

**FRANKLIN PLANNING BOARD
PUBLIC MEETING
July 27, 2022 6:00 p.m.
Franklin Public Library**

Minutes

Call to Order: 6:00 p.m.

Attendance: Mayor Jo Brown (acting Chairperson), Christine Dzujna, Tim Flaherty, Rob Sargent, Kathy Lauer-Rago, Alternate James DeBernardo (arrived at 6:08), Planning Director Seth Creighton. (Absent: Chairman Dave Liberatore, Councilor Valerie Blake, Christine Sheedy, Alternate Donna Tully, Alternate Councilor Ted Starkweather).

Pledge of Allegiance

☐ Approval of Minutes from 6/22/2021.

Member Dzujna made a motion to approve the minutes, seconded by Member Lauer-Rago. **Motion carried 5-0-0.**

☐ Old Business:

P22-09: Franklin Savings Bank, owner, is seeking a Special Use Permit for a ground-mounted solar electric system. The property is located at 575 South Main Street, Map/Lot 119-027-00 in the B1 [Low-density Business/Commercial] zoning district. [This hearing was continued from 5/25/2022]

Director Creighton spoke that there is an error in his staff notes indicating that the Special Use Permit application requires more information. It is complete as submitted.

Heather Iworsky from Revision Energy spoke on behalf of the applicant. She indicated they have submitted all the requested information. There are no changes in the design but all connections will be underground. She did have a question about the type of survey that was required so Director Creighton explained it is part of the site-plan requirements. The survey is a condition of approval and he explained the need for and type of survey to be done.

Mayor Brown clarified if it can be approved without the survey, to which Director Creighton confirmed that it could be as long as the survey is a condition of approval. Mayor Brown then opened the hearing to public comment.

Dean Laughy spoke in support of it and expressed that he was happy that Eversource was not involved with a project like this. George Dzujna also spoke in favor of the project. He said he thought this was a great thing for Franklin Savings Bank. Public Hearing was closed and brought back to the Board.

Director Creighton shared a couple of comments he had regarding a decommissioning plan and how that works but that there is not much changed in the solar panel construction over the years. Member Lauer-Rago brought up some concerns she had about what happens to the panels when they have outlived their usefulness. There

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are components of them that have heavy metals and are toxic to the soil and groundwater. She suggested the applicant be responsible for monthly inspections to check for leaks, cracks, etc. Director Creighton agreed with the suggestion and said it could be made a condition of approval for Franklin Savings Bank to walk the site once a month to inspect it since they are responsible for it.

Member Flaherty made a motion to approve the Special Use Permit, seconded by Member Lauer-Rago. **Motion carried 6-0-0.** Member Flaherty then made a motion to approve the Site Plan application, seconded by Member Dzujna. **Motion carried 6-0-0.**

☐ New Business:

P22-10: NH Solar Garden, applicant, and Stanley S. Weglarz, owner, are seeking a Site-Plan review with Special Use Permit for a 2.0 Megawatt ground-mounted solar array. The property is located at the terminus of Industrial Park Drive, Map/Lot 082-408-00 in the I1 [Industrial] zoning district.

Director Creighton explained that staff is suggesting this meeting serve as a Conceptual Design Review as the City ordinance requires that prior to a review and approval/denial of any large-scale commercial solar projects. The applicant has submitted far more than would be required for a conceptual review but the ordinance requires a conceptual review before submittal of a full site plan. He explained that since writing the staff comments he has had time to review the entire package and has several pages of comments. He explained that he sent those to the applicant ahead of time so they can speak to any of those concerns tonight.

Member Sargent made a motion to accept the application as complete enough to begin a review, seconded by Member Dzujna.

Andrew Keller from NH Solar Garden spoke to the application. He said he had reviewed the comments from Director Creighton and would be addressing some of those tonight. He explained the project consists of fixed-mounted, anti-glare panels. There is no lighting and barely any sound consisting of a low hum at a max of 60 decibels. He explained that Community Choice Aggregation Law allows for communities to bundle the power and increase the output so the community will benefit directly from it. He addressed the Alteration of Terrain requirements and said the engineering is almost wrapped up with Eversource. This project will fill the grid in Franklin so Eversource will not allow any more large projects like this unless they do some type of upgrade in the future. He addressed the decommissioning concerns by explaining that over the past 3-4 years companies have been changing how the panels are built with decommissioning in mind. They will incorporate that into the surety bond and they will have a contract with both the property owner and the City.

Member Flaherty asked for clarification on how the city benefits from the energy collection. Mr. Keller explained the program and that there needs to be a committee that recommends it to City Council for approval. Member Lauer-Rago asked if it would benefit the City in any other way, to which Mr. Keller explained that it would generate tax revenue as well.

Member Sargent asked for clarification on the point about this being the last project. Mr. Keller explained that Eversource has only so much room on the line and what can come back to Franklin through the substation. This project would max out that capability.

Mayor Brown asked the Board if they had any other questions. Director Creighton explained what was within the Board purview and what they did not have authority over.

Chris Nadeau from Nobis Engineering Group gave an overview of the engineering side of the project. He explained they would clear 10.5 acres of the lot and the panels would take up about 6 acres. They will be installing more aesthetically-pleasing fencing that was also wildlife friendly. There would be minimal grading and they would install stormwater/catch basin ponds. He explained some of the options for screening including fast-growing spruce trees to block the view from abutters.

Member Dzujna asked how much space there is between the panels and the abutting properties. Mr. Nadeau said there is a minimum of 50 feet.

Mayor Brown opened the meeting up to public comment. Attorney Jeff Rabinowitz spoke as a representative for the solar project across the street from this proposal. He asked the applicant to speak to the road improvements. Mr. Nadeau explained the hammer-head turn around that is required to be put in at the end of the road.

Dean Laughy said he had several points he wanted share: 1. He believes that all abutters should have received a copy of the list of violations that happened at the Mark/Duffy solar project, which he abuts. 2. 50 feet is not that far; the neighbors will see the panels. 3. Since Eversource is involved he does not believe the project should be approved until Eversource agrees to the plan in writing regarding the poles. 4. Franklin can not do anymore solar projects? What does that mean? 5. What is the benefit to Franklin in taxes?

Director Creighton explained that the ordinance does require that everything be underground. Mr. Keller confirmed that everything from the last pole to the panels is underground. Director Creighton also spoke to the requirements and the setbacks. He explained they don't have much of a buffer if they suddenly hit ledge or boulders and shift a few feet the wrong direction. Mr. Keller explained that they could move the first few rows of panels away from the property line to create a greater setback.

George Dzujna addressed the issue of taxes as opposed to a Payment in Lieu of Taxes (PILOT) which is another option. He explained that, as a City Councilor, he would favor taxation as it is a guaranteed payment as opposed to a PILOT which is at the discretion of the property owner.

Director Creighton reiterated what was within the Board's authority: site plan, zoning, etc. Taxes, ownership, etc. can not be a reason to approve or deny.

Member DeBernardo asked if it was fair to say that there are more eyes on this project than on previous solar projects in the City. Director Creighton confirmed that, yes, with the new ordinance and requirements, there is more control over solar projects. He is requesting a phased approach to minimize disturbance to the ground and explained some of the requested design adjustments.

Mr. Keller explained there are deadlines for incentives so they are concerned about meeting again as soon as possible.

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Mr. Rabinowitz asked how close the catch basin pond is to the panels across the street. Mr. Nadeau explained the stormwater will not run towards that direction; it will be diverted away from those panels.

Denise Montambeault spoke as an abutter saying they had just recently built a new house on their lot which does not show on the plan and she is concerned about how close this will be to them.

Member Dzujna made a motion to continue the application to the September 22, 2022 Planning Board Meeting or August 24, 2022 if they can get everything together by the August 3rd deadline. Seconded by Member Flaherty. Motion carried 6-0-0.

☐ **Other Business:**

☐ **Planner's Update:**

Director Creighton shared that Cumberland Farms is still looking at breaking ground in September. Member Lauer-Rago asked about the impact of this project on the Mojolaki project if this is the last one Eversource will allow. Director Creighton agreed that was a good question but would have to look into it.

☐ **Adjournment:**

Member Flaherty made a motion to adjourn, seconded by Member Lauer-Rago. **Motion carried 6-0-0. Meeting adjourned at 7:25 p.m.**

- The next Planning Board regular meeting is scheduled for August 24, 2022 at 6:00 p.m. and the application dead line date is August 3, 2022.

Respectfully submitted,

Judy Bibbins

Planning & Zoning Administrative Assistant