

**FRANKLIN PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING –
COUNCIL CHAMBERS
Wednesday, June 24th, 2015 at 7:00 p.m.**

Call to Order: Chair Brian Colburn called the meeting to order at 7:00 p.m.

- ❑ Pledge of Allegiance
- ❑ Roll Call

Present: Brian Colburn, Tim Flaherty, David Veysey, Mayor Ken Merrifield, Anthony Giunta, Brian Sullivan, Ted Starkweather, David Testerman and Planning and Zoning Assistant, Angela Carey.

Absent: Jo Brown, Michael Freeman, Timothy Stangroom and Powell Glenn.

Member Veysey was seated in place of absent voting member Michael Freeman and Member Flaherty was seated in the vacant voting member Jo Brown's seat, for tonight's meeting.

❖ Approval of Minutes: May 27th, 2015.

MOTION: Member Starkweather moved and Mayor Merrifield seconded to approve the minutes of the May 27th, 2015 Planning Board Meeting. All were in favor of approving the minutes as submitted.

Old Business

At this time, Mayor Merrifield and Member Giunta recused themselves.

- ❑ Site Plan Review Approval applications are being presented by NH Solar Gardens, Applicant, and Nobis Engineering, Engineer, to build community Solar Garden arrays 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.

The applicant did not have any further information to supply at this time.

Chair Colburn indicated that this is a continuation of last month's public hearing. Last month five of the seven applications were approved and these two were continued. A site visit took place to show the location of the agricultural use on the lot.

Member Sullivan stated that Dan Fife, The City Manager, Engineer Giunta for Nobis Engineering, Andrew Keller and himself met at the site for an hour and a half site visit. Stakes were put in the ground where the proposed solar array would be located. He stated that the property is 20 acres and half would be used for the solar use and the other half would remain as is for agriculture use. He added that he met with NHDES regarding access to the property through the Cities 50 right of way that runs through the basin and then also using Manuel Road. Other portions of the property were looked at, but due to steep

slopes, wetlands, the amount of tree coverage that would need clear cutting these portions were deemed unusable. The best usable year round land is the location that NH Solar has proposed to put the array. Comments were taken from all sides and it was a learning session on solar uses.

City Manager Elizabeth Dragon stated they are working on a potential lease for the location of the solar array. The agricultural use of the property by Mr. Fife is done on a year to year lease basis. This use has been going on for a number of years. The property has been looked at for other potential uses over the years and nothing else has occurred. The parcel is accessed through a 50 right of way, and the access is limited. She stated that solar arrays do not need a great deal of access. Solar is a natural energy that the community can use. This benefits the city and the residents based on a discount on electrical costs, a lease and tax revenue. She stated the board had questions about the lease and the history and she is here to answer those questions and has provided the board with a copy of the lease. She stated Mr. Fife was at the May 4th City Council meeting. The lease is only for the growing season and ends in November. When they renewed the lease this year, they gave Mr. Fife a cover letter letting him know that they were looking at other options, specifically the solar, on the property and that the City hoped for a compromise, but they wanted to let him know in advance so that he could look at other options if needed.

She stated the site visit was good and it was good to see where the array would be located. Mr. Fife has done a great job with the property and growing corn for his cattle. However, the property is city owned, owned by the tax payers, and the City Council determines who will lease the property. The city attorney is reviewing the lease agreement for the solar. They are hoping to get it all worked out for the City Council for a July meeting approval.

She stated she would like to be able to compromise and allow both parties to use a portion of the land. The lease does not keep the board from moving forward. She stated the City will work out the lease, and that is not a board concern. She stated that based on RSA 672:1,3(a) Agricultural uses and Solar uses are looked at the same, and they encourage solar throughout the State. The regulation states that the Planning Board cannot reasonably restrict the use.

Manager Dragon asked the board to look on the application favorably.

Member Starkweather asked if this regulation also speaks of Cell Towers and Manager Dragon stated it does not.

Public Comment

Dan Fife was present to speak. He submitted a write up of what he was saying. An overview of that write up is as follows:

He came before the board last month about his concerns about losing prime agricultural land. He felt as though the board had listened to him and showed concern too. He asked the board to find an alternative so that the farmland can remain. That night he met with Solar Gardens and the engineers, and Andrew Keller appeared to show compassion due to the short supply of farmland in Franklin. Mr. Keller indicated it wouldn't happen on his watch and they wouldn't take away active farmland. He felt heard and looked forward to meeting the interested parties in the field. They met in the field last Wednesday. At that time, Solar Gardens proposal was the same as at the meeting and not alternative was discussed. He stated that taking 10 acres out of the middle of the farm land gave him a jig saw area that wouldn't be worth farming at all. Mr. Giunta then commented that maybe Mr. Fife should buy the property. He stated there is available funding to do so and he is looking at that possibility. He stated he is a steward

of the land and who knows where he will be in fifty years, but stated that farmland should be available to grow fruits and vegetables for the citizens of Franklin and doesn't want the board to throw that away. He respectfully asked the board to continue this application until the city manager has the information she needs and requested that an alternative be discussed for the solar.

Kathy Donahue stated that she has some questions about converting the land from agricultural to solar, about if the agriculture is abandoned and the solar is in the middle of the property who would maintain the rest of the property, and if there were numbers as to what kind of money would be brought in and what the benefits are.

There was no further public comment.

Board Discussion

Member Sullivan stated there is a total of 40 acres on the parcel and 20 usable acres, with 10 to go to solar and 10 to agriculture. The budget is a year to year thing and they are in the process of the budget cycle now. Some money goes to schools and some to the general funds and money is tight in the city. Any project that brings in 60,000-100,000 is a good project that should be considered. There are proposed state cut backs. If the solar is to leave the land can be reverted back to farmland. The City has given up two prime sites for the solar and has moved some operations from those sites to other sites. There is an economic benefit and he agrees with the Manager that a lot of the project is money driven. He stated the city needs to look at every option to generate revenue sources. Prices are not going down, but operating costs are going up. The staff needs to consider all types of revenue options. If more parcels are found that could be used, possibly on Salisbury Road, that would be good for the city.

Member Testerman asked how much revenue would be generated. Member Colburn stated the City Manager may have some input; however, the board needs to stay focused. The only thing the board acts on is the site plan and whether it meets the regulations. The solar array is an allowed use. The board cannot tell property owners how they can or cannot use a property, especially if the use is allowed. He stated that for the array to work properly they need the ability to use this land.

Member Testerman stated the lease is till November 1st, and asked why the board cannot continue this until then. Chair Colburn stated the board can only approve or disapprove an application. He stated the application, per regulation, must be acted on in a timely manner and pushing something back for these reasons is not in the power of the board. Member Sullivan stated if two sites are taken away, when they have recommended this for economical sense, could pause the entire project. Manager Dragon stated the sites are independent, but at the same time, the applicant should not be made to sit and wait for months. The City Attorney is working on the power of purchase and the lease and if the project is pushed out the city and the applicant will continue to spend money that they shouldn't have to. Time is of utmost importance.

Mr. Andrew Keller, of NH Solar, stated the applications are bundled together and the challenge is the approval of Eversource. He stated they are looking at the project in a group, and more money will be spent if they are looked at individually. He stated not having this approval will stall the entire project.

MOTION: Member Sullivan moved and Member Veysey seconded that the Franklin Planning Board issue Conditional Approval documents to the two NH SolarGarden projects, which are referenced as File ID number P15-004 and P15-005. The findings and conditions of approval for these applications are as outlined in the draft approval documents circulated to the Board, which were review and approved, with any

modifications as noted in the Minutes of Record. All were in favor and the motion passed.

Member Sullivan stated it would be helpful to send the City Council a positive recommendation.

MOTION: Member Sullivan moved and Member Veysey seconded that the Planning Board send a positive recommendation to the City Council on all seven sites. Member Starkweather was opposed, all others in favor and the motion passed.

New Business

Mayor Merrifield returned to the board.

- P15-012: Subdivision application request for a Boundary Line Adjustment for Robert C. and Joan F. Hinds (199 Lake Shore Drive, Tax Map/Lot # 032-022-00) and R. & J. Hinds Family Trust, Randal R. and Joni K. Hinds, Trustees (203 Lake Shore Drive, Tax Map/Lot # 032-021-00). Both properties are in the LP Zone (Lake Protection District) and located on New Map H4. The adjustment would be adding 8.0' of water frontage from lot 032-022-00 to 032-021-00. The square footage of the land being transferred is 75 sq. ft.

The applicant stated that above and beyond what was said by the chair (by his reading of the application) he didn't have anything more to add.

Member Sullivan asked if the reason for the application was just for a dock permit and Mr. Randal Hinds stated that it was. Mr. Hinds stated the water frontage is 69.3 feet and 75 feet of frontage is needed for a dock. The Engineer, Mr. Jeffrey Green, stated they came for a boundary line adjustment a few years back and at that time there was a jog in from the road and this line is just being straightened.

Angie Carey stated that a variance was acquired at the June Zoning Board meeting.

Public Comment: None.

Board Discussion

MOTION: Mayor Merrifield moved and Member Starkweather seconded to approve the boundary line adjustment/ subdivision, referenced as P15-012, for the transfer of land between Robert and Joan Hinds (032-022-00) and Randal and Joni Hinds (032-021-00). The draft approval document is approved as written and reviewed by the Board. All were in favor and the motion passed.

- P15-011: HRES Franklin, LLC, Owner; Jake Seaton, Agent; Gorrill and Palmer Consulting Engineers, Inc., Engineers, request site plan review of the Family Dollar Site, regarding conformance to the current Site Plan Approval issued on March 26, 2014, and to review possible modifications to address drainage and site stabilization issues. The property is located at 785 Central Street, Tax Map/Lot # 147-401-00, B-1 Zone (Low-Density Business and Commercial District), New Map # N9.

The mayor again recused himself.

Member Sullivan stated that the property is moving in a positive direction. He stated they did not get Mike Vignale's letter till late and in order to add his recommendations, they want to continue the application. He

stated he didn't see much of a need for the parties or Mike to attend this evening. Doug Reynolds (the engineer for HRES) and Mike Vignale will meet on site and make corrections. He stated they are motivated to get the work done and want to come to an amiable resolution.

Richard Lewis did receive an email from an attorney for HRES asking if Hamel had applied for site plan approval. No site plan was needed for Hamel as the use was an approved use in the zone and the building and parking already existed and no changes were taking place. He indicated he told the applicant that bringing an attorney in at this point, will trigger the City's need to get their attorney involved and the Hamel's attorney, which means the process could take a year. He believes they will be backing down on that.

He stated HRES was at the site today striping, hydroseeding and mowing the lawn.

Angie Carey stated in the motion they should still make sure the plans are in the office by July 7th, which gives them 6 days lee-way for the July 1st deadline for board plan submissions.

Member Veysey asked if they are aware that they would still need to get the work done by August 5th, being 7 days prior to the expiration of the TCO. Member Sullivan stated an extension could be given. The consensus of the board was that an extension should ONLY be given if substantial work has been done to bring the lot into compliance prior to the expiration date. If they get approval on July 22nd, and work starts on July 23rd, then extend; but, if on August 5th no work has been done then no extension should be given.

Member Sullivan stated the worst problem with the site is due to them not raising the site as they were suppose to. If they had raised the site, they would not have the erosion problems between the two properties.

Member Starkweather stated the sheet drainage is suppose to be to the retention pond, but there are two pipes facing each other and this won't happen. He stated the siding is coming off of the building, the handicap railings in the bathroom were nailed into the sheetrock and not into the 2x4's so they are falling off and the building is a mess.

MOTION: Member Veysey moved and Member Starkweather seconded that the Franklin Planning Board moved to continue the Public hearing for application P15-011, HRES Franklin, LLC, for property at 785 Central Street, Map/Lot # 147-401-00, to the July 22nd, 2015 Public Hearing meeting of the board, to take place at 7:00 p.m. in Council Chambers, City Hall, so that the City Engineer, Mike Vignale, can review the plans for compliance with the Site Plan approval dated March 26th, 2014, and for compliance with the Site Plan Review Regulations. The applicant must provide the Planning and Zoning Office with a revised plan that brings the site into compliance by July 7th, 2015, so that the plans can be further reviewed by Mike Vignale, City Engineer. All were in favor and the motion passed.

Public Comment: None.

Other Business: None.

Planner's Update:

Brian Sullivan stated that Dick should be back after the fourth of July weekend. He stated that Angie is out next week and he will work with Deb on anything she needs. He stated his office is busy, but he didn't know how busy the Planning and Zoning office is and it is as busy as his office. He stated that Angie has done a

remarkable job keeping things going and up to date in Dick's absence. Member Starkweather stated that as Deb is out this week (due to a minor procedure) she is also doing Deb's job and should be commended.

Adjournment

MOTION: Member Veysey moved and Member Starkweather seconded to adjourn the meeting of May 27th, 2015 at 8:00 p.m. All were in favor and the meeting was adjourned.

Respectfully submitted,

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