

**FRANKLIN PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING –  
COUNCIL CHAMBERS  
Wednesday, April 22<sup>nd</sup>, 2015 at 7:00 p.m.**

Member Jo Brown remained in the audience at the start of the meeting, as she was an applicant before the board this evening.

**Call to Order:** Chair Brian Colburn called the meeting to order at 7:03 p.m.

- Pledge of Allegiance
- Roll Call

Present: Brian Colburn, Tim Flaherty, Timothy Stangroom, David Veysey, Jo Brown, Michael Freeman, Mayor Ken Merrifield, Anthony Giunta, Brian Sullivan, Ted Starkweather and Planning and Zoning Administrator, Richard Lewis.  
Absent: Powell Glenn.

Member Veysey was seated in place of absent voting member Powell Glenn and Member Flaherty was seated in the vacant voting member position being the ZBA representative, for tonight's meeting.

- ❖ Approval of Minutes: March 25<sup>th</sup>, 2015.

**MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the minutes of the March 25<sup>th</sup>, 2015 Planning Board Meeting. Member Stangroom indicated that on page one Member Veysey recused himself from voting on application P15-002, and that in the motion it states that he moved, when the motion was made by Member Stangroom. All were in favor of approving the minutes as amended.**

**Old Business:** None.

**New Business:**

- P15-003:** Buell's Block, LLC, Owner; Mary J. "Jo" Brown, Applicant, requests a Special Use Permit to transform the store front previously used as a tattoo parlor into a Coffee Shop and Retail Store. The property is located at 366 Central Street, Tax Map/Lot # 117-151-00, B-2 Zone (High- Density Business and Commercial District). A coffee shop is considered a restaurant based on the Zoning Definitions and a restaurant in the B-2 Zone needs Special Use Permit approval.

At this time, Mayor Merrifield recused himself. Member Giunta was then seated in place of Mayor Merrifield.

**MOTION: Member Starkweather moved and Member Sullivan seconded to accept the application of Buell's Block, LLC, Owners; and, Mary J. "Jo" Brown, Applicant. All were in favor and the motion passed.**

Mrs. Brown indicated that the concept is the same, but a new plan was given to the members this evening. She asked if the board had any questions.

Member Stangroom asked if she had received approval from the abutter for the handicap ramp. Mrs. Brown stated that she spoke with the owner of the abutting property and spoke with Richard Lewis about the best way of configuring the handicap ramp. She stated they haven't determined the final location, as stone work will be needed, but she has received verbal approval from the owner of that property.

**Public Comment:** None.

## Board Discussion

Richard Lewis stated he is sorry for not providing the board with motions, but indicated the past few weeks have been crazy. He indicated that as the board remembers, there has been some discussion about allowing restaurants by right in the B-2 Zone; however, based on the work that needs to be done to the overlay district as well as the ordinance, this hasn't taken place yet, thus Mrs. Brown needed the Special Use Permit. He stated that all other properties and code issues have been resolved on the property.

**MOTION:** Member Sullivan moved and Member Starkweather seconded that the Planning Board approve the Special Use Permit, referenced as P15-03, for Buell's Block, LLC and Mary J. "Jo" Brown, to transform the store front previous used as a tattoo parlor into a Coffee Shop and Retail Store, located at 336 Central Street, Tax Map/Lot # 117-151-00. This approval is granted conditionally subject to the findings and conditions outlined in the draft approval document reviewed by the Board. All were in favor and the motion passed.

Member Brown sat as a board member at this time.

- Seven (7) Site Plan Conceptual Design Review Phase applications are being presented by NH Solar Gardens, Applicant, and Nobis Engineering, Engineer, to build community Solar Garden arrays on six (6) properties in the City of Franklin. These properties are identified as:
  - **P15-004:** River Street, Tax Map/Lot # 123-403-00, C Zone (Conservation District) and RR Zone (Rural Residential District), owned by the City of Franklin.
  - **P15-005:** A second area located on River Street, Tax Map/Lot # 123-403-00, C Zone (Conservation District) and RR Zone (Rural Residential District), owned by the City of Franklin.
  - **P15-006:** 55 Industrial Park Drive, Tax Map/Lot # 101-009-00, I-1 Zone (Industrial District), owned by Industrial Park Investors, LLC.
  - **P15-007:** Lake Shore Drive/Hill road, Tax Map/Lot # 091-007-00, C Zone (Conservation District), owned by the City of Franklin.
  - **P15-008:** 79 Hill Road, Tax Map/Lot # 114-039-00, R-1 Zone (Low-Density Residential District) and B-1 Zone (Low-Density Business and Commercial District), owned by the City of Franklin.
  - **P15-009:** Commerce Drive, Tax Map/Lot # 102-402-00, I-1 Zone (Industrial District), owned by Franklin Commons Realty Group, LLC.
  - **P15-010:** Industrial Park Drive, Tax Map/Lot # 082-408-01, I-1 Zone (Industrial District), owned by Stanley S. Weglarz.

As this is a Conceptual Design Review Hearing there was no formal acceptance of the applications that needed to be taken by the board.

Member Giunta recused himself, but stated that this project is in line with the true revitalization of Franklin.

Richard Lewis stated that his email to Andrew Keller and Paul Fitzgerald, regarding zoning issues, has been resolved to his satisfaction.

Andrew Keller wanted to thank the Planning and Zoning office for their assistance in putting the applications together for the board. He stated that this evening he would like to open the discussion and talk about what the applications mean. He will give background on community solar and state projects. He stated he would like to then open it up for discussion so that he can get feedback from the board and the general public, so that they can come before the board next month for a site plan for final approval.

He stated this type of project is pretty new to the State of New Hampshire, having only been brought forward in the last 1 ½ to 2 years. The final rules were just issued by the State of New Hampshire 3 months ago, after working out the kinks. He stated the commercial and industrial land rebate program was just finalized 3 days ago.

Mr. Keller indicated they look for land with good sun exposure, they get power through the solar panels and then share it. He stated this is the truest form of power. This concept has matured in Massachusetts and Vermont. Massachusetts has 500 megawatts put in the last 3-4 years. Vermont has 50 megawatts. Currently New Hampshire has no solar gardens.

Mr. Keller stated that they have been looking for rural and industrial locations, and are now working on projects in 20 communities in the State of NH to put in solar gardens. He stated they have been working with DES on landfills. A sample packet was shared with the board this evening, which captures all the details.

Mr. Keller indicated that for each project they need the permission of the owners of the properties to move forward, which is given through a letter of intent. He stated they work with Eversource and the City on the locations, making sure that the locations will work. One of the sites needs oversight from DES, as it is the drinking water treatment plant. He stated the biggest challenge is usually the utility company, making sure that the site is safe to push power back onto the grid.

He stated it is better to open the discussion to the public and the board to answer any questions that they may have and then come back to the board at the next meeting with the plans.

Member Flaherty asked who receives the benefit from the power once the equipment is installed, besides the city receiving the lease revenue. Mr. Keller stated community solar is exactly that, it can be one person, the City or a specific business. The Town of Milford asked them to work with the landfill and the benefit was for the landfill, the school and the town. He stated the majority of towns are putting the solar gardens at their landfills or transfer stations, to save money on electricity.

Member Flaherty asked Mr. Keller who he is targeting and Mr. Keller stated the City first, to reduce their electric bill, then the school, and hospital. After that it needs to be determined. He stated there is no cost to sign up, you just have to be with the same utility company and every few months you would get a rebate check, which is typically 10% of your electric bill.

Member Brown asked how a project like this would survive a winter like the State just had. Mr. Keller stated they take into account wind loads and snow loads, and would be building the solar panels approximately 3-4 feet off the ground. He stated they may need to do winter maintenance, which typically would be just shoveling in front of the panel, and the snow would then shed off. He stated that the winter is important because they get 10% of their total power in the winter.

Member Stangroom asked how they get the power back to the grid. Mr. Keller stated the panel collects the solar power, there is wiring that brings the power to a converter and the racking system goes to the transformer and then to the electric company system.

Member Stangroom asked if all this equipment is in the one area and Mr. Keller stated that it is all in the approved area for the system.

Member Starkweather asked what the size of the inverter system was. Mr. Keller stated they use to be big central invertors with fans and cooling systems. He stated that if there is only one inverter system, and there is a failure, then the entire system would go down, so now they have evolved and there are smaller inverters covering different portions of the array.

Member Starkweather asked if the solar garden was secured by a fence and Mr. Keller stated that it is. Member Starkweather stated as the lots are off the beaten path, he doesn't want to see them vandalized. Mr. Keller stated fencing is required by Federal Law. However, the entire system will be connected by a monitoring system. He stated that in order to damage a panel, a rock would have to be thrown at 52 miles per hour, as the panels are designed to withstand golf ball size hail at 52 miles per hour. He stated there will also be video monitoring.

Member Freeman asked if all seven projects would be put in at the same time. Mr. Keller stated in a perfect world they would be. He stated if they are approved they would all be in within 3-4 months. He stated they would hopefully be up and running by fall. He stated the projects are phased, where first the electric company tests the systems in the area to make sure they can withstand the power being pushed back onto the grid and then the electrical is put on the site, then the fencing is put into place, and then the site is built. He stated that once the power is supplied to the site, the person doing the electric would then move to the next site, while the person putting on the fence would start the work at that site, so it is a constantly revolving project.

Brian Sullivan stated Vermont and Germany are promoting these systems. He has been involved with the determination of the locations and the city has assisted them to their fullest extent. He stated there may be waivers required for the Site Plan process and as far as zoning the use is an allowable use. The State has provisions on Solar Farms, so there can be exemptions. Franklin needs to set the tone for these types of Solar Farms. He stated he is in full support of the project.

Mr. Keller stated that the projects that have been applied for within the State, including the area at the Airport, add up to 8 Megawatts, and the project in Franklin will be one of the largest projects. The leadership in the City sees this to be impactful.

Member Sullivan stated, that per the April 15<sup>th</sup> Memo, the formal vote will not take place until the Site Plan approval. He stated the Water Treatment facility will need State of NH approval due to the flood plain and they will need to go through the procurement process. He stated that solar power will be pushed back onto the grid to benefit the water plant.

Member Flaherty asked about the potential revenue to the City, and asked if there was an idea of what the annual revenue would be. Mr. Keller stated there would be three components of the revenue to the City, and those would be:

1. Lease rate, which would be approximately \$13,000 to \$17,000 annually;
2. Savings on electric bill, between 10-15%, which could be approximately another \$15,000 to \$20,00 a year; and,
3. Tax Revenue, a tool for assessing the property would be created.

Member Stangroom asked about the glare factor, monitoring, and asked if there would be a small building on site for monitoring. Mr. Keller stated the solar panels absorb the sun and the glare is compared to sun reflection off of snow. He stated the ones at the airport, which is probably where the question is derived because of, were at the perfect angle, with some glare going up and affecting a plane landing. The glare goes up and not out, and won't be a problem with these facilities. Mr. Keller added that the footprint of the projects include the racks with the collectors, the fence and a setback from the fence line.

Member Freeman asked if there were any projects now being built in New Hampshire. Mr. Keller stated that due to the long winter, they don't have any projects scheduled to start until late spring or summer. He stated some of the projects moving forward are the Milton Land Fill, Hillsboro Land Fill, Bedford Project and Coe Brown Academy in Northwood NH. He stated once the approval is granted and the loans are acquired that they will be ready to go.

Member Freeman asked if there was anything of this magnitude that has been built. Mr. Keller stated there is a large project on the Cape. He stated there is a 30 megawatt project ready to be built in Massachusetts. He stated construction is the easiest and most enjoyable step, as it is not a complicated construction process and the building process doesn't take much time. He stated they have a National General Contractor who does the work.

Mr. Lewis asked if the decommissioning of the solar panels, fencing and all other aspects are built into the lease and Mr. Keller stated that they are. He stated that the project in Massachusetts has a condition that if the solar panels are not utilized, then they must be removed and the land must be returned to a natural vegetative state. Chair Colburn asked if it is normal to have a bond in case they go belly up and Mr. Keller stated they could do an escrow if needed. He stated there is future value in the solar panels, as far as the cooper and other items, but if no one is there it could be

a headache to dismantle and remove, so an escrow could be done. Member Colburn asked if this would be taken care during the negotiations with the property owners and Mr. Keller stated they would be.

Richard Lewis asked if there was any involvement from PUC on standards or involvement on decommissioning and Mr. Keller stated there are rules on how to share power but that PUC doesn't want to be involved in policing, thus that is up to the property owner and is put into the lease. PUC does have to approve the Solar Gardens before construction can begin though.

Member Veysey asked what the projected life expectancy is and Mr. Keller stated the panels are under warranty for 25 years, and they degrade about ½ of 1% a year, if they were degrading faster, then there is a problem with the panel and the warranty covers them. He stated there are panels older than this out there that are still producing power.

Mr. Keller stated that most parts and labor are done by local businesses.

Member Sullivan asked about the monitoring and if they had heard of the STATA program that the City uses for water monitoring. Mr. Keller stated the system is monitored, where there is a camera, but there is also a built in system and if there is a problem they would be notified immediately through a telephone line and internet line that would send the information on the problem to the company. Mr. Keller stated they have not used STATA; he did however state they are able to monitor the system remotely and through cameras at any time.

#### Public Comment:

Dick Lewis stated that in trying to be as efficient as possible, a joint notice was sent out to the abutters, letting them know of this hearing and the Site Plan hearing in May on the 27<sup>th</sup>, at 7:00 p.m. He stated for these abutters no further notice will be sent out.

Gail Rousseau stated that Mr. Freeman asked her question and the question was answered. She did however have another question, being whether these gardens would be built on every property. Mr. Keller stated that will be determined by the Electric Company when they come out and let us know if they can push the power back onto the grid safely at these locations. He stated if there is a fatal flaw in an area then one or more properties could be pulled.

There were no further comments.

#### Board Discussion

Member Freeman asked how the City decided this is what they want on the property. Mr. Lewis stated that meetings have been held with the City Manager, NH Solar, their engineers, Brian Sullivan and a few others. Mr. Lewis did add that the final say is with the City Council. He stated this will be before the council in either May or June for a presentation by the City Manager and they could authorize her to enter into the formal lease process and agreements with NH Solar.

Member Veysey asked what the square footage of most projects are. Mr. Keller stated that for every megawatt they need 5 acres of land. He stated the arrays have to be configured at least 150' from large trees to keep from having any shadowing.

Richard Lewis asked how many homes can be serviced if 8 megawatts of solar panels were built. Mr. Keller stated 1 megawatt can service 200 homes.

Chair Colburn asked for clarification from the board if the sample packages submitted with the packet would suffice or if the board wanted any more information. He stated the sample site plan appears to show the full boundary survey and topography. Also there was a mention of waivers, but he didn't notice that any waivers would be necessary. Member Sullivan stated that as this is the first project, and Dick had mentioned in the memo the possibility of waivers, and stated what Richard may have been referring to was regarding elevation plans, amount of impervious materials and percentage of slope. Member Sullivan stated he doesn't see a need for this information. Member Sullivan stated that

in regards to the site on Manuel Farm Road, he would refer this to Richard Lewis on what information was needed. He stated the board has never dealt with this type of application, so he wasn't sure if any waivers would be necessary. Richard stated that until he receives the final plan, he is not sure what waivers may be necessary.

Richard Lewis asked Mr. Keller if his company had initiated boundary surveys. Mr. Keller stated they have looked to see if there are available survey maps, and stated they will engage more after tonight's meeting. He stated that he has only requested one waiver in the past, for topography, as the location was an old baseball field and the lot was very flat. Member Colburn stated the wastewater treatment plant may have some old historic maps and asked the board if they felt those would suffice. Member Sullivan stated that Cartographics recently did new tax maps for the city that could be acceptable. Mr. Lewis stated the office has some older subdivision and site plan maps, and that topographic information could be received from the University of NH or GSPS data. He stated they aren't building a big parking lot and thus they won't need a lot of topographic information.

Mr. Keller stated they looked for parcels in the 7-10 acre size area. They are trying to maintain large setbacks.

Member Freeman asked if the site plan for Manuel Farm Road would include the access road and utilities. Mr. Keller stated that an easement is already in place and is 50'. He stated they will use that to get to the lot and there will be a temporary construction entrance put in to off load the equipment and clean up for access. He stated they only go out to the solar gardens a few times a year.

Member Starkweather asked about the possibility of subdividing the parcel on Manuel Road. Mr. Keller stated that the State of NH restricts 1 megawatt per parcel of land, and so for that reason they may subdivide a parcel or two.

Member Starkweather stated that some of these parcels may have ledge and asked if a soil survey would be done. Mr. Keller stated they are looking into this, and that they power drive the posts into the ground. If there is ledge, then they would put concrete blocks in and the panels and posts would sit on top of the concrete blocks.

Member Sullivan stated they will have to come back with formal site plan approval. Mr. Keller stated the most difficult portion of the process is the permitting. He stated if there are wetlands they will have to get approvals from DES. Member Sullivan stated that as far as the lots on Hill Road, if they need URMLAC approval or have to go to the Upper Pemi Advisory Committee then Member Sullivan could help them and advise them on this process.

Member Sullivan stated that in regards to the Waste Water Treatment plant there is an access there and when they are ready to go out there, they can contact Brian and Richard to go with them. Mr. Keller stated they have reviewed the site sensitive issues, like wetlands, Shoreland setbacks, and other water issues. He stated that in Dover (with guidance from their Conservation Commission) they were able to stay out of the actual wetlands area, which is what they would prefer. He stated that the Waste Water treatment plant is in the 100 year flood zone, so they can raise the height from the ground that the solar panels will be so that they are actually out of the flood zone.

Member Sullivan asked what agencies they have had to deal with and Mr. Keller stated the only agencies he will have to deal with are DES, the City of Franklin and Eversource. Mr. Keller stated they attempt to avoid having to get any other further approvals if at all possible.

Member Starkweather asked if they had looked at the old landfill and Mr. Keller stated that they had and that there is a fatal flaw in the lines due to the infrastructure being too small. Member Sullivan stated the other issue with this lot is it is owned by RD Edmunds.

Chair Colburn asked the Board if they were okay with the type of plan that was in the package for this meeting, and the consensus of the board was that they would be. Chair Colburn asked if the board wanted a drainage study and Mr. Lewis indicated that under the panels is the ground and runoff from the panels goes directly in to the ground, so there should be no drainage issues. The posts are driven into the grass or under brush. The board was okay with not needing a drainage study.

Mr. Lewis asked Mr. Keller if he felt confident that they would meet the deadline date for the May 27<sup>th</sup> meeting, being May 6<sup>th</sup>. Mr. Lewis stated there would be new notices to the papers but as the abutters notice indicated, no further abutter notices would be sent.

Member Sullivan asked, regarding the subdivision of the the lot behind the waste water treatment plant, if the board could approve the application with the condition of needing subdivision approval, and asked if that would help. Richard stated that he can put some general verbiage in the site plan approval that the idea of the subdivision was brought up and the board was in agreement that there would not be a problem with subdividing the lot, and the board was in agreement with this. Member Sullivan stated if they know where the new subdivision line would be placed, then they should put it on the plan for site plan approval and Mr. Keller stated they do know the approximate location where the new line would be placed.

The board indicated that outside review was not necessary.

Member Sullivan asked Mr. Keller, if there were any questions that hadn't been asked, that should be answered, based on his experience with applications at other communities. Mr. Keller stated that they have found in the past that questions are typically site specific, especially as far as regulating them for PUC, Eversource, DES and the city and making sure any of these permits are acquired. Angie Carey stated that PUC approval is necessary before a building permit is issued, so this information does not need to be conditioned in the approval.

Jim Wells asked if there would be a stipulation as far as how it will be dismantled. Angie Carey stated that in earlier discussion it was determined this information would be determined by the City Manager when setting the lease agreement.

There was question about the subdivision and whether this would cause problems in the future and Mr. Lewis stated that when the lot was originally subdivided off of Manuel Farm Road for the State to build the waste water treatment facility an access easement was granted to the City.

Member Colburn asked if the applications could be grouped all together for the next meeting like they were this evening and Richard Lewis stated that they could be. It was indicated that separate approvals should be done though, so that if one doesn't go through, they are not all held up. It was indicated one motion is all that would be needed, but that each lot should have its own decision of approval.

### **No Public Comment or Other Business**

### **Planner's Update:**

Mr. Lewis had a few items:

1. CIRD Project: The City has worked cooperatively with CIRD, NH Coop Extension and Plan NH. An event was held on April 9<sup>th</sup> to the 11<sup>th</sup> at City hall with an overflow ground on Thursday and Friday. The Saturday crowd was smaller, but this was when the Design team worked with the City employees on devising a plan. Support was given by Jo Brown, Krystal, the City Manager and numerous other persons. A follow-up discussion will be held on May 26<sup>th</sup> at a City Council Workshop. The Plan NH Design team will get a report out about a week prior that will go on the website for public viewing. It will include the process for the presentation.
2. 2005 Master Plan Update: Richard Lewis stated that this item has been sidetracked due to some grant submission, and other projects. He stated that this can be picked up after the presentation is given on the 26<sup>th</sup> because information from the workshops and from the work done by the Colby Sawyer students should be taken into account. Some of these materials could be referenced or incorporated into the plan. Richard stated that he is looking to pick up the discussions again on the Master Plan in July or August.
3. Richard let the board know that he would be having surgery early May and would be out of the office for 2-3 weeks. He stated that he would work with Angie Carey on the drafts for the Planning Board meeting

on the 27<sup>th</sup> and he hoped to be present that evening for the meeting. Brian Sullivan stated that he would assist Angie during this time frame.

**Adjournment**

**MOTION: Mayor Merrifield moved and Member Starkweather seconded to adjourn the meeting of April 22<sup>nd</sup>, 2015 at 8:40 p.m. All were in favor and the meeting was adjourned.**

Respectfully submitted,

Angela M. Carey  
Planning and Zoning, Assistant to the Administrator