

Sanbornton Planning Board

Meeting Date and Time: Thursday, August 15, 2019 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Rd

The meeting was called to order by Chair Pro Tem Don Bormes at 7:00 PM

Roll Call

Regular Members present: Will Ellis, Selectman John Olmstead, Don Bormes, Chair Deb Schneckloth (stepped down as Chair to be member of audience)

Alternate Members present: Andy Sanborn (seated as member), Kalena Graham (seated as member)

Absent: Justin Barriault, Jody Slack

Others Present: Town Planning Assistant, Stephen Laurin

Minutes from 8/1/19: Selectman Olmstead made a motion to approve the draft workshop meeting minutes of 8/1/19 with any corrections. Andy Sanborn seconded the motion. Steve Laurin reiterated that the Board did not discuss the agritourism site plan at the 8/1 meeting; the only discussion was regarding if the site plan needed to be resubmitted (the Board decided it did not). All were in favor and the motion carried.

Old Business

a. Site Plan Application- continued from the August 1, 2019 meeting:

Property Owners/Applicants: Guy J. (Jr.) & Marie Giunta and Anthony & Josphe Giunta/Andrew Kellar, New England Solar Garden. **Agent:** Sean Colella, Nobis Group

Subject Address/Tax Map & Lot: 63 and 71 Tower Hill Road; Tax Map 22, Lots 14, 19-2, 19-3 and 19-5. Proposed development of ground mounted photovoltaic arrays on the referenced land parcels, for the generation of 12 megawatts, AC of solar power. Project is located off the Tower Hill Road and Giunta Drive and lies within the Historical Preservation, Forest Conservation, and General Agricultural Zoning Districts (PB2018-15).

Don Bormes mentioned receipt of a letter from the abutter's attorney to be added to the meeting's minutes.

Sean Colella of the Nobis Group presented an updated site plan noting changes on Lot 14, which included relocating the overhead wires which creates a minimum undisturbed 50ft buffer from the property lines of the proposed solar array. The tree line in the southeast corner of the property remaining untouched. An area for proposed additional screening along the western property line has been established. Two culverts for wetland crossings for the access drive coming off the shared driveway were proposed.

Updated proposed plans for Lots 19-2 and 19-3 were also presented. Updated plans included reconfiguration of the access drive to provide access to the solar arrays. Arrays have also been

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moved back a minimum of 100 ft. on the west side of the property line. An area has also been designated for additional screening per the board's concerns.

A plan showing Lot 19-5 was also presented with a minimum of 50 ft. undisturbed buffer on the eastern and southern side of the property line. It was reconfigured to conserve wetland areas for access to solar arrays. Other areas of the property have proposed additional screening as necessary. Retention ponds were designed and shown on the plans for the purpose of mitigating storm events per regulations of the Dept of Environmental Services.

Will Ellis stated that he would like to take more time to look at the plans. Don Bormes asked if an escrow account has been established. Steven Laurin stated that there is no account in place at this time. The escrow account would need to be opened with an amount of \$5,000, not to be depleted below \$1,500. Don Bormes stated that no decision will be made pertaining to proceeding with the plans until an escrow account is established, then engineering review, and finally board review. Steve Laurin made reference to a list of items that need to be looked at and completed, which includes a request of approval for a lot line adjustment, sufficient screening and buffers, meeting fire safety codes, cul-de-sacs on the property, and access easements, among other items.

Andy Sanborn asked if there is a list of specifications for the applicants and engineer to be reviewed and executed. This will be generated and given to appropriate parties. Don Bormes opened the said discussion up to the abutters. Steve Laurin read letters from Tom Kuhner, who is opposed to the plan if power lines are not going to be underground. He stated that the power lines could cause potential health risks and property values would potentially decrease. Correspondence was also received from Elaine DeMello regarding the pilot agreement and also mentioned the potential devaluing of properties in the town.

Ethan Wood, Esq., attorney for John McCarvill and Michelle Jackson, abutters, discussed two items for the board to consider, the first being a construction plan as far as phases and where it will begin and the changes that are necessary to accommodate that construction. Also knowing if all construction will be done simultaneously would be helpful. Attorney Wood also mentioned that there may be some wetlands that have not been identified on the southwestern part of the site plan. He asked that the Board take that into consideration to ensure they are accounted for. Attorney Wood also requested that abutters be informed of the logging plans of these properties and how the logs will be transported to ensure that the roads are capable of this plan. His clients are willing to speak with the developers to see if concerns can be addressed ahead of time. Deb Schneckloth of Tower Hill Road, abutter, expressed her concerns regarding screening. She referenced the 2018 Solar Ordinance where it says "any system greater than 20% has a greater burden to complying with visual impact requirements." She also referenced that the applicants provide a plan for screening. Lot 14 has screening, however only partially, as well as the other

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lots on the plan. Deb referenced from the solar ordinance regarding the interconnection for utility. Photos were provided by the applicant in the past however, this did not satisfy the interconnection requirement. She asked when the study would be done, as this was discussed six months ago and nothing has been initiated in this regard as of yet. There needs to be a safety and maintenance plan, which does not currently exist. It is clear that the current site plan regarding this solar array does not fall under the current solar ordinance, which was voted in by the people in 2019. Deb asked that the board take into consideration these terms under which the solar ordinance now has in place when making any decisions pertaining to this site plan regarding setbacks and buffers. She also asked how the properties are going to be logged and perhaps putting asphalt down on the affected part of Tower Hill Rd, where it will be impacted. Deb asked what would happen if/when an escrow account is established for the purpose of engineer review, should funds be exhausted and not replenished, who would be responsible for overseeing this project and it's compliance with agreed terms?

Don Bormes assured Deb that procedures will be followed in accordance with the laws. Deb asked for clarification on what the Board can and cannot do, since the 2018 solar ordinance states that it is up to the Board to decide vegetation ordinance. Steve Laurin stated that there needs to be some kind of proposal submitted so that these terms are clearly stated. He also reiterated what the solar ordinance states as far as the Board having the authority to make decisions on the buffers. John McCarvill, abutter, clarified Deb's statement referencing screening and the solar ordinance, that the Planning Board will dictate what is appropriate for the amount of screening required. Don Bormes stated that the engineer will make recommendations to the board and then a decision will be made. Charles Schneckloth, abutter, expressed his concern about the potential noise that the transformers may make. Andrew Kellar, applicant replied that the transformers have a normal sound, with minimal humming. Andrew stated that the sound is under 50 decibels.

Selectman Olmstead spoke about the logging permit process and how the Board of Selectmen require a bond to make any road repairs. He continued to say that logging cannot begin until a permit is issued to do so. Selectman Olmstead also stated that technically, road repair would not begin until logging was complete, depending on the condition of the road. Charles Schneckloth expressed concern about the continual issue with that part of Tower Hill Rd. and how a potential emergency will be addressed should one occur due to the poor conditions of the road of transportation access.

Betsy Bryant of Sanborn Rd. asked about the character of a neighborhood with respect to the buffers. She asked what consists of the neighborhood. Her concern is that this project will affect more than the abutters, but the town as a whole.

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Steve Laurin clarified that there would need to be two escrow accounts set up: one for the review of the plans, then once approved, a second account would be to oversee the project. Andy Sanborn made a motion to continue the referenced discussion in the next meeting, scheduled for Thursday, September 19, 2019. Will Ellis seconded and the motion passed. Andy Sanborn made a motion to have an escrow account established in the amount of \$5,000 for the review of the plans. In addition, the account should be replenished once the balance is at \$1,500. Will Ellis seconded the motion and it passed unanimously.

Don Bormes stepped down as PB Chairman and Deb Schneckloth resumed her position as Chair.

Other Business: Discussion regarding ZBA action on Tara Stewart application for Appeal. Deb Schneckloth talked about Attorney Fillmore's response regarding accessory use. According to the attorney, it is not an accessory to the farming on the property. She explained that the ZBA was interpreting accessory use differently than the attorney's explanation about accessory use in agritourism. Attorney Fillmore's letter explained and defined the terms of accessory use of agritourism. Selectman Olmstead stated that accessory has to be less than 50% of the income. The ZBA may not have taken that into account when making their decision. Deb Schneckloth read that under general land use law in N.H., an accessory use is not the principal use of the property, but rather a use occasioned by the principal use subordinate to it and does not agree that the Stewart application is an accessory use. Farming should be the primary income on a farm and not wedding venues.

Deb Schneckloth made a motion to ask the Board of Selectman to get approval to seek advice from Attorney Fillmore in this regard. Will Ellis seconded the motion and it passed unanimously.

Planner's Update: Correspondence was received from 27 Lower Bay Rd., Christopher and Stephanie Kane regarding replacing a seasonal dock. Correspondence was also received from the Belmont Planning Board regarding their agenda for August 26th and Belmont Zoning Board's agenda for August 28th.

Meeting Adjournment: Deb Schneckloth made a motion to adjourn the meeting at 9:15pm. Don Bormes seconded and the motion passed unanimously.

Respectfully Submitted,
Patricia Katis
Edited by Audry Barriault