

**FRANKLIN PLANNING BOARD
PUBLIC MEETING
May 26, 2021 6:00 p.m.
City Hall, Council chambers**

Minutes

Call to Order: Chairman Libertore called the meeting to order at 6:00 p.m. EDT

Attendance - Present: Mayor Olivia Zink; Rob Sargent; Councilor Jo Brown; Christine Dzujna; Chairman David Libertore; Tim Flaherty; Kathy Lauer-Rago; Ted Starkweather; Planning Director Richard Lewis. **Absent:** Christine Sheedy; David Testerman; James DeBernardo; Donna Tully

☐ Pledge of Allegiance

Director Lewis made a brief announcement to the Board that next month's meeting packets were in front of them. Given the size of the packet, we would not be mailing them.

☐ Approval of Minutes from 4/28/2021. Councilor Brown made a motion to accept the minutes, seconded by Christine Dzujna. Motion passed 6-0-2 with Chairman Libertore and Christine Dzujna abstaining due to not being at the April Meeting.

☐ New Business:

- ☐ P 21-05:** Richard and Lisa Crowley Family Trust, and the Crowley One Family Trust, owners & applicants are seeking approval for a Lot Line Adjustment between properties located at 131 and 133 New Hampton Road [parcels 113-405 and 113-405-01 respectively]. Thirty-one acres will be annexed from Lot 405 to Lot 405-1.

Tim Bernier gave a brief presentation of how the lots will be divided with the movement of the lot line. It will shift acreage from one Crowley family trust to another. He showed where the wetlands are and where the new lot lines will be. There were no questions from the Board.

Motion to approve the new lots was made by Councilor Brown, seconded by Member Dzujna. **Motion passed 8-0-0.**

☐ Old Business:

- ☐ P 20-10:** 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.

Whereas the public hearing was closed at the April 28, 2021 meeting, there was no public comment on this item. With no discussion from the Board, a motion was made to deny the application by Kathy Lauer-Rago; seconded by Tim Flaherty. Before a vote was taken, Chairman David Libertore clarified for the Board that a yes vote is a vote to deny the application. **Motion passed with a vote of 7-1-0.**

- ☐ Proposed Amendment to the Franklin Zoning Ordinance to create a new Section, 305.29.2, Solar Energy Collection Systems, related to definitions, type and locations of uses, setbacks, and specific conditions and requirements for the construction of new residential or commercial solar projects.**

Approved 6/23/2021

Chairman gave an overview of the ordinance and the need for one as there had not been anything in place prior. Director Lewis highlighted the changes he had made to the original draft based on the feedback and input from the Board and public at the May 12 workshop meeting. Councilor Brown spoke in favor of the new ordinance and the changes that had been made to it. Discussion was then opened to the public for comment.

Resident George Dzujna spoke in favor of the ordinance and also thanked Director Lewis for his work on the ordinance and his many years of dedicated service to the City of Franklin.

Resident Dean Laughy suggested a change in wording in Section 4C2 to remove “state” as Eversource is a multi-state company. He also suggested in section 3 that the property owner should be included in the conversation about the project and questioned the definition of “property owner.” He then posed some questions regarding decommissioning and whether it had been adequately addressed. Director Lewis explained where that was in the ordinance.

Resident Margaret Copely expressed her appreciation for the hard work done on the ordinance. She expressed concerns about the conservation district zone being included as an area that a Special Use Permit (SUP) could be granted for solar projects going forward. Director Lewis responded by saying that if the ordinance is too limiting for options within the city limits, it could be challenged in court and potentially overturned. He explained that if a solar project was protected from view, locating it in the conservation district zone would be an option. Ms. Copely responded that if Franklin is too small for solar projects then they should go elsewhere.

Councilor Brown explained that a SUP still allows the Planning Board to say no, they do not have to grant it.

Mayor Zink asked for clarification regarding the difference in process between a SUP and Project proposal. Director Lewis explained that it is a two-track application process. Mayor Zink clarified that she wanted to know which came first in the process, if we could save the applicant time in preparing a site plan if the SUP was denied first or do they need the site plan in order to request the SUP. Director Lewis tried to explain how to avoid it getting overturned in court, that the Board needs a reason to deny a SUP besides just the zoning district. Mayor Zink suggested that anyone with a site line to a proposed project should be notified along with abutters.

Resident Larry Melick of Prospect Street praised what is happening in Franklin and asked for a clearer definition of the conservation district. Director Lewis read the definition of the conservation district from the current Zoning Ordinance. He then spoke to the need to look at all options for a solar project.

With no further discussion, Councilor Brown made a motion to accept the Zoning Ordinance Amendment and send a positive recommendation for adoption to the City Council, seconded by Tim Flaherty. **Motion passed with a vote of 8-0-0.**

- ☐ Proposed Amendment to the Planning Board Site Plan Regulations to create a new Section, 402-7, related to conditions and requirements for the installation or construction of new residential or commercial solar energy projects.

Director Lewis gave an overview of the new site plan regulations for solar projects. Chairman Libertore asked for any questions from the Board; there were none. He opened it up to the public for questions or comments; there were none. Member Dzujna made a motion to adopt the site plan regulations, seconded by Councilor Brown. Motion passed with a vote of 7-0-1 with Mayor Zink abstaining.

Motion to adjourn made by Member Flaherty, seconded by Member Dzujna. **Motion passed with a vote of 8-0-0.**

Approved 6/23/2021

Adjournment: 6:55 p.m.

- The next Planning Board regular meeting is scheduled for June 23, 2021 at 6:00 p.m. and the application deadline date is June 2, 2021.