Zoning.