

**FRANKLIN PLANNING BOARD
PUBLIC MEETING
February 24, 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 virtually through Zoom at the link below:

<https://us02web.zoom.us/j/86715398181>

Meeting ID: 867 1539 8181

Minutes

- ☐ **Call to Order:** Chairman Liberatore called the meeting to order at 6:01pm
- ☐ **Virtual Meeting Authorization** read by Planning Director Richard Lewis
- ☐ **Roll Call – Present:** Mayor Olivia Zink [home alone], Library Director Rob Sargent [office alone], Councilor Jo Brown [home alone], Christine Sheedy [home alone], Christine Dzujna [home with George Dzujna], Chairman Dave Liberatore [home alone], Tim Flaherty [Florida vacation rental with his wife], Kathy Lauer-Rago [home alone], Councilor Ted Starkweather [home alone]. Also Present: Planning Director Richard Lewis, Administrative Assistant Cheryl Fisher, and 22 Franklin residents. **Absent:** Dave Testerman, James DeBernardo and Donna Tully.
- ☐ **Pledge of Allegiance**
- ☐ **Election of Officers – By a unanimous roll call vote Dave Liberatore was re-elected as Chairman.**
- ☐ **Approval of Minutes from 1/27/2021 (regular meeting) & 2/10/2021 (workshop meeting).** A motion was made by Councilor Brown and seconded by Member Dzujna to approve both sets of minutes. **The motion carried by roll call vote of 7-0-0.**
- ☐ **Chairman’s Intro:** Before opening the meeting to new business, Chairman Liberatore stated that the Mojalaki project team has asked to continue their hearing to the March 24th meeting. The reason for the request is that following the walkthru they are taking into consideration the comments by the public, the Planning Board and the City Council. By delaying a month, they will be able to better address those concerns. The Chairman asks that comments regarding this project be held until the March meeting. As for the Mark/Duffy solar project, the Board has received a well-written letter by Dean Laughy detailing the concerns with that project. Those issues will be addressed with the project managers who are attending tonight’s meeting and the Chairman asks that those members of the public

wishing to speak, keep their comments to under three minutes. The Chairman reminded the public that the required landscaping has yet to be done.

New Business:

P 20-10: Seeking a Continuance to March 24, 2021 Planning Board Meeting. 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.

Rob Sargent made a motion to continue the hearing until March 24, 2021. The motion was seconded by Member Dzujna. **The motion carried by roll call vote of 7-0-0.**

P 21-03: Stevens Mill, LLC, owner, is seeking 1) a Special Use Permit for 5,000 Sq. Ft. of Building D to be used for Light Industrial to accommodate a craft brewery & accessory tasting room, and 2) an amendment of the Site Plan to accommodate two fire lanes and parking lot changes. The site is located at 20 Canal Street, Map/Lot 117-153-00 in the B-2 [Low Density Business and Commercial] zoning district.

Councilor Brown motioned to accept the application as complete. Christine Sheedy made a second. **The motion carried by an 7-0-0 roll call vote.**

Paul Goodwin representing the Chinburg team, described the amendments to the site plan previously presented. Those changes would be to the east parking lot and the courtyard area between buildings C and D. Both of those have been modified to allow for fire lanes. These modifications don't impact parking and have been coordinated with the City's Fire Department and Chinburg's engineer. They are also seeking a Special Use Permit modification for a tenant who is a light industrial user, primarily a brewing facility with a small tasting room onsite. Mr. Goodwin shared the new parking plan and the updated parking table. On the plan he indicated the area on the east where the parking spaces were flipped from the north to the south side, allowing for a fire lane near the buildings. On the west side between buildings C & D, emergency access will be created by utilizing 'grass-crete', or structural grass which will allow for the fire lane. The parking table has been updated to show the light industrial use and the accessory restaurant tasting room.

Planner Lewis reminded the Board that the special use permit was brought up at the first meeting in November of last year and it has taken a while to get the lease agreement with the brewer. This is 30,800 sq. ft. of commercial space. The light industrial use triggers a Special Use Permit and the brewery qualifies as light industrial.

There were no questions from the Board, but Paul Duncanson asked the location of the brewery when the meeting was opened to the public. Mr. Goodwin indicated the location as being in the lower left-hand corner of building D, adding that there is potential for seasonal outdoor seating alongside.

When the meeting was brought back to the Board Member Dzujna made a motion to approve the application. The motion was seconded by Councilor Brown. The motion carried with an 7-0-0 roll call vote.

P 20-03: Re-opening of the public hearing for the 2020 Site Plan Approval for P20-03, the solar installations located on parcels Map/Lot 147-404-00 off Sanborn Street in the Light Industrial zoning district and Map/Lot 147-051-00 off of Mark Road and Duffy Street in the Single-Family Residential zoning district. **The site plan approval is re-opened due to the applicant and developer failing to comply with the Conditions of Approval.**

Planner Lewis said that as he indicated in the memo sent out to the Board, this would be pretty much a listening session for everybody. He has presented a motion for the Board to move the re-opening of the site plan hearing and also gave the Board a draft motion to require the preparation and submission of an “As Built” plan. Based on email correspondence with the developer for the project that they have initiated that work. He feels that the submission of the “As Built” plan will provide the Board and the public with a lot of information. He is hoping that the plan will be available at least a week before the March 24th meeting.

Christine Sheedy made a motion to re-open the public hearing on the solar project on Mark, Duffy and Sanborn Streets. The motion was seconded by Councilor Brown. **The motion carried with an 7-0-0 roll call vote.**

Jason Stevens, a representative of Granite State Solar Gardens, said that they were preparing the “As Built” plan for further review. He went on to introduce himself and say that they were looking forward to hearing from the community about the solar project. GSSG developed these projects after acquiring them from New England Solar Garden, who was the original solar developer. GSSG sold these projects to Go Light, LLC out of Portland, Maine. Go Light will be the long-term owner of the project and owns other solar projects in New Hampshire. Jordan Betts and Andrew Catania are representatives from Go Light and are present tonight. Mr. Stevens presented a prepared statement acknowledging that there are issues raised by the local community that are under consideration by the Planning Board and they are here to listen to those concerns and offer additional feedback on the project. Based on guidance from Mr. Lewis, they are gathering information to share with the Planning Board in the coming weeks in an effort to identify any issues that may exist and to determine what can be done to mitigate these concerns.

Member Flaherty felt that the project is an eyesore. He suggested that GSSG look at the Eversource substation on Webster Lake Road for a good example of screening. He added that there were other issues brought up by abutters to the project regarding the placement and number of utility poles. Lastly, he mentioned that the Foundry site had some lead contamination and wondered if that has been cleaned up. Chairman Liberatore said that the time of year contributed to the issues with screening. The “As Built” plan will show what the project will look like when it is finished. Once the Board sees that plan, they can better address the concerns of the community.

Mr. Stevens acknowledged that some of the site activities have yet to be completed.

Planner Lewis said that after the site plan approval was issued for this project in February 2020, the development team put more energy into the final design plans. Following issues with the Industrial Park solar installation, the City hired a third-party electrician to oversee the inspections and write up reports. GSSG knew of this individual and failed to notify him for any inspections until all these issues came to a head in early December. He has since performed several inspections, generated reports and has noted some code deficiencies along with other issues. The applicant will have to address those concerns. In the past few days, Mr. Lewis has had several email exchanges with the Go Light, LLC. On a Zoom call this past Monday, the Planner saw for the first time a plan prepared by Precision Solar Renewables that shows the eight utility poles located just off Sanborn Street. Those poles are located within a proposed easement that would be granted from the project owner/land owner to Eversource. This plan was not part of the building permit set presented to the city. The Planner wants to put together a list of questions/concerns and get that to the development team so that they can provide a written response to all the individual points. That response can then be sent to the Planning Board prior to the March 24th meeting.

Go Light feels that a site walk is necessary and it would be best to have the “As Built” plan in hand before the site walk. The Planner’s suggestion is to perform a moving site walk, looking at the facility from various locations on the abutters’ properties. Either the developer or Eversource will need to get involved in what happened with the poles on Sanborn Street.

Councilor Brown asked if the 7000 individual solar panels agreed upon with the original approval was what has been installed. Mr. Stevens said that there are a few less than that. Councilor Brown asked what the City gets back from this installation. Mr. Stevens explained that the energy generated exported into Eversource’s Utility grid and then sold to contracted off-takers. Councilor Brown asked if the only benefit to the City is the taxes and Mr. Stevens said yes. Nathaniel Vandal, with GSSG, added that this is a group net-metering project, but the City of Franklin is not an off-taker. The indirect benefits to the City and its community comes from this being a green, renewable energy project.

Councilor Starkweather said that he gets the impression that the new poles on Sanborn Street are replacing the existing poles because of the higher system that needs to be in place due to the solar electrical generation. If that is the case, the old poles would be removed. However, if the poles are owned in partnership with Eversource and the telephone company, the removal of those poles may take a long time. He then asked if the poles are on private land or the city’s land within the right-of-way and has this land been surveyed. Councilor Starkweather said that he has a big problem with all those poles right out near the street. He believes, reading Chapters 6 & 7 of the National Electrical Code, if the closers, transformers and other accessories could be put down near the existing buildings on the Foundry site, it would take away a lot of the heartache. Mr. Stevens said there were some existing poles on the Foundry site that are providing service to some of the facilities there. In the discussion with Eversource, based on the location and where the poles would need to run, there is a necessary redundancy with the infrastructure with these installations. With respect to the poles located on the south of Sanborn Street, this is the property owner’s land and there is an arrangement that would allow them to have that access. The others would have been through right-of-way secured by Eversource.

Planner Lewis asked Mr. Stevens if the eight poles within the Eversource easement area were put in by the developer or Eversource. Mr. Stevens stated that Eversource installed all but two of those poles. There are two riser poles adjacent to the solar equipment that allows for connection to the Eversource infrastructure. The line up to those two projects poles are underground.

Councilor Starkweather said that it sounds like Eversource determines where these poles are installed and he doesn't think it makes any difference which end of the cable the power comes in and where it goes out, as long as the eyesore is moved away from Sanborn Street.

Chairman Liberatore said that the purpose of this meeting is trying to solve these problems. He feels that the applicant and the Planning Board are all on the same page. Right now, this is a fact-finding mission where we can address the issues with the people that can make the changes that are necessary to satisfy as many of the neighbors, the Board members and the Council as possible.

The Chairman opened the public hearing.

Dean Laughy said that this is not about solar, it is about doing the project right. He feels that the installation is unsafe and poor quality. He said that this area was a residential area, not a commercial site. Photos show the view of the panels above the fencing and the utility poles in the background. Mr. Laughy disagreed that Sanborn Street was zoned light-industrial. The current zoning maps show it to be in the R-1 and RS residential zones. Mr. Laughy said that there was never any mention during the site plan hearings of the eight poles installed on the Foundry property. On the site drawings (C-1 & C-21) submitted with the original application, it shows an underground connection to the existing 3-Phase pole. He showed photographs of all the newly added poles and reclosers. Mr. Laughy showed a new pole at 7 Calef Hill Road an area that has already had five traffic accidents.

Mr. Laughy requests that the environmental concerns with the soil and wetlands in the area be remediated. That all work not on the approved plan be stopped and removed. And that violations be issued and compensation made to the public. And lastly, that no more solar projects be allowed in residential areas.

Kathy Fuller said she feels that Dean spoke to a lot about what the citizens in this community feel about solar projects that are planned or have happened. She said there is a need to address the masterplan. A plan needs to be developed. Chairman Liberatore reminded listeners that a Moratorium has been drafted up that will put a hold on future solar installations for 6 months.

Christine Melick asked for the developers to supply the addresses of completed solar installation so that we can see the kind of landscaping have come up with instead of just drawings. She suggested that the City require landscape engineers to work on these sites. Mr. Stevens said that the type of screening on any individual project is dependent on whatever requirements are in place. He acknowledges that this aspect of the project is not yet finished. As for projects in the regions, they can get together with some of their developers and supply some locations, but he stressed again that the landscaping is dependent of the requirements made for those projects. Ms. Melick asked if anyone can disclose the status of the current NH Department Environmental Services violations at the Mark/Duffy/Sanborn project. Mr. Stevens said they have been working with the landowner on this issue and the remediation measures

have been taken and the final point of this is for final disposal approval with the approval of NHDES. Ms. Melick asked what the specific violation is. Mr. Stevens said this was an existing condition relative to the site and the existing landowner and it was just a function of some of the historical operations on site. Ms. Melick asked why this issue wasn't addressed when it first came up in 2020. Mr. Vandal said that this was a foundry and the issue was associated with the foundry. The landowner is diligently working with DES to resolve this, but it is a long process of testing, reviews and more testing, and then removal. From the prospective of the solar project, they made sure that they didn't impact the remediation.

Chairman Liberatore added that DES is very thorough and that these cleanups take time, sometimes years. Planner Lewis said that it has been recognized for over 25 years that there are environmental issues with this site. EPA, DES and OSHA fined the foundry owner, but he never took on any initiatives to remediate the site.

Lastly, Ms. Melick recommends the hiring of a third-party reviewer. She referenced the Sanbornton Tower Hill project and the issues it has had. Chairman Liberatore said that the moratorium will give the Board the time to hire an individual with that sort of expertise.

Chris Carson from 7 Calef Hill said he was concerned about when the issues are going to be outlined for review. He would like to see underground installation and the removal of the poles. Planner Lewis said he will be putting together information from various sources a list of questions/concerns and getting it to the development team for the solar project so that they can put together some written responses. At the end of the hearing in March or April, the Planning Board will have to make a decision on how to move this thing forward.

Chairman Liberatore said the list will be given to the developers and the board will be waiting for their answers. Planner Lewis said that a few members of Go Light, LLC was listening in and Mr. Joe Wishcamper, co-owner of Got Light, LLC, said that he is the owner of a company in Portland, Maine that is essentially an affordable housing developer. Last year, he made the decision to get involve in solar not only because of the business aspect but also because they are a company interested in doing responsible things. Their first foray into solar occurred last year and he admits that they still don't know a lot about it. They purchased the solar projects from GSSG before construction began and their roll has been to provide the debt and equity financing so that GSSG can build the project. GSSG, as the developer, remain responsible for completing the project and doing so in compliance with all of the permits. Although this relationship seems odd, in the solar business this is a common thing that the developer brings in the purchaser who has the capital to develop the project. Mr. Wishcamper said that they only learned about the issues recently and they want to see what roll they can play in resolving the issues. He said they are committed to maintaining a good working relationship with the community. He mentioned they have engaged Precision Renewables to manage these projects once completed.

Planner Lewis there are two motions remaining on his memo that need to be made, one is to require the preparation of the As Built plan. Councilor Jo Brown made a motion to commission the As Built Plan. A second was made by Member Dzujna. **The motion carried by an 7-0-0 roll call vote.**

Approved 3-24-2021

Member Dzujna made a motion to continue the hearing to March 24th. Councilor Brown seconded the motion. **The motion carried by an 7-0-0 roll call vote.**

Public Comment: None

Other Business: None

Planner's Update: On behalf of the Planning Board, Planner Lewis presented to the City Council through the City Manager's office a council agenda report for the moratorium. That has been placed on the agenda for the March 1st City Council Meeting.

Adjournment: Councilor Brown made a motion to adjourn. Rob Sargent seconded **the motion which carried by an 7-0-0 roll call vote.**

- The next Planning Board regular meeting is scheduled for March 24, 2021 at 6:00 p.m. and the application dead line date is March 3, 2021.

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