

FRANKLIN PLANNING BOARD

PUBLIC MEETING

March 24, 2021 6:00 p.m.

**** Meeting being conducted remotely through the ZOOM app.**

** Due to the COVID-19 pandemic, and Executive Orders from the Governor, this meeting of the Franklin Planning Board was conducted virtually through the following link: <https://us02web.zoom.us/j/82634015711>

Minutes

Call to Order: Chairman Liberatore called the meeting to order at 6:06pm EST

☐ **Reading of the Virtual Meeting Authorization by Planning Director Richard Lewis**

☐ **Roll Call – Present:** Mayor Olivia Zink [alone in room], Library Director Rob Sargent [office alone], Councilor Jo Brown [room alone], Christine Sheedy [home alone], Christine Dzujna [home with husband George], Chairman Dave Liberatore [room alone], Tim Flaherty [room alone], Donna Tully [home alone], David Testerman [joined at 6:25, room alone], and James DeBernardo [joined meeting at 8:05pm, room alone].

Absent: Kathy Lauer-Rago and Councilor Ted Starkweather. Member Tully seated for Member Lauer-Rago for voting purposes.

☐ **Pledge of Allegiance**

☐ **Approval of Minutes from 2/24/2021:** Councilor Brown motioned to approve the minutes from February 24th. Member Dzujna seconded the motion. There were no noted amendments and the minutes were approved with by a 7-0-1 roll call vote with Member Tully abstaining due to her absence from the February meeting.

☐ **New Business: None**

☐ **Old Business:**

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.**

Planning Director prefaced the discussion by informing the Board that what will move this process forward, given the position that Eversource has about locking in a position, is a preliminary approval vote by the Board this evening.

Joe Wishcamper, President of the Wishcamper Companies, an affordable housing company based in Portland, Maine, was online to speak on behalf of GoLight, LLC which now owns these arrays. Wishcamper Companies is a principal in GoLight, LLC. During the February Planning Board Meeting, Mr. Wishcamper and the GoLight team sat in as observers. The presenters were from GSSG [Granite State Solar Gardens]. The three companies involved are GoLight, the current owners of the arrays, GSSG, the sellers, and Precision, the contractor. Mr. Wishcamper stated that at the end of the hearing in February, they came to the decision that GoLight should take over the leadership of trying to resolve the issues with the Planning Board and come up with a fair resolution for everyone. Over the past month, he and his colleagues had an as-built survey prepared by Bartlett and Associates which highlight the changes that took place since the Planning Board approval and the actual construction of the project. The changes included, 1) the number of panels and associated racks were reduced in the north array by 3 sets, 2) some of the racks on the westside were moved 15-16 feet closer to the fencing line, 3) the interconnection point changed from what was shown on the site plan, and 4) the height of the bottom of the racks was raised by a foot from 2 to 3 feet to allow for snow. The result is that the whole system has been raised from 8 feet to 9 feet.

The next GoLight task was to hire Mark Johnson, a landscape architect from SMRT. On March 13th they performed a site walk with abutters to discuss screening. Mr. Wishcamper reminded the Board that in the original approval, the screening issue was to be addressed at the finish of the install. Mr. Mark Johnson presented his landscape plan which included a hybrid solution of solid sections of Trex-like fence panels with a mix of evergreen and deciduous plantings. Member Flaherty asked about using arborvitae instead of the deciduous trees. Mr. Johnson added that arborvitae are not deer resistant. The evergreens they are proposing would be between 6-8 feet in height, the deciduous trees would be in the 8–10-foot range, and the shrubs between 2-4 feet at time of planting. Member Brown asked if the fencing material would be tall enough to cover the additional height of the solar panels. Mr. Johnson said that the fencing could be raised about a foot and reminded the Board that field coordination would take place when the fence panels and plantings are installed.

Chairman Liberatore said that he feels they are moving in the right direction and that this is just a preliminary sketch. Jordan Betts with GoLight was also on the walk and said that they spent three hours walking the site and checked the views from every single house. They are specifically taking into consideration the abutters concerns or desires.

Mayor Zink asked about the gap in the landscape screening on the southwest side of the lower array. Mr. Johnson said that the section that shows only chain link fencing abuts a vacant lot. If that parcel was developed, they would address the landscaping at that time. The chain link fencing that has been installed will be kept in place and the additional fence panels will be placed outside that. To Mayor Zink's question about the attendance of abutters during the site walk, Mr. Johnson answered that Mandy Rowell, along with two or three other abutters attended, although all of the abutters were notified of the walk and sent plans of the landscaping.

Library Director Rob Sargent said that he appreciates the team's response and he feels that most of the concerns have been addressed and the concept looks very good. Regarding the deciduous trees, it looked to him that they were placed either in front of or behind the fence panels thereby creating a double barrier to the view into the array.

Member Testerman stated that he was part of the early approval of this project and is critical of himself. Although the past decision can't be changed, he doesn't feel that a commercial solar array should ever again be allowed in a residential area. He stated that the city needs to make sure that the zoning laws prevent this from happening again. Chairman Liberatore said that to be fair to the City and the Board, this is why there is a moratorium in place now. Planning Director said that his goal is to have a draft of a Zoning Ordinance ready for the Board's consideration for the April 28th meeting and possibly schedule a Workshop meeting on May 12th so that the

ordinance change can be finalized prior to July 1st. Member Testerman asked if the interim approval will include something that requires the developer to let the Board know when things are happening. Planner Lewis said that for any future project, a combination of general language in the zoning ordinance coupled with specific language in the approval document would include some schedules and checkpoints for closer review. He will be including language in the draft ordinance that will clearly give the Board authorization to hire, at the expense of the developer/applicant, an independent engineering review/assessment both from a construction and an electrical perspective.

Mayor Zink asked a number of questions that included the disturbance of the wetlands, the March 18th electrical inspection, and the reclosure poles. Mr. Wishcamper said that the March 18th inspection referred to the fact that GoLight had engaged an engineering firm [RLC] to provide a report on the compliance and the quality of the construction. Several items were noted in that report which has been provided to the Board. The interconnection and reclosure details will be addressed following this presentation of the landscaping. Jason Stevens with GSSG informed the Board that Nobis Engineering instructed the construction team on how to access the site without disturbing the wetlands. A second incident was the result of a weather event that caused sediment to enter the wetlands. That sediment has been manually removed. As of now, there are no issues out of compliance with regard to the wetlands.

Chairman Liberatore opened the meeting up to the public to comment on this section of the presentation. Councilor Desrochers congratulated the Board and the engineering company on what has been done so far to mitigate this situation, but he urges the Board to wait until the project is completed before giving final approval. Chairman Liberatore confirmed that when things are completed there will be another site walk to address any remaining issues.

Mr. Wishcamper commented to Mr. Testerman's remark about the placement of this solar array. GoLight did not become involved in this project until well after the Planning Board approval was granted. They really didn't know about many of the problems that existed until recently. Their goal is to do the right thing here and it is an ongoing process. Had he known about the background and the sensitivity of this location, he wished that they hadn't gotten involved either, however, it is a good thing that an owner like GoLight has gotten involved because they are a very responsible company.

Mr. Wishcamper acknowledged that the interconnection was made by Eversource and it was not a location shown of the approved plan. The developer did consult with Eversource about choosing the location for the poles, but did not come back to the Board with that information, which they should have done. The objection that has been raised by at least one individual is that the facilities include 9 to 10 poles, six of which are clustered together and visible as you drive down Sanborn Street from the west to the east. GoLight engaged RLC, an electrical engineering company in Falmouth, Maine to work with them, Planner Lewis, and Eversource to try to identify ways to mitigate the visual impact of these facilities. They will be offering the Board three different locations, one is to leave the poles where they are now with no changes except to the possibility of some landscaping, a second is to move the cluster of six to the rear of the Foundry building and run poles and wires from Sanborn Street to the rear of the building, and the third is to move the cluster about 200 feet back to the front of the Foundry building.

Rick Conant is the founder and president of RLC Engineering. Mr. Conant was a former engineer at Central Maine Power Company and his company now does a lot of the outsourced work for Central Maine Power Company. He has worked throughout New England as an electric power engineering consultant working with other utilities on distribution energy resource interconnections since 2010. His company performs impact studies to the grid [What impact does it have on the customers?]. What is looked at is the quality and reliability of the power received. Eversource has developed many interconnection packages for projects trying to interconnect to their grid. Mr.

Conant screen shared a plan of the site and indicated the poles that have been added to the system by Eversource to make the interconnection to the circuit on Sanborn Street. The very first pole after the interconnection to Eversource's grid is always where the recloser is placed. Every project requires a recloser to protect equipment and people. The next pole contains a transformer to detect voltage on the customer's side of the system to protect the customer's side of the grid. The next two poles are to create a metering point for the two projects that were built on this site. All projects have to be metered at the point of interconnection. The poles owned by the project, which connect to the underground wiring, has a gang operated airbrake or a power disconnect for safety. This current installation is typical of rural interconnection standards.

Based on the feedback that Mr. Conant has received, they have come up with two alternative locations for the six-pack, either behind or just in front of the Foundry building. Either location would lessen the visual impact from the street. After answering several questions about the types, purposes and locations of poles of both Foundry Drive and Sanborn Street, Mr. Conant **emphasized that no matter which location was chosen, the recloser pole cannot be relocated.**

Mr. Chris Carson said the problem isn't just the recloser at the end of the Foundry, but the three additional poles Eversource added on Sanborn Street with a whole set of reclosers and transformers to handle the solar install. Since there are two separate solar arrays, the southern one should have connected down south. Mr. Laughy said that when the plan was presented to the Planning Board, the underground connections would go up to the Foundry building, but at some point, the six-packs were placed in a residential area. He added that they placed an unsafe pole at the corner of Sanborn and Calef Hill Road, an area that has experienced a number of car accidents. His main concern about moving the six pack down to the Foundry was that it won't change the visibility of the poles since they would now be in view from his house. He feels that the city is allowing Eversource to do whatever they want. He feels the only real solution is to move the poles to the ground. If that isn't done, he feels there should be a denial to operate the solar array.

Mr. Wishcamper said that the developer didn't have anything to do with Eversource's decision of pole placement on Sanborn Street. His understanding of the Zoning Ordinance is that the utility has the right in any zone to erect utility facilities. As far as GoLight is concerned, the goal is to try to deal with those things they have control over, but that doesn't include control over Eversource.

Mayor Zink asked Planning Director Lewis, which of the location options he endorsed. Mr. Lewis asked which of the options Mr. Wishcamper and his team thought Eversource was looking for. Mr. Conant said that Eversource is looking for approval from the City before they take any further steps with the developer before moving the six-pack. Chairman Liberatore suggested that someone on the Board makes a motion to move the six-pack to the back of the building and if that option doesn't get enough votes, then seek a motion for moving it to the front. Library Director Rob Sargent asked if leaving the poles where they are is an option. When Mr. Conant said that is also an option, Mr. Sargent asked if there had been any response from the nearest abutters on Sanborn Street. Planner Lewis said that neither of those parties had made any statements for or against the pole placement. Councilor Desrochers said that in his opinion, the further back the poles could be placed, the better. He then asked if there was any way to camouflage the poles like they do cell towers. Member Testerman felt that it would be best to put the 6-pack to the back of the Foundry since this is a semi-industrial area.

Chairman Liberatore called for a motion. Member Testerman made a motion to move the six-pack to the rear of the building. A second was made by Councilor Brown. The roll call vote was as follows: Mayor Zink [no], Rob Sargent [no], Jo Brown [yes], Christine Sheedy [no], Christine Dzujna [yes], Dave Liberatore [yes], Tim Flaherty [yes], David Testerman [yes], Donna Tully [yes]. The motion carried by a vote of 6-3-0.

Mr. Wishcamper asked for approval for the conceptual landscaping plan. A motion to approve was made by Member Flaherty, which was seconded by Member Testerman. The motion carried by a 9-0-0 roll call vote. Chairman Liberatore thanked the Wishcamper team for all the work they've put in. A motion was made by Councilor Brown to continue the discussion to the April 28th meeting. A second was made by Member Flaherty. By a roll call vote of 9-0-0, the motion carried.

P 20-10: Continuance: 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 representing GSSGNH made a presentation. There were three main concerns expressed by the Board and the public at the last meeting. The three concerns were the upgrading and placing of utility poles and overhead lines on Prospect Street, the visibility of the array from abutting properties, and the impact of property values due to the proximity of the array. Mr. Redding said that they met with Eversource February 26th at the site to review the connection requirements with them. Eversource has allowed them to reuse the three-phase line that goes down to the pump station on the golf course. GSSG will not be adding to the poles along the road. Eversource would need to replace two poles on Prospect Street that are older poles. The replacement poles might be 5 feet taller. A new connector line would be strung between those two poles. A new pole would be installed along the line of poles going down to the pump station. It would contain the recloser. This pole could be five feet taller too. A transformer will be added to the pole just east of the shed. The last pole in this series will be replaced due to age and a push-brace will be added. Some trees will be cleared between this pole and the project poles which will be new. The first pole will have the meter and the second, the gang-operated air brake. Both these poles are far down the hill. From this last pole the wires will go underground to the array. In addition to the previously discussed poles, Eversource has identified two other poles needing upgrading with reclosers. Those poles are down on River Street near the waste water treatment plant and across the river to Punch Brook Road. These poles will provide protection to the treatment plant.

Planner Lewis asked about the poles down near the waste water treatment plant and its connection with the proposed array. Mr. Redding said that he understands that the lines run south on Prospect to Manual Farm Road to cross the river before the waste water treatment plant. This was the result of a review of the system overall. Planner Lewis asked if clearing would be necessary for the installation of the recloser pole and whether the direct abutter would clearly see that pole. Mr. Redding said that they don't see the need for any tree cutting in that area. Planner Lewis asked if a viewscape of that pole could be shared with the Board. Member Dzujna said that driving south from the country club house those poles would be clearly visible.

Member Tully asked if any of the other poles along Prospect Street would be replaced or have new equipment added to them. Mr. Redding answered in the negative. Member Tully asked if this arrangement has been reviewed by Eversource. Mr. Redding said that an impact study has been done with Eversource and they have met in the field to review the project. Mayor Zink asked where the six-pack would go. Mr. Redding said it will only require a three pack since it is only one megawatt and those three poles would go down the hill from the street. Member Testerman asked why the interconnection wasn't done at River Street instead of at Prospect. Mr. Redding said those properties are private and they don't have access, plus the steep slope of the hill down to River Street wouldn't make it feasible. Mr. Vandal with GSSG added that the circuit only runs down from the waste water treatment plant across the river and they are not connected to River Street at all.

Member Dzujna asked if the poles being replaced would or would not be taller. Mr. Redding said that until Eversource goes out to do the work they won't know for sure, but they might be about five feet taller. Member

Dzujna asked if the abutter closest to the run of poles near the maintenance shed would be responsible if any trees between their property and the poles were damaged. Mr. Redding said that the trees on the abutter's property was that abutter's responsibility. Planner Lewis asked if Eversource was replacing any other poles on Prospect Street with additional gear. Mr. Redding said that Eversource has not made that decision.

- At this stage, questions were asked of the Public. Councilor Desrochers urged the Board to withhold approval of the Mojalaki project until the Mark and Duffy project was completed with the plantings. Carolyn Hurst said that she agrees with that. She also said that an outside consultant needs to be brought in to review the plans. She asked why they couldn't bury the wires since Northern Pass was planning to bury miles and miles of wiring. She is concerned that Eversource will do whatever they want when they come in. Mrs. Hurst requested that if the solar project is approved, the setback from her property be increased by 100 feet, and that the rest of the Mojalaki property be devoted to green space to prevent the installation of additional solar arrays there. She said that she is clear that the value of housing in the area will decline, that if she builds homes on her abutting properties, she won't be able to make sales at the value they are in West Franklin [Sterling Meadow area]. The desirability of housing in the Mojalaki area is directly related to the scenic views. Finally, she read excerpts from relevant regulations from the City Website: The responsibility of the Board is to enforce and manage land use ordinance and regulations so the interests of property owners and neighborhoods are protected. As part of that process the Planning Board may require that a proposed site plan protect and preserve natural features such as trees, streams, water courses, scenic views and stone walls. The Planning Board has the right to require landscaping around service structures such as transformers and dumps and this will be reviewed on a case-by-case basis and will take into account the location of the service structures and the views from public or private property. The Board may require an outside consultant. The site goes on to talk about the denial of any application: a determination by the Board that the proposed use, though permitted in the subject zoning district, creates too significant a conflict would be established with the abutting land uses, where the abutting land uses would be harmed by the approval of the site plan application. Mrs. Hurst requests that no vote be made until the Mark/Duffy site is completed and then that the application be denied due to the damage to the neighborhood.

Councilor Brown asked if the Mark and Duffy project and the Mojalaki property were completely separate operations. Planner Lewis said that there is overlap between the applicant and the developer; the ownership of the Mark & Duffy project and the ownership of the Mojalaki project are different. Councilor Brown asked if the third party was hired due to the issues of the Mark & Duffy project and Planner Lewis told her that was the case. She then stated that she wasn't sure it was fair to the developer of the Mojalaki project to be tied to a project that they are not directly involved with as far as going forward. She feels that significant effort has been made to reduce the impact. Once the landscaping is in, the Board should have the right to reevaluate the need for additional screening, so it isn't right to stall this project because of what is happening at Mark & Duffy.

Member Testerman said both properties have the same mailing address although they have different LLCs, so don't kid yourself that these aren't related. Mr. Testerman stated that he will be voting against this project for a variety of reasons.

Chris Melick said that she disagrees with Ms. Brown, that Mark/Duffy has been such a disaster that we need to take our time and learn from their mistakes. She wants to know what this developer is doing differently so that we're not in that position. She also concerned about the view that they are looking at. There is a lot of vagueness about the description. In fact, the poles could be five feet taller with

more wires. The screen share shows the view during the summer with the trees in leaf. It is not just one person being impacted; it is an entire neighborhood. Mojalaki is not an industrial location. Slow down. Don't rush. Don't take the developers at face value. We have no idea about how this area will be transformed.

Mrs. Hurst added that her understanding is that the people who own Mark and Duffy bought it from the group that is now wanting to develop Mojalaki, so we can relate to their performance there. Planner Lewis said that for both the Mojalaki project and the Mark/Duffy project the land is owned by two different LLCs, but Rob Pearlman is the principal holder of the LLC. He added that Granite State Solar Garden is the applicant for both properties. Nathaniel Vandal said that GSSG is the project developer for both projects. Mark/Duffy has been sold to GoLight. The primary difference on the Mojalaki project is that they have met with Eversource at the site to nail down what the interconnection specifics will be. Mr. Vandal says they've done the extra due diligence with Eversource. Mr. Vandal stated that there are no upgrades other than the two reclosures that have been identified off site that are related to this project. Mr. Vandal says that Eversource has replaced poles on Prospect, but this is not related to this project.

Ellen Hurst feels that we shouldn't rush into anything with this project, there are still too many issues with the Mark/Duffy site.

Chairman Liberatore asked Planner Lewis if he's spoken with the City's attorney regarding the moratorium. Planner Lewis stated that the moratorium effects two classes of applications that might come to the City. One is a new site plan application. A couple days after the moratorium was approved, an application came in for a solar project at Commerce Drive and South Main Street submitted by Nobis Engineering. The Planner wrote back to Chris Nadeau that because of the moratorium the public hearing can't even be opened for that until the end of the moratorium. The moratorium was approved at the March 1st meeting of the City Council. It runs through to September. Hypothetically speaking, if the Mojalaki project was approved tonight, a building permit couldn't be issued until the moratorium has lapsed. Planner Lewis said that a lot of good comments have been presented by the abutters and the project managers. Even if an approval is issued tonight, they can't get a building permit for two to three months. There is no need to rush at this point.

Chairman Liberatore asked that the meeting be closed for the night and requested a motion to continue this discussion to next month. Planner Lewis interrupted to ask the applicant to open up a discussion with Carolyn Hurst regarding landscaping on her property. Given some of the questions that have come up tonight, it would help if the applicant could supply more information about the poles on Prospect Street regarding height and possible tree clearing. What will the view look like from people across the street? The Planner felt it advisable for the applicant to bring the landscaper in to look at the viewscape from Prospect Street with the new poles.

Before the meeting adjourned, the Administrative Assistant read out three emails from Margaret Copeley. Planner Lewis said that he would respond to those emails the next day. Nathaniel Vandal asked for clarification regarding a building permit for the Mojalaki project. Planner Lewis stated that based on discussions with the City Attorney, no building permit could be issued until the moratorium lapsed.

A motion to continue the meeting to next month was made by Councilor Brown and seconded by Member Dzujna. The motion carried with a 9-0-0 roll call vote.

Approved 4/28/2021

A motion to adjourn was made by Councilor Brown and seconded by Member Dzujna. The motion carried with a 9-0-0 roll call vote.

Public Comment: None

Other Business: None

Planner's Update: None

Adjournment:

- The next Planning Board regular meeting is scheduled for April 28, 2021 at 6:00 p.m. and the application dead line date is April 7, 2021.

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