

FRANKLIN PLANNING BOARD

PUBLIC MEETING

April 28, 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: Councilor Brown called the meeting to order at 6:02pm 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], Tim Flaherty [room alone], Donna Tully [home alone], David Testerman [joined meeting at 6:18, home with Karen], Kathy Lauer-Rago [room alone], and Ted Starkweather [room alone].

Absent: Christine Dzujna, Chairman David Liberatore and James Debernardo. Member Tully seated for Member Dzujna and Member Starkweather seated for Chairman Liberatore for voting purposes.

☐ **Pledge of Allegiance**

☐ **Approval of Minutes from 3/24/2021:** Member Flaherty motioned to approve the minutes from March 24th. Member Sargent seconded the motion. There were no noted amendments and the minutes were approved with by a 6-0-1 roll call vote with Member Lauer-Rago abstaining due to her absence from the March meeting.

☐ **New Business: None**

P 20-04: Ken & Heidi Pope, owners & applicants are seeking subdivision approval to create two lots from the 3.71-acre parcel at 136 New Hampton Road, Map/Lot 113-032-00 in the Rural Residential zoning district. Both lots will have the required acreage and frontage for the district.

Motion to accept application: made by Member Sheedy, seconded by Member Sargent

Roll call vote passed 8-0-0

Councilor Brown asked for any discussion or comments from the Board. There were none.

Councilor Brown asked the applicants if they had further information to add. They had nothing to add to their application.

Motion to Approve Application made by Tim Flaherty:

"I move to approve the subdivision for Kenneth Pope and Heidi Flanders, referenced as P21-04, for parcel 113-032-00, 136 New Hampton Road. The approval is consistent with the draft decision provided by the Planning Director, with any amendments made by the Board and noted in the minutes."

Seconded by Mayor Zink. Roll call vote passed 7-0-1 with Member Starkweather abstaining.

☐ 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.**

Joe Wishcamper from GoLight, one of the owners of the project, made some short comments. He indicated that his team hired a landscape architect to review all of the screening and buffering issues. A conceptual plan was prepared and presented to the Board at the March meeting. The final version was provided to the Board for this hearing. He mentioned the discussion at the March meeting about the "6-pack" of poles near the entrance from Sanborn Street, with the potential to re-locate the poles to just south of the existing foundry building. After discussing this more with an abutter, it was determined that the new location would actually be more visible to more of the abutters, so it was decided to leave these poles where they are now located. He said the owners have worked to be responsive to the concerns of the Board and the area residents.

Member Flaherty asked about the landscaping, and voiced some of the same concerns as the abutters, one concern being the visibility of the project from abutting land. Mark Johnson, the Licensed Landscape Architect discussed the plantings, and the mixture of new trees [both deciduous and evergreen] and the installation of sections of fencing to break up the look of the buffering. He said most of the trees to be planted are evergreen. He said the conceptual landscaping plan was provided to all of the abutters. Director Lewis noted that other than two abutters who had very specific issues with stormwater or historic land clearing, no other residents brought forward any concerns with the conceptual plan.

Member Zink asked about stormwater. Mr. Wishcamper stated that the stormwater basins have been installed per plan and there has been significant grading on the site to help manage stormwater per the DES requirements. The smaller basin is largely in place to deal with stormwater during the construction and early post-construction period. The large basin is per design.

Member Zink also asked about the DES Alteration of Terrain issues. Mr. Wishcamper indicated that there is work taking place this week to address some concerns of the AOT staff. The owners have hired a wetland scientist to review the site and address all AOT concerns.

Member Zink also mentioned that she felt that the Decommissioning Plan should be provided to the Board in a specific time-period. The other Board members were largely in favor of this. Planner Lewis will amend the draft to include this. It was also discussed that the lease for this project includes language about decommissioning. It was the consensus of the Board that this lease language should follow any future owners.

Abutter Dean Laughy discussed the 6-pack of poles. He feels it is located "in the best of worst positions". Moving it only makes the impact worse for other abutters. He stated he felt that the originally approved plan would have used existing poles and not new ones, but Eversource would not do that. He voiced the opinion that the City should examine its permitting policy for future utility poles in hopes of avoiding the issues that have been created with the Foundry project. Planner Lewis explained that this process has moved to Municipal Services for review and approval of utilities as the poles are frequently in the right of way.

Planner Lewis reviewed the revisions to the draft Notice of Decision provided to the Board. The amendments are: adding a time period for the decommissioning plan; adding wording about the lease language and future owners and; mentioning the review checklist put forward by the 3rd party electrical inspector. Members Sargent and Tully, moved and seconded a motion to issue an Amended Notice of Decision consistent with the draft decision and aforementioned revisions.

Member Sargent made the following motion:

-“I move that the Franklin Planning Board approve the Amended Notice of Decision for the Foundry solar project. This motion approves the draft Notice of Decision prepared by the Planning Director, with any changes noted in the minutes.”

Motion seconded by Member Tully. Motion passed 8-0-0, roll call vote.

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.

Planner Lewis discussed the email from resident Copley regarding her questions from the last meeting on the location and design of new poles and the buffering issues. He indicated that he had passed her email onto the project team so they could address the issues during this hearing.

Michael Redding introduced himself as a representative of the ownership and development team. He started the presentation by discussing the issue of poles and equipment. He screen-shared several plans and photos of the proposed pole locations and he highlighted the equipment to be mounted on each pole. He discussed the views from different locations. One existing pole will have a transformer mounted on it; the re-closure equipment will be placed on a new pole. The re-closure pole will be 40-45 feet high. The plans that we reviewed are the same as the plans that were presented at the last meeting.

J. Bibbins also read a new comment/question from Ms. Copley regarding poles and equipment. Mr. Redding explained the pole in question is an existing pole and would only change in that a transformer would be added to the pole.

Councilor Brown asked whether the project team had spoken with the Gagnes who live directly south of the maintenance shed building. Mr. Redding said no.

Nathaniel Vandal from the project team indicated that the image showing the proposed re-closure pole also shows a riser pipe; he said this will not be necessary for their installation.

Member Flaherty asked if the abutters had seen these plans. These plans were displayed at the last meeting; Planner Lewis said he did not get any calls about these poles. Member Zink asked if the re-closure pole will be

visible from Prospect Street. Mr. Redding stated that yes, it would. He also said the new poles along the access drive will be in alignment with the existing poles adjacent to the drive.

Councilor Brown asked, when looking at a view of the shed and pole area from the north, whether any of the trees along the edge of Prospect St would be removed. Mr. Redding indicated no. Member Tully asked about the term “replacement in kind” which was used in their narrative letter. Mr. Redding said this refers to poles that will be replacing existing poles but they will be slightly higher. The range of added height has been discussed as being 2-5 feet. Member Tully also asked for clarification on the changes to the poles near the treatment center. Mr. Vandal indicated those poles would have the recloser equipment in order to maintain power to the treatment center in the event of an outage downline. Director Lewis also added that those poles are within the city’s industrial zone. Member Tully asked if the pole arrangement plan has been approved by Eversource. Mr. Vandal confirmed that the plan had been shared with Eversource. He does not expect any further changes from Eversource. There was also discussion about the shed that is being used to shield the view of poles could potentially come down if Mojolaki wanted the location for additional parking in the future. Mr. Redding indicated that their understanding is that Mojolaki wants the shed to remain in its current location.

Dean Laughy expressed concerns about similar assurances they received during the installation of the Foundry solar project and they should be cautious to trust Eversource. Mr. Vandal offered more assurances that Eversource has had more opportunity to weigh in this time and the Planning Board has enforcement authority. Carolyn Hurst supported Mr. Laughy’s concerns and also expressed concerns about the zone being Rural Residential and that she does not feel this fits that type of zoning.

Councilor Brown asked Director Lewis to weigh in on what other types of business might be allowed in that district which he responded to with a number of possibilities.

Ken (?) expressed concerns regarding past business practices by Eversource and they should be very cautious.

J. Bibbins read a question from Margaret Copely as to how the City of Franklin will benefit from this project. Mr. Redding expressed the opportunity exists but there is not currently a contract for Franklin to benefit directly. Comments were received from Member Testerman, also a state legislator, regarding a bill to ban net-metering which is the basis for these types of projects. Mr. Vandal expressed that he thought that was an unlikely scenario and the project should not be denied on a remote possibility. Mr. Laughy expressed he would certainly support a solar project in the right environment but, based on the Foundry project, he does not feel this is the right location.

Councilor Desrochers expressed his opinion that the board should wait to approve any more solar projects until they have fully completed the Foundry project.

Mr. Redding continued by showing where the plantings would be to help shield the view of the array from the Gagne’s property. He also showed multiple views of the landscape plan for the Hurst property consisting of plantings and mesh fencing. Mrs. Hurst expressed her concerns about the views from around the property, not just from the house, as well as concerns about the green mesh and how it ages.

Mayor Zink asked for more information about the stormwater basins and culverts. Mr. Redding explained the requirements from the Department of Environmental Services and the materials used. He concluded his presentation by stating that he feels they have been responsive and thorough in answering the questions of the residents and Planning Board and would open it up to any further questions.

Approved 5/26/2021

Councilor Brown opened the floor to any further questions for Mr. Redding. Ellen Hurst expressed concerns about what had happened with the Foundry project and cautioned the Board before going forward with this project.

Director Lewis explained the next steps in the process to close the hearing and make a final decision at the May meeting. He will draft two potential decisions, for and against, that the Board can consider prior to the meeting. He requested that the Board schedule a public meeting/workshop to discuss the proposed Solar Zoning Ordinance on May 12, 2021 so it can be presented at a Public Hearing on May 26, 2021 and presented to the City Council in June.

J. Bibbins read a final concern from Margaret Copely regarding the outside light on the clubhouse at Mojolaki being very bright and requesting that it be adjusted. Director Lewis said there was a member of the ownership team on the call and he could bring that concern to the membership group.

Brandon Shenfield from GSSG expressed his appreciation to the Board and project team for their time and input regarding this project and feels it has been very helpful. Councilor Brown then closed the public hearing on this item. Roll call vote passed 7-1-0 with Mayor Zink voting no. Councilor Brown thanked the public for their input and participation.

A motion was made by Member Sheedy to schedule the public meeting/workshop on May 12, 2021 at 6:00 p.m. and a public hearing on the proposed solar zoning ordinance at the May 26, 2021 Planning Board Meeting. Seconded by Member Tully. Roll call vote passed 7-0-1 with Member Sargent abstaining due to a conflict that night.

Member Starkweather asked about the status of the Cumberland Farm project. Director Lewis indicated that progress is being made and all of the necessary easements and agreements are moving forward. He stated that he felt that Cumberland farms might be before the Board in late summer or early fall.

A motion to adjourn was made by Member Flaherty and seconded by Member Sargent. The motion carried with an 8-0-0 roll call vote.

Public Comment: None

Other Business: None

Planner's Update: None

Adjournment: 8:40 p.m.

- The next Planning Board regular meeting is scheduled for May 26, 2021 at 6:00 p.m. and the application dead line date is May 5, 2021.

Minutes recorded by Judy Bibbins, Administrative Assistant, Planning & Zoning