

**FRANKLIN PLANNING BOARD  
PUBLIC MEETING  
August 24, 2022 6:00 p.m.  
Franklin City Hall, Council Chambers**

**Minutes**

**Call to Order:** 6:01 p.m.

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

☐ **Pledge of Allegiance**

☐ **Approval of Minutes from 7/27/2021.**

Member Flaherty made a motion to approve the minutes, seconded by Member Dzujna. **Motion carried 7-0-0.**

☐ **Other Business:**

NH Water Works Association / Resilience Planning & Design will introduce the State of NH's model Groundwater/Source Water Protection ordinance for local consideration as a tool to protect the City's drinking water sources.

Boyd Smith from NH Water Works gave an overview of the program. He explained that it is a unique situation that Franklin and Sanbornton can be paired together in a project like this because the Franklin water supply aquifer begins in Sanbornton. He explained how the overall implementation and enforcement can be used as a model throughout the state.

Steve Whitman from Resilience Planning then spoke on the three-pronged approach to a project like this. The first is the mapping, understanding where the ground water is in the City and where the protections need to be. The second is the ordinance. They have submitted a model ordinance from the State that Sanbornton is also using as a starting point to move forward. Member Flaherty asked if what they had been given had already been modified by Sanbornton. Mr. Whitman said it had not, this was their starting point. Mayor Brown asked Director Creighton if he'd had a chance to look at it yet. Director Creighton said he had given it a quick read and would like to make some changes to make it more Franklin-centric. He felt that October might be a reasonable timeframe. Mr. Whitman said the final prong is outreach and they will be looking for opportunities to communicate with the public and educate them on the process and the importance.

Crystal Kidd from Resilience Planning spoke to some possible outreach techniques and a possible timeline. Chairman Liberatore requested they push out the timeline a little bit out of respect for Director Creighton's time and his commitments to other projects. It was agreed that they are all set to move forward.

☐ **Old 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. [Application was continued from 7/27/2022]

Member Dzujna moved to reopen the application, seconded by Mayor Brown. Motion carried 7-0-0.

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Andrew Keller from NH Solar Garden and Garrett Siebert from Nobis Engineering spoke to the application. Mr. Siebert presented the updated site-plan and pointed out the following changes: the hammer-head turnout for trucks at the terminus of Industrial Park Drive, they moved the pond and it is now 34' from the property line, there will be safety fencing during construction, they moved the panels south and east as well as shrank the space between rows and have submitted a waiver for the underground utilities.

Mayor Brown asked for clarification on the utilities as she understood that most of the utilities would be underground. Mr. Keller explained that, yes, most of them are underground but Eversource needed some poles for the connection. Member Flaherty asked where those poles would be and Mr. Keller said they would be on the subject property. Chairman Liberatore asked how many poles there would be. Mr. Keller said it would be 4 utility poles. Member Lauer-Rago asked about the topography of the building and if it was suitable for a building. Mr. Keller confirmed that there is a slight grade to it, but that it was certainly a buildable lot. Member Lauer-Rago also expressed concerns about contamination from the panels and heavy metals that could leach into the soil if they become damaged. Director Creighton explained that there are certain species of vegetation that can be planted that can absorb heavy metals naturally. He also explained that these panels are plastic and stormwater runoff is considered "clean water." Director Creighton explained the applicant is required to submit a decommissioning plan, which is bonded, and that it must cover the cost of returning the land to the original state. There is a condition to submit service reports to the Planning Department and he believes the safety protocols are adequate.

Member Flaherty asked Director Creighton to speak to the response from Nobis on the concerns expressed at last month's meeting. Director Creighton explained that he thought about 90% of the responses work and the rest have been added in as a condition of approval. The outstanding issue is regarding screening and is still being clarified.

Mr. Keller requested to speak to that issue and said he had reached out to the abutter that is affected most. The evergreen trees that are on their property were originally planted by Mr. Weglarz before he subdivided the land and he feels they provide adequate screening to meet the requirement. Director Creighton responded that the Board needs to understand that the applicant can not burden the abutter with the responsibility of providing screening. However, with the movement of the array as shown on the plan, there may be enough distance to provide natural screening. He said he would need to walk the property to be certain.

Member Lauer-Rago had several questions: she asked for a guarantee that none of the panels will end up in the City landfill, how does this benefit Franklin and is Franklin maxxed out on solar projects if this one is approved. Director Creighton said the disposal of materials is outside the purview of the Planning Board and that the benefit is in the increased taxable value. Mr. Keller spoke to the capacity issue in that the Webster substation that this will tie into has limited capacity to receive solar energy to the grid. If another project fails, that may open up more space but he understands that this will max out what they can currently handle. Mayor Brown asked what would happen if the Mojolaki project that is currently in court prevails. Mr. Keller was not sure but if they already have reserved space in the substation, they may be included in the report that this one brings it to capacity. If they do not, he is not sure what happens in that case. It is up to the project manager to maintain a "space in line."

Director Creighton read concerns stated in an email from resident Dean Laughy. These are attached to these minutes. Chairman Liberatore felt the Board and applicant had already addressed all of his concerns. The Board agreed. The Chairman closed the public hearing and brought it back to the Board.

Member Dzujna made a motion to approve the waiver request for underground utilities. Motion seconded by Member Flaherty. **Motion carried 6-1-0.**

Member Dzujna made a motion to approve the Special Use Permit. Motion seconded by Member Flaherty. **Motion carried 6-1-0.**

Member Dzujna made a motion to approve the Site Plan. Motion seconded by Member Flaherty. **Motion carried 6-1-0.**

☐ **New Business:**

14 Dottie's Lane, Map-Lot 115-093-000 is seeking Planning Board review and recommendation on their request to build/occupy a new home with garage on a private road, Dotties Lane. NH RSA 674:41 requires the Planning Board to offer a recommendation to the City Council on this matter.

Director Creighton gave an overview of this. Christian Dumont has applied for a building permit for this property and State RSA 674:41 says the City cannot issue a building permit on a private road without City Council approval. The city technical staff has met and reviewed the design and approves of it. The suggestion is to approve the permit on the condition of a Municipal Release of Liability signed by the property owner. The Release is added to the deed so any future owners are under the same conditions.

Councilor Starkweather asked when does a driveway become a private road. Director Creighton explained that this is a named/recognized private road already but he believes it would be 3 or more houses but would need to verify that.

Mayor Brown made a motion to approve request to make a recommendation to City Council. Motion seconded by Member Dzujna. **Motion carried 7-0-0.**

☐ **Planner's Update:**

Director Creighton provided updates on a number of properties that were asked about by various members of the Board:

Mojolaki Golf Course Solar Project Appeal – months ago we submitted a final rebuttal and have been told that there has been no response from the plaintiff so it may possibly get dismissed, but we don't know for sure yet.

Cumberland Farms – the City has made a request to improve the look of the site but have not had a response. We will follow up on it.

Cannon on CF site – that is actually a separate lot/park and the cannon will stay there.

901 Central Street (former Soda Shoppe) – there is a project in the works here but it is not public information yet. Property maintenance issues at house on South Main Street – this has new owners and they have cleaned out the transient residents and are cleaning up the property.

South Main St. gas station – they are still working on State permits.

Director Creighton also gave an update that we have seen a big increase in complaints about chickens on residential properties in the downtown area as well as getting a number of inquiries about campgrounds. We are working on educating people about the problems that can arise with these uses.

☐ **Adjournment:**

Mayor Brown made a motion to adjourn, seconded by Member Dzujna. **Motion carried 7-0-0. Meeting adjourned at 7:19 p.m.**

- The next Planning Board regular meeting is scheduled for September 28, 2022 at 6:00 p.m. and the application deadline date is September 7, 2022.

Respectfully submitted,  
Judy Bibbins  
Planning & Zoning Administrative Assistant

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Email comments read into the record by Director Creighton:

- >
- > Good Afternoon Mayor and Seth:
- >
- > Not sure if I will be able to attend the Planning Board Meeting tonight.
- >
- > Just a couple of comments on the pending solar project:
- >
- > 1) These are the same folks that built the one by us.
- > 2) They will sell this to someone else probably before it is finished.
- > 3) This would mean, it not possible for them to speak for the new owners.
- > 4) This solar farm will probably be seen from Route 127, one of the most scenic roads in Franklin.
- > 5) The lady who built the new house will also probably be able to see it.
- > 6) Prior to any approvals they should have to present a formal approved plan from Eversource of what they plan to do for connection. This should be included on the final plan approved prior to granting project approval from the Planning Board.
- > 7) With this, each pole must be permitted, licensed and taxed.
- > 8) If it is the same type installation they did by us the decommissioning process will be real important, it may not last the 25 years.
- >
- > It will be real important to set up weekly, bi-weekly project reviews on this project. We know of all the issues near us and history would suggest we may see them again.
- >
- > I am sure you are aware on all of these, but wanted to share these ahead of the meeting tonight in case I can not attend.
- >
- > Please let me know if you have any questions or thoughts on these.
- >
- > Thank you
- >
- > Dean