

MINUTES
Business Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, June 20th, 2019 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Rd

The meeting was called to order by Debra Schneckloth at 7:00 PM

Roll Call

Regular Members present: Chair Debra Schneckloth, Will Ellis, Selectman John Olmstead, Don Bormes, Jody Slack

Alternate Members present: Andy Sanborn, Kalena Graham

Absent: Justin Barriault

Others Present: Town Planning Assistant, Stephen Laurin

Minutes of 5/16 – Will Ellis made a motion to approve the draft minutes of 5/16. Jody Slack seconded the motion and the motion passed unanimously.

Minutes of 6/6 – Jody Slack made a motion to approve the draft minutes of 6/6 with corrections. Will Ellis seconded the motion and the motion passed unanimously.

Old Business

a. Site Plan Application (continued from the May 16th meeting) – Proposal of solar farm on Tower Hill Rd – Chair Deb Schneckloth recused herself and appointed Don Bormes as acting Chair; Andy Sanborn was seated as voting member. Attorney Philip Hastings stated that the minutes of the May 16th meeting caused confusion as they stated that the Board wished to postpone the next public hearing until after the PILOT agreement meeting with the BOS. Steve Laurin explained that this was an error and was later corrected in the approved minutes. Don Bormes stated that the vote was taken to direct Stephen Laurin to speak to the applicant to give them the option of postponing the next public hearing, as no PILOT agreement extension would probably mean no solar farm project.

Andrew Keller of NE Solar Garden provided updated plans and explained the proposed project and physical description of the solar panels. He noted that there will be no sound emitted from the panels themselves but the inverters used will emit sound at a rate of less than 50 decibels. He also stated that the panels are designed to absorb light, not reflect it, so glare is not an issue. Reports from a third party regarding property values were provided, which state that these are not affected by nearby solar arrays, and information about a decommissioning plan which was also a concern of the BOS was provided. Andrew also explained that a pole near the Tower Hill site has recently been replaced by a utility provider and is an example of the types of taller poles needed to support this project and to prevent power outages; they look like bigger versions of the existing wooden poles and are not metal.

Sean Colella of Nobis Engineering and Andrew Keller displayed views from abutters' properties to the solar array sites using topographical maps. Andrew explained that these maps infer that there is sufficient buffering and screening from vegetation and slopes but noted that he did not actually visit any of the properties or conduct formal land surveys. Will Ellis stated that it would be easier to understand the abutter's views if there were names and addresses provided. Andrew responded that he can reach out to abutters regarding their concerns and Will stated that he has already said that before; Andrew stated that he hasn't received complaints from specific abutters.

Sean Colella stated that wetlands were brought up as a point of concern at a previous meeting, and those have since been identified on the plans. He explained that an access drive needed for the project has been relocated on the plans but will need DES approval as it is in wetlands. Sean also noted that each array has a 10x20 parking area and that minimal parking is required because monitoring of the arrays is done remotely. The drainage design requested previously will still need to wait until the final

plans are drawn up as location of arrays may change and therefore the drainage design would need to change. Will Ellis stated that he would like to see underground connections between the sites versus overhead poles; Andrew responded that this has already been considered but is too cost-prohibitive. Attorney Hastings noted that the accessway to the site is already included in the deed and the Giuntas already own the underlying land so there is no rights issue.

Don Bormes requested questions and comments from the public. Abutter Chuck Schneckloth noted that the figures provided by the applicants are approximate and wants firm numbers regarding buffers, noise decibels, etc. Michelle Jackson asked if these plans will go through third party review and Don responded Yes. Attorney Hastings asked if the Board still plans to use NorthPoint Engineering even though they had agreed to search for a different firm and Don responded Yes, and explained that NorthPoint had experience with large solar projects.

Andy Sanborn asked how the solar arrays are attached to the ground. Andrew Keller responded that a steel beam is pile-driven into the ground but this is dependent on soils. Abutter John McCarville asked how the arrays are attached if there is bedrock; Andrew responded that a large screw can be used in place of the beam. Abutter Dennis Belliveau asked about the previous setback of 27 feet for the array in the southwest corner; Sean responded that they moved it to 62 feet per discussion at a previous meeting. Dennis noted that the topographical maps may make it appear that he would not be able to see the panels but he would definitely be able to see them.

Attorney Ethan Wood for abutters Michelle Jackson and John McCarville asked if the buffers being shown on these plans are located on the abutters' properties or on the land owned by the applicants. Andrew Keller responded that he is just pointing out that there is a natural buffer between the properties and if the abutters choose to cut down the vegetation then that's their choice. Attorney Wood also asked if there were vernal pools found in the wetland areas of the proposed site. Sean responded that a certified water scientist has researched and said that there are no vernal pools.

Andy Sanborn stated that he would like to see plantings for visual screening on the applicants' property and noted that the ordinance is specific and requires visual screening. Andrew Keller responded that he does not want to show this on the plans now in case exact locations of solar arrays change. Will Ellis asked if the sites could be staked out so that the Planning Board could walk the property. Andrew responded that there would be too much staking needed to do this and that walking a site is often not as useful as people would think.

Jody Slack asked if the applicants could meet the current ordinance's setbacks in some areas as needed (applicants follow previous solar energy ordinance). Andrew responded that there are six properties in Sanbornton that could adhere to the current ordinance's restrictive setbacks. Jody responded that for a small town with limited commercial property that sounds right.

Michelle Jackson noted that she can see further than 100 feet through the woods as there is minimal undergrowth and many hardwood trees, so there is not 35 feet of screening. She asked if the pole placement which is shown as directly on her property line could be moved. Sean Colella said that will be looked at. She noted that there are significantly less wetlands shown on these plans than previously. Don Bormes responded that this will not be approved unless it receives the signature of a certified wetlands scientist.

Steve Laurin noted that the plan will need to go to NorthPoint Engineering to look at scope of work and determine amount needed from the applicant to establish an escrow account. They will also look at the plan in terms of zoning and site plan regulation compliance. He recommended a walkthrough of the property after technical review of the plan by NorthPoint. The Board noted that they want to see abutters' homes shown on plans; John McCarville explained that this can be done in Google Maps and offered to assist Steve with this. Steve mentioned that an easement needs to be shown for lots 19-2

and 19-5 because the project spans the two lots. He noted also that the panels in lots 14 and 19.3 are located within the 75-foot wetlands setback.

Steve has received new correspondence from abutters; he noted that all issues brought up in that correspondence (wetlands, setbacks, etc.) have been addressed. New correspondence received from the Kuhners, De Mellos and Thomas Folsom will be provided to the applicants. Andy Sanborn made a motion to extend the Planning Board decision period for this application for 90 days (to expire on September 30). Jody Slack seconded the motion and the motion passed unanimously. Jody Slack made a motion to grant a continuance for this case to July 18th. Andy Sanborn seconded the motion and the motion passed unanimously.

New Business

(Deb Schneckloth resumed as Chair)

a. Level I Home Occupation – Planning Board Notification – Kate Osgood of Birch Rise Farm at 38 Oak Hill Rd explained that she will be selling frozen meat products and eggs on-site. There is enough parking for 11 vehicles though she does not expect this many customers at one time, and will be open by appointment only as well as few open hours mostly on the weekends. Chair Schneckloth asked about the possibility of Level II instead of I, and Kate responded that she will not have employees and the farm is off the beaten path so does not expect to be that busy. Steve Laurin noted that all departments have signed off on this. No vote needed. Steve noted that the BOS would approve signage for the farm.

b. Conceptual Consultation – Ground-Mounted Solar Energy System - Mark Liebl of 45 Wells Rd explained that he has tracked his electricity use over the last six years and it continues to rise. He would like to install 12.8 kW of solar panels in his yard; the cap for residential solar energy is 10 kW according to Sanbornton's ordinance. Chair Schneckloth asked if this could be capped to stay within the requirements for residential solar use versus commercial. Mark responded that his energy use is above 11 kW and is just looking to break even, not generate electricity for others. He noted that Eversource has approved his proposal already and that many towns are using 15 kW as a limit for residential solar versus 10 kW.

Andy Sanborn stated that the difference between 12.8 kW and 10 kW is only four to six panels. Steve Laurin explained that Mark can either apply for a variance with the ZBA or keep the application with the Planning Board and request waivers from the checklist (applying as commercial solar). Chair Schneckloth noted that he already has many of the checklist items the Board would require and suggested this stay with the Planning Board; others agreed. Mark will work with Steve on the application.

Other Business

a. May 2nd meeting – Andy stated that he feels it was improper for the BOS representative to discuss the tax status of an applicant at the May 2nd meeting and suggested sending this matter to the Town's attorney. Don stated that he disagrees and there was not a discussion about actual taxes but to ask Stephen to talk to the applicant to give them the option to defer their public hearing until after their PILOT agreement was settled. Andy stated there was a vote taken on this by the PB and it was not on the agenda. Selectman Olmstead stated that this has already been shared with the attorney.

b. Attorney fees – Selectman Olmstead stated that the PB has overspent the line for legal fees this fiscal year and the BOS asks that it uses the attorney only when necessary. Don asked if he feels that the PB has used the attorney when they should not have, and Selectman Olmstead responded No.

Meeting adjourned at 10:30. The next meeting is scheduled for Thursday, July 18th.

Respectfully Submitted, Audry Barriault