

**FRANKLIN PLANNING BOARD  
PUBLIC MEETING  
February 10, 2021 6:00 p.m.**

**WORKSHOP MEETING MINUTES**

**\*\* 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 via the following link: <https://us02web.zoom.us/j/84152150232>  
Meeting ID: 841 5215 0232

**Call to Order:** Chairman Liberatore called the meeting to order at 6:01pm

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

☐ Roll Call - **PRESENT:** Library Director Rob Sargent [office alone], Councilor Jo Brown [home alone], Christine Dzujna [home with husband George], Chairman Dave Liberatore [home alone], Tim Flaherty [vacation home with wife], Dave Testerman [home alone], James DeBernardo [home alone], Donna Tully [home alone], Councilor Ted Starkweather [home alone], Interim Mayor Olivia Zink [home alone], and Christine Sheedy [home alone, joined meeting at 6:17pm]. **ABSENT:** Kathy Lauer-Rago. James DeBernardo was seated for Member Rago for voting purposes.

☐ Pledge of Allegiance

**New Business:**

1. Discussion and consideration of findings and recommendations to the City Council for a solar moratorium.
2. Brief discussion on a future solar energy ordinance.

Planner Lewis reminded listeners that he had recommended some amendments to the Zoning Ordinances regarding solar projects in the City of Franklin. Due to the complexities of putting together such an ordinance in a short period of time, he proposed a temporary moratorium utilizing the language in Zoning Ordinance 674:23. This six-month hold on future solar projects would allow the Planning Board time to come up with an amendment to the Solar ordinance while keeping current projects on track. The Planner has put together both draft findings and draft ordinance language. The ordinance language establishes the moratorium. He listed eleven findings and seven items in the ordinance. There have been seven solar projects approved in the City. One was constructed in the Industrial Park and it has a number of issues. The same is true with the Mark/Duffy project. There is great interest by all parties to take steps that will both avoid future issues and will ensure in a better fashion where these projects can be located.

This moratorium would cover all solar projects within the City of Franklin with the exception of roof-mounted residential solar projects and ground-arrays on residential parcels greater than 2.5 acres.

The moratorium would expire in six months or when the City Council adopts a new and separate zoning ordinance for the regulation of solar facilities. If the Planning Board accepts the findings, the draft moratorium ordinance would go to the City Council on March 1<sup>st</sup>.

Tim Flaherty asked if this moratorium applied to the Mojalaki project. Planner Lewis said that project was protected due to the fact that they filed the site plan prior to the moratorium being put in place. The Planner added that he received an email from Michael Redding, Granite State Solar Gardens New Hampshire, that requested a continuance of the discussion on the Mojalaki solar project to the March 24<sup>th</sup> meeting since they were having difficulty arranging a meeting with the Eversource team to discuss the interconnection issues and the location and types of poles.

Chairman Liberatore added that this is why the public hearing is being re-opened for Mark and Duffy. That the Board will make sure that things are done in a proper manner. The Chair feels that a moratorium will give Planner Lewis and the Board time to put together a really good zoning ordinance to give to the City Council and hopefully put some rules and regulations in so that the issues currently being dealt with don't happen again.

Library Director Rob Sargent asked the Planner is he was aware of any projects coming forward in the near future. Mr. Lewis said that some work has been done by the solar development team for the project at the end of River Street, behind the Waste Water Treatment Facility, but that he hasn't been contacted by anyone from that project or any other projects.

Mayor Zink asked about the breadth of the language in line 'E' of the ordinance #05-21 which reads, "This Moratorium covers all solar projects, located anywhere within the City of Franklin. She knows that Mill City Park has some solar development in their plan and she wonders if the target should just be commercial solar projects. Planner Lewis said that being involved in the bi-weekly meetings for the downtown development, he knows that Mill City Park will not be ready to have a discussion of the installation of a solar 'carport' over that parking area for many months. The six-month time frame should not have any impact on Mill City Park.

Councilor Brown asked if the Planning Board can take any action to force the solar developers at Mark/Duffy to remediate those things that were done without the approval of the Board. Planner Lewis said that the Planning Board, as with any site plan, has a lot of power and authority. Potentially, new conditions can be put on the project. He added that he sent off an email to the Mark/Duffy development team telling them that he would be making a recommendation to the Planning Board on February 24<sup>th</sup> to require that a complete 'As Built' plan be developed for this project. He asked that it be the same scale of the original site plan and on a transparency so that the two can be overlaid and see what is going on and where it is going on. He also asked for all details about poles, fence height, height of panels and locations of these.

Councilor Starkweather said that the poles installed on Sanborn Street for the Mark/Duffy project were not on the original plan. He asked the Planner if they needed to submit a plan on that section. Planner Lewis said that this will be shown on the 'As Built' and added that he thinks at the meeting on the twenty-fourth the Board and the residents will be going into this. Councilor Starkweather

asked if the Planner could inquire of GSSG what chapter of the National Electrical Code are they using for that project. Chapter Six and Seven covers connections for solar arrays above ground and underground.

Chairman Liberatore said he thinks the ordinance for the Moratorium pretty much covers most of what they wanted to cover tonight. Planner Lewis said that he wanted to ask the Board if they had any issues that they would like to see included in the draft.

Member Tully asked if there shouldn't be something about ongoing maintenance plan for solar installations. Planner Lewis said that prior to the opening of the Mojalaki project, a couple residents referenced a model solar energy ordinance, which has been used throughout the state by various communities. He has been using that as a foundation and ongoing maintenance and decommissioning will be part of that discussion.

Councilor Starkweather asked if there should be a more definitive description of residential versus commercial. Planner Lewis said in the language for the ordinance, 'E' covers about all solar projects and 'F' lists two exceptions, roof-mounted solar projects which is any residential project and ground-mounted solar projects on a residential lot. As of this time, there are only two ground-mounted residential arrays. He added that although there were more of these residential projects a few years ago, there aren't that many now.

Dean Laughy, Shannon Street, asked if any permits were issued for Mojalaki, to which Planner Lewis said no. Mr. Laughy, asked what were the ramifications if a violation takes place on an approved City Planned project. Why aren't they delivered a Cease and Desist and a daily fine for the violations? Mr. Laughy says there needs to be some repercussions. Secondly, he feels that property valuations need to be considered, that he thinks that he's lost a quarter of a million in property values between his four properties up near the Foundry solar site. Mr. Laughy lastly questioned if it was legal for City Officials to have vested interests in these sorts of projects.

When the discussion was brought back to the Board, Tim Flaherty made a motion to accept the proposed findings and submit the findings and the draft ordinance to the City Council for their consideration at the March or April meeting. Councilor Brown seconded. **The motion carried by a roll call vote of 9-0-0. Those members voting in favor of the motion were, Mayor Zink, Rob Sargent, Jo Brown, Christine Sheedy, Christine Dzujna, David Liberatore, Tim Flaherty, Dave Testerman, and James DeBernardo. [Donna Tully and Ted Starkweather were alternates]**

Chairman asked Planner Lewis what the next step is. The Planner said that he will double check the moratorium draft supplied to the Board and then get it to the City Manager's office for inclusion on the March 1<sup>st</sup> City Council Meeting.

Member Testerman asked when the Board starts working on the real zoning laws. Planner Lewis said that he is working on the draft now and his goal is to get a draft to the Board at another workshop meeting for a public hearing on April 28<sup>th</sup> and to the City Council for May 3<sup>rd</sup>.

The Planner said that Chinburg has an application for Feb. 24<sup>th</sup> meeting which included a Special Use Permit to use Building D for light industrial for a brewery and a tasting room. They are also submitting a revised site plan to accommodate two fire lanes and parking lot configuration. The re-opening of the Public Hearing on the Mark/Duffy/Foundry solar project will also be discussed on the 24<sup>th</sup>.

Planner Lewis said that at the bottom of the memo, he put forward some suggestions for items to be included for the draft ordinance for solar projects. He asked for any inputs from the Board and anticipates that more ideas will come forward at the discussion on the 24<sup>th</sup>. Mayor Zink said suggested checking out North Conway's solar ordinance that deals with the electrical pole restrictions and the connectivity to the electrical gridline.

**Planner's Update:**

**Adjournment:** Member Flaherty made a motion to adjourn at 6:44pm which was seconded by Councilor Brown. The motion carried by roll call vote of 9-0-0.

- The next Planning Board regular meeting is scheduled for February 24, 2021 at 6:00 p.m.
- Minutes recorder by Cheryl Fisher, Administrative Assistant, Planning & Zoning