

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, May 18, 2023
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present: John Scruton, Chairman

Kyle Pimental, Planning Director

Joe Pitre, Vice Chairman

John Aylard, Clerk/Secretary

Bill Fisher

Bob Morgan

Others Present: Ken Dickie, Town Administrator

Dale Knapp, Walden Renewables

Tom Hildreth, McLane & Middleton

Chris Nadeau, Nobis Group

Irene Dupont, Debbie Prue, Brian Howard, Steve & Sandy Brown, Chris Cameron, Jolene & Gary Clark, MJ Lanteer, Donna & Larry Gorney, Daryl Murphy, Lee Murphy, Gretchen Drost, George Drost, Bill Hinton, John Kenworthy, Ed Cherian, Bruce Woodruff, Sarah Macher, Jamie & Kristal Corriveau, Katie Cameron, Traci Cameron, Christine Hickman

Ken Dickie, Town Administrator

1). Call to Order:

Chairman Scruton called the meeting to order at 7:07 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Review of Minutes:

April 6, 2023- No errors or omissions

Motion: (Pitre, second Fisher) to approve the minutes as written passed 4-0.

4). Old Business:

Public Hearing for a Special Exception by Nutes Solar, LLC, Tax Map R17, Lot 68; Tax Map R18, Lot 10; Tax Map R17, Lot 55; Tax Map R17, Lot 57; Tax Map RR18, Lot 5; Tax Map R17, Lot 33 and Tax Map R18, Lot 3. A request has been made to allow a utility use not specified by special exception. The proposed use is for a 20 megawatt solar farm, which would include single axis tracker solar arrays mounted on steel posts, access drives, equipment pads and ancillary equipment. The properties are located off Chestnut Hill Road in the Rural Residential District.

Chairman Scruton said Mr. Aylard wanted to discuss what might be a conflict of interest. Mr. Aylard said he found out one of the abutters is his brother and sister-in-law and he didn't want a conflict of interest or impropriety. He said he hasn't spoken to them about any of this. Mr. Scruton asked if he has any financial interest in their property. Mr. Aylard said no it's just that they are relatives. Mr. Scruton asked if the board felt that is a conflict. Consensus of the board was it was not a conflict for Mr. Aylard to participate in this hearing. Mr. Scruton asked the applicant if he had any objection to Mr. Aylard sitting on the board where he has a relative that is an abutter. Attorney Tom Hildreth of McLane & Middleton said it's the board members' call by the statute and asked if he thinks he can be impartial and unbiased and not influenced by that relationship. Mr. Aylard said he does and he just wanted to make it apparent. Mr. Hildreth said they had no objection on that basis alone. Mr. Scruton began the public hearing by reading the Special Exception request as stated above. He said their job is not to make a final approval here but just one step in the process. He said there are quite a few steps they are going to have to go through and one of the first steps is they need to make sure they comply with the Town's zoning in this case they need a Special Exception. He said if they grant that they have additional steps-state approvals like the **Alteration of Terrain** which is related to storm water drainage. He said they will need to go for site review and there are a number of steps before they can build the project and throw the switch. I want you to understand what our role is here tonight we are not giving approval of this project we are making a decision on whether or not they qualify for a Special Exception he said. He said to qualify for a Special Exception they need to meet these 6 tests and he encouraged the public to speak to these issues because these are the ones they are going to be voting on as they consider whether or not to grant a Special Exception and if they grant it there are a lot more steps. He said if they deny the Special Exception that means they cannot go any further until that has somehow been adjudicated or something different happens. He said the Zoning Ordinance Section 2.00 (D) 1 reads: 1). the proposed use is consistent with the character of other permitted uses allowed within the district and at the end they will be voting on each one of these 6 items. 2). No hazard shall be created to the public or adjacent property on account of potential fire, explosion or release of toxic materials; 3). No detriment to property values shall be created in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment or other materials; 4). No traffic hazard or substantial increase in the level of traffic congestion shall be created; 5). No excessive demand on municipal services including but not

limited to water, sewer, waste disposal, Police and Fire protection and schools; 6). No significant increase of storm water runoff onto adjacent property or streets shall be created. Mr. Scruton said at the last meeting the Zoning Board voted that this was a project of regional interest and the Town of Milton received notice and they have the right to participate as far as having an interest in this approval process. He said there was an initial presentation made and there were public comments that were received.

He said the Town's website has a 111 page document which contains a lot of information some of it presented by the company some of it by other abutters. He said tonight they received another item to be introduced by someone who wanted to have a comment that was presented to the board for its consideration. We have reviewed those and that is all part of our consideration tonight and I hope that you have had a chance to look over that he said. Mr. Scruton said the **Strafford Regional Planning Commission** has commented on the project and that brings us to where we are tonight. He said he would allow the applicant to begin their presentation at this point unless there are any questions about the process. He said the process will be they will make a presentation, you are welcome to ask questions, please make them one at a time and come to the mike and give your name. He said he hoped everyone has signed in on the sign-up sheet that is on the corner of the table and when you speak to make sure you give your name. He then asked if there were any other things he did not cover or thoughts the board has for the process. Consensus of the members was he covered it all. Mr. Hildreth asked if they could get an estimated time of arrival for Mr. Morgan as they were a little reluctant to present substantially if he is not here yet.

Mr. Scruton said he was hoping they had enough preliminaries to cover that he'd be familiar with and then called for a recess until Mr. Morgan arrives before they begin the substantive presentation. He emphasized that the large document that is the basis of the application has a lot of information that is useful including the way in which the applicant dealt with each of those 6 questions.

He said that Irene Dupont has been added to the information they received for the record and asked Mr. Dickie to make to make copies for the board and the Recording Secretary. Mr. Morgan arrived and Chairman Scruton reconvened the meeting at 7:21 p.m. Dale Knapp said he is the Head of Development for Walden in New England and he would pass the mike to Att. Tom Hildreth of McLane & Middleton to walk the board thru the submissions they provided in response to some of the comments they heard at the first meeting. He said they felt it was important to do some additional work on the project to demonstrate compliance with the rules.

Att. Tom Hildreth said he is the outside land use counsel for the applicants and they would pick up where they left off last time by addressing some of the comments and questions that were raised by folks in the audience. He said he would do most of that presentation and at the end of his remarks Chris Nadeau of Nobis Engineering would speak to the civil engineering type

questions that came up especially regarding storm water management and then he will go over the 6 standards mentioned by the Chair and tell them how they think the evidence in the record supports their application and then Mr. Knapp will take questions. He gave the board and the audience copies of a Special Exception Standards chart and said in it he took the 6 standards the Chair read that comes right out of the Farmington Zoning Ordinance and given the letters a-f in a broad shorthand outline form. He said he articulated the standard precisely as it appears in the ordinance and then the final column has the places he will point to in the record where they believe evidence exists to show how this application satisfies those standards.

Mr. Hildreth said 3 of the 6 standards are kind of generic and it doesn't matter what site you're looking at and those are the Permitted Uses standard, the Not Hazardous standard and the Municipal Services standard. He said all solar farms have similar attributes no matter where they are located and virtually all the current members were on the board in 2018 when they made decisions to grant 2 Special Exceptions for solar farms on Town owned property in the very same zoning district so he would submit that those decisions stand for precedent that they have already decided that solar farms are characteristic of other permitted uses therefore it met the permitted use standard of the ordinance.

He said they also determined that those proposed solar farms didn't pose any hazards and solar farms are solar farms no matter where they are so that precedent decision should help them make the same conclusion here. We're going to address each of these we're not going to rely on that I'm just pointing that out to remind everybody he said.

Mr. Hildreth said the municipal services standard, again it doesn't matter where the solar farm is solar farms just don't make claims on municipal services. He said kids don't go to school, they don't have calls for people needing emergency services, the traffic is virtually non-existent, there's no impact on the roads, etc. He said those 3 are not site specific and the other 3 the Property Values, Traffic and the Storm Water may bear slightly closer inspection based on the site where you're proposing to put them.

He said the permitted use standard says to get a Special Exception your proposed use, here a solar farm has to be consistent with the character of other permitted uses allowed in the district and in the Evidence column he put in bold type the uses that are permitted in this district that they think have attributes that are most similar to a solar farm and those are essential services, golf course, commercial agriculture, mineral exploration and extraction and public utilities. He said any one of those uses or any other permitted use in the district could also have solar on their property so if this was a commercial agricultural operation and they had large barns where they were storing cattle they could have solar panels on their roofs or they could have a solar field on the side generating power to power the farm operations or if it was a golf course they could have solar panels generating energy to charge the golf carts overnight. Those solar panels would be permitted by right as accessory uses to the permitted uses and

they would be using the same elements that we're using and the only difference being the power generated by this solar farm is going to be plugged into the grid and not serving a use that is on-site he said.

Mr. Hildreth then turned to the responses to the questions and concerns that were raised at the first hearing. He said he pulled out from the nearly one dozen comments some key points and they were noise, traffic, visibility, fire safety, storm water management and property values and those all have some bearing on the standards they have to meet.

He said there were a couple of issues that were more tangential like do they create jobs or what impact on wildlife that aren't part of the standards but they are not going to ignore them and will address them as well.

He said he wanted to address the high level things that go to the Special Exception standard itself and they have seen draft minutes and they had their own notes so they had the topics in mind when they prepared their supplemental filing that they got last week. He said he was going to walk through what they submitted so the audience could see as well and started with the subject of traffic.

Traffic- He said the applicant's representatives met with Highway Dept. Supervisor Ed Brannan and they talked about what the traffic patterns would be and there's only any traffic to talk about during the construction period and once it's operational it's a maintenance visit a month. He said during the estimated construction period the average number of trucks per day is under one and the peak number of trucks per day is between 7 and 10 depending on scheduling. He said the traffic was gone over with Mr. Brannan and his comments were he didn't have any problem with this and he didn't see it as posing any demand or creating any traffic problems. He said the standard of the Special Exception says no substantial increase in the level of traffic it's not no increase in traffic and there is no way you could characterize the traffic they are projecting to come anywhere close to being a substantial increase. He said that conclusion was also shared by the SRPC in their report where they said the proposed use is not is not a significant traffic generator.

Sound- Mr. Hildreth said the display map behind him is a Google Earth image of the site with the lots in question outlined and pointed out the purple markers representing residences in these neighborhoods and the table of decibel readings on the left hand side. He said the second piece that goes with this is rainbow chart with colored stripes up the middle of the page (common outdoor/indoor sound levels) that was produced by the FAA to illustrate relative noise issues and it starts off with quiet things on the bottom and as you move up the scale they get louder.

He said the firm that is going to design the solar components of this site is a firm called Krebs & Lansing and their name is on the plan. He said they did the sound analysis and they started with the spec sheets from the equipment that will produce noise and that is the invertors, the transformers and the tracker motors and they modeled those elements as if they all were

operating at maximum capacity and as if they all were aimed in the same direction. He said they mapped what those measures would be at all of these households shown here and the highest predicted reading was 37.5 decibels and when you look at the chart that comes in at the library or bedroom at night level or the hum of a quiet refrigerator. That's only when the equipment is making sound and that's only during the daytime when it's producing energy and at night they will be completely inactive and quiet he said.

Mr. Hildreth said the 37.5 maximum worst case at the residence that showed that is likely lower than the ambient sound in that neighborhood during daytime hours and its substantially below the threshold-Farmington doesn't have a sound ordinance but the NH Site Evaluation Committee that has to approve larger utility projects has a sound ordinance with a day/night limit and the daytime limit is 45 and they are substantially below that. That's the evidence that it will be inaudible effectively because the existing sounds during the day are going to mask the sounds that the equipment is making and the modeling done by the engineers doesn't take into account any intervening foliage that absorb sound or other elements that would absorb sound it just said it's a naked landscape, here's the horizontal distance in this direction and what it's going to read when it gets this far and 37.5 was the largest he said.

He said sound comes into the ordinance in the subject of property values and property values component lists several specific characteristics to be examined to see if any of these things exist that could affect property values and read "an impact on values of properties on account of the location or scale of buildings, parking areas, access ways, odor, smoke, dust, other pollutants and noise". He said it was raised at the first hearing so they wanted to address it in this more elaborate fashion.

Visibility- Mr. Hildreth said when you are considering whether one land use is going to have an impact on adjacent land uses some of the ways it could have an impact is if it can be seen, heard, smelled or felt that's why the standard lists things like vibration, odor, noise, etc. He said part of the property values standard speaks to the unsightly outdoor storage of equipment or other materials and obviously the description of unsightly implies that you can see it and they have submitted evidence that tells them you will not be able to see this equipment within the confines of the property.

He said they did this in 2 ways-one is a formal viewshed analysis prepared by an architectural landscape company that uses industry standard modeling software. He said they took the coordinates of their site, they know its elevation and the elevation of the surrounding terrain and the height of their highest elements and their highest elements are going to be 20 ft. or lower. He said the computer looks at the modeling and says what and from where you could see elements that are 20 ft. at this setting in this location and its very small pockets and they're very far away from the site. It's a standard that is used in the industry and the modeling software is on the money every time he said.

Mr. Scruton clarified that on this map yellow is the site and the yellow dots on his side of town

are the places if you're on top of a hill you might see it.

Mr. Hildreth said that's right.

Mr. Knapp said the map also represents at that location you may see a change in the landscape for a portion of the project. He said that is any change you could so even in some instances tree removal you could see that change and that would register with the software. Mr. Hildreth displayed some photos of an existing site in Wells, ME that was built by the same applicant called the Littlefield Solar Farm and said they took photos of the solar panels through foliage that is similar to the foliage that surrounds this property and they did it during the leaf off season of the year so before the last few weeks. He showed the photos he said were taken about 100 ft. away to the audience and said they are not hiding anything and people could go to Wells and look for themselves if they are skeptical. If you didn't know there were solar panels there you wouldn't know there were solar panels there he said.

He said the applicant has on its own volition agreed to expand the buffer setback boundary to 100 ft. which is roughly 4 times what the local ordinance requires and is committed to leaving all of the foliage that is within that buffer other than what is needed for an access road or a utility connection intact and in place. He said if you are looking through 100 ft. of foliage even if it is just that thin, that scrubby without leaves on it, it effectively obscures what you can see. He said in addition to that the SRPC report says this land use should not have a negative impact on viewsheds and that they reached the same conclusion that the modeling shows, that the photos of a comparable site shows and that is what the reality is of what will be experienced low height structures set far back from the property's edge will not be visible. Fire Safety-He said the board has an e-mail exchange between an SRPC Planner (Executive Director Jen Czysz) and the Fire Chief (James Reinert) who says there's a very low potential for fire. He said this is no different from any other property in the community and this is one of the 3 standards of the 6 that this board has already made this finding on because they permitted by Special Exception 2 solar farms in the same zoning district and they had to have made the determination that it was not hazardous the same thing is going to be true here and now it is confirmed by the Fire Chief.

Property Values- Mr. Hildreth said the above standards are subsets of the property values standard and they can talk about every one of the specific things they have to look at-the location or scale of buildings; parking areas (none), access ways (minimal), no odor, no smoke, no gas, no dust (other than during construction which will be controlled by appropriate measures), no other pollution, no noise, no glare (solar panels are made to absorb light not reflect it), the equipment which is outdoors will not be seen so it cannot be unsightly and it also produces no heat and no vibration. None of those factors that your ordinance calls out to be examined exist so there will be no impact on the values of properties on account of any of those factors he said.

He said in their initial submission they submitted a copy of a survey of 6 or 8 solar properties in

states outside of New England and an analysis of impacts to property values of the homes in proximity to those and they found that in all but one the property values were higher for those that were in proximity to the solar farms than otherwise.

He said that was already in the record but there was considerable discussion about it last time so they wanted to get something specific to this site so they hired Certified Real Estate Counselor Brian Underwood who said in his letter that he read the application, read the ordinance, inspected the site, looked at the viewshed analysis and the sound assessment and talked to the Moultonborough Assessor about a solar farm there to confirm that there had been no abatement applications filed and he concluded "Given the siting of the proposed solar farm the farm's operating characteristics will make it virtually undetectable by its neighbors and surrounding neighborhood. The passive nature of solar farms makes them quiet unobtrusive neighbors which have no adverse impact on the value of surrounding properties. This opinion is further supported by the Town of Moultonborough where the local Assessor confirmed that no applications for tax abatement have been filed by anyone in that town based on the 2017 completion of a solar farm by NH Electric Co-op".

Mr. Hildreth said the final piece they submitted are a series of other photos of 6 solar farms in New England and they are all in settings similar to this one in that they are wooded and there are residential neighborhoods close by. He pointed out the photos of solar farms in Milton, NH, West Greenwich, RI, Spencer, MA, Moultonborough, NH, Wilbraham, MA and the Littlefield site in Wells, ME. He said they chose these sites because somebody last time claimed solar farms are only put on industrial sites or on closed landfills and that is just not accurate. He said solar farms are put wherever there is sufficient land available, where there are willing landowners, where there is an ability to connect to the local electrical grid and where the site is suitable to attract the sun's rays. He said they also go on a building rooftop, homes, commercial buildings, schools, Wal Marts all kinds of places wherever you can get free energy from the sun more and more people are doing it from individuals to institutions.

He said these 6 sites are in settings similar to the one proposed here in Farmington and they called the Assessors in every one of those towns and in no case has anybody sought an abatement of their taxes because of their proximity to any of these solar farms that have existed since 2016 in some cases up to more recently in 2022 in Wells. He said if you go through the list of elements or characteristics that the ordinance asks you to consider none of them exist here so they can't have any adverse impact on property values.

Storm Water-Mr. Hildreth then introduced Nobis Group Professional Engineer Chris Nadeau and said he was the engineer involved in the 2 projects permitted in 2018 at the municipal landfills and although storm water management is really more of a Planning Board concern there was a fair amount of talk last time about existing drainage conditions washing out roads and concern that anything that happens on this property would make that worse or contribute to it and Mr. Nadeau is going to tell why that can't and won't happen.

Mr. Nadeau said he specializes in land development and when it comes to storm water they have a federal storm water permit that is required, a state AOT permit and they have to go through site plan review with the Planning Board and there are experts on the regulatory side that are going to review his work so you don't just have to believe him. He said storm water is probably one of the most regulated aspects of a solar development short of the electrical code. He said as far as the AOT permit he has worked all over New England on solar projects and NH has the most restrictive storm water control requirements for solar farms than any other state in New England and they wrote guidelines for them on how to model and analyze storm water related to solar farms and their cells because they behave very differently than a building and a parking lot. He said they have to go through a very rigid analysis and modeling of storm water and use best management practices to control storm water and they are not allowed to increase peak flows leaving the site after the solar development is done. We have to compare it to what's existing now the wooded area and put in best management practices or controls in order to control storm water so it doesn't make things worse than they already are and that's called pre versus post analysis he said.

He said they are also required to monitor the construction on weekly basis and after a rain storm to make sure that everything is being built correctly and nothing is being impacted offsite. He said the regulatory framework is put there to control any impacts leaving the site from going offsite.

Mr. Hildreth asked if there is a wildlife component to the state level permitting that they do. Mr. Nadeau said they are required to analyze whether the site has the presence of threatened or endangered species and if so they have to hire a wildlife expert to look at and prove they are not impacting any habitat of any threatened or endangered wildlife on the site. He said solar farms actually create habitat for small mammals, insects, pollinators and birds. He said they put a fence around the entire array but they leave the bottom of the fence up a few inches so small mammals can get in under the fence and it is basically a big grass area.

He said as far as the larger mammals we have a very healthy population of bear, deer and moose in NH and NH Fish & Game has said in recent years there have been successful harvests of larger mammals so consider that as yes they are taking trees but they are creating more grassy habitat for other species.

Mr. Hildreth added that any development of these sites would have the effect of displacing existing wildlife. He said the comparison is not between the status quo which are undeveloped wood lots or passive recreation sites and bringing a solar farm isn't going to change that balance but in ways that are much less impactful than lots of other ways these properties could be developed. He said the SRPC makes that point in their letter saying other land uses that are suitable for this site such as a subdivision would have significantly greater impact and they were talking about Town services but you can imagine that if you took this 500 acres and put a 100 lot subdivision in there that would be a whole different than this passive solar operation that

will not generate traffic or kids to schools and so forth.

Mr. Hildreth said those are the subjects they wanted to address that were raised last time and he wanted to go back to the beginning and look at the standards they have to meet. He said this proposal has the characteristics that are similar to several of the permitted uses and they have a precedent decision that stands for that. He said the proposal will create no hazard to the public on account of the potential for fire, explosion or release of toxic materials and they made that finding with regard to the solar farms in 2018 and the Fire Chief corroborates that. He said there will be no impact on the value of the surrounding properties and they have multi state multi-site study in the record, they have a specific report from a NH appraiser to that effect, they have the experience of several NE municipalities that have similar facilities that have never granted abatement on account of solar including the 6 that are shown here that have neighborhoods nearby that are also shown on the plans.

Mr. Hildreth said the traffic is a non-issue as the Highway Dept. Supervisor said and there is no demand on municipal services and they made that finding in 2018 and the SRPC backs them up on that. There will be no significant increase of storm water runoff onto adjacent property or streets because the regulatory environment mandates that that not be the case so they have to comply with all those levels of permitting and review that Chris spoke about he said. He said they think that the record is clear, robust and full and points in the direction of granting the requested Special Exception and he would be happy to answer any questions. Chairman Scruton said the process would be he will first ask board members if they have questions, then the Milton Planner and then open it up to anyone.

Mr. Aylard asked when they did the valuations of the houses why they didn't use a selling point not an abatement like if the other properties in the area went up 13% and this one only sold for 10%.

Mr. Hildreth said the one they submitted initially did exactly that but they didn't have the manpower and the time to do that. That was exactly the methodology in the larger study we submitted he said.

Mr. Fisher thanked the applicant for providing the additional information on property values that he had questions about at the last meeting.

Mr. Morgan said he was at the meeting that Mr. Hildreth noted in 2018 where they approved solar panels/farm and one thing he noted the difference between that meeting and this meeting is that not one person was there to oppose that solar farm and he didn't think he could say that. He then asked why they want to piss off so many people.

Mr. Hildreth said nobody wants to piss off any people and that he has sited 1,000's of cell sites in NE for 25 years and he can count on one hand the number of communities that were begging for the service and virtually every case was a room full of people like this saying I don't want a cell tower in my neighborhood or in my proximity and in 99% of those cases they got them approved, they were built, they're providing service and they're not bothering anybody and the

things that they foresaw and offered in testimony never came to pass and it didn't affect their property values or their views, didn't make noise that was objectionable and they're everywhere because people demand robust, reliable service and 75%+ of the population doesn't have a landline phone any more. This is not the same thing but its similar-its green power, this is going to feed into the public utility grid we're all going to benefit from it indirectly anyway. We haven't talked at all in this presentation about what's happening with the climate and rising greenhouse gas emissions and what this small project does in a small way but is part of a movement for solar and wind going everywhere he said.

He said he talked to a fellow in the audience after the last meeting who has solar panels on his roof and the question was whether he was going to be assessed for it by the Town of Farmington. He said he lives in Hollis, NH and he has 33 panels on his roof and he just went through a process this year of getting an exemption where they are not going to tax him on the value of the panels. He said he has months where his Eversource bill is \$4 and that went from being \$300-\$400 a month. This is a small part and it does it in a way that doesn't have any impact on the properties and you are going to hear from people that have speculative concerns about what might happen or they read something on the internet that has no factual foundation for it and we have tried to provide science, engineering analysis of noise, actual viewshed analysis by industry accepted modeling software, we've met with the Fire Chief, we have the input from SRPC, we've got your precedent decisions in the Town and this is just the first stop on a long train and as Dale said this map that has arrays laid out in different places we don't know if that is exactly where they're going to go because they haven't engineered the site to that level of detail yet and that will happen at the Planning Board phase and everyone that got a certified notice for this meeting will get one for the Planning Board and there will be lots of opportunities to talk about how you control construction timing or ensure there's an apron at the access road so they're not dragging mud onto the local roads and so forth. There will be lots of occasions for people to shape this into a project that will not make them have the concerns they fear they're going to have he said.

Mr. Hildreth said people just don't like change and he heard someone say last time that they like to walk their dog on this property which is someone else's property. He said every one of those property owners has signed a lease for the long term use of their land and right now they are happy for people to use it and that creates the idea that this is conservation land and they like living next to 500 undeveloped acres. That's just a false basis to object that you don't want the landowner to do something else with their land because you like it the way it is. That just doesn't fly this is NH property rights are sacrosanct he said.

He said he wasn't speaking for the property owners they may say once the solar arrays are in and they are fenced off come out to the land and use the parts that are not involved in the generation of energy that's up to them. He said they are talking about less than 1/2 of the 500 acres to be developed for solar infrastructure so there will be a considerable amount of open

space remaining.

Mr. Knapp said they are trying to follow the existing rules as written and provide evidence that they do not present an adverse effect to the best of their knowledge.

Mr. Morgan said when they created the catalytic converter they never thought people would tear those out of vehicles, melt them down and make millions of dollars on them. He asked if they are concerned at all that the silver in the solar panels will be the target of theft. He said it's not wide spread now but neither were catalytic converters 10 years ago. Mr. Hildreth said from his experience in the cell tower industry copper is also sought after and he reads once a week in trade publications about people trying to strip copper wire from cell sites so the structure owners have developed more robust security with cameras to monitor it. Mr. Morgan asked if they intend to have that on this on this site.

Mr. Hildreth said they don't intend to initially and it's not going to be monitored visually but its performance is monitored from a remote location and if there is a problem with that then they will take measures to protect their property like anybody would. He said they are not building it to be a Fort Knox they're building it just to keep people out for their own safety. Mr. Knapp said utility scale solar has existed in NE for a decade or more and this is not a wide spread issue.

Mr. Pimental said in terms of the noise he mentioned there are 3 elements that were taken into consideration those being the tracker motors, inverters and the transformers and asked if there would be any generators on-site to provide backup power if something were to happen to the trackers.

Mr. Knapp said there would be no generators.

Mr. Pimental asked if the 37.5 decibels was per tracker.

Mr. Hildreth said that is all sound aimed in the same direction.

Mr. Pimental said he wanted to clarify that because this was deemed as a project of regional impact the SRPC was looking at it at a regional level so when he said the SRPC didn't recognize any scenic visual characteristic issues they are looking at that at a regional level and that's not to say that there might not be scenic issues or visual characteristics that have changed at the local level and with the neighborhood. He said the committee that was looking at that was tasked with looking at a much wider level, the same with transportation and facilities they're looking at that at a lot bigger and when it said the SRPC found those findings it's at the regional level. It's not necessarily here in Farmington or in the surrounding neighborhoods so I wanted to clarify that because I didn't want to make it seem that the SRPC's input was those don't exist on site they were saying they don't exist at a regional level or at least that's what the committee found he said.

Mr. Pitre said there are several letters here in support of the project so people know. He said they are probably producing DC power and asked if it was a solid state converter to AC and how that works.

Mr. Knapp said they have invertors and that he was not an electrical engineer but they have transformers and convertors and its fairly standard technology.

Walden Renewables Managing Director Ed Cherian said the inverter converts the electricity which generates heat and there is usually a cooling fan on the inverters to keep them cool so there are no oils...

Mr. Pitre summarized that they are solid state and they're cooled by fans. Milton Town Planner Bruce Woodruff said he was the Town Planner in Moultonborough when the NH Electric Co-op came to put that solar farm in and that was a great experience and that's what he'll say about that one. He said the Milton Select Board believe that it is more useful for them to reserve the right to make comments or have questions if this makes it up the next level of the mountain when it gets to the Planning Board so that said as a Planner he has 2 questions. He asked in doing their view shed analysis if they went across the town line and if they went up to the houses that line Nutes Road.

Mr. Knapp said yes and if he saw their submittal they took a 5 mile area of potential effects around the project.

Mr. Woodruff asked if everything he said about not seeing that 20 ft. high applies to Milton as well.

Mr. Knapp said yes.

Mr. Woodruff asked if they have or do they intend to contact the snowmobile club whose trail passes thru these properties. He said when Milton was having conversations with another solar company to have solar farms on Town owned land (that failed on their Town warrant this year) there were some of the parcels had snowmobile trails on this same club and they contacted the club and made arrangements not to shut the trail down but to move the trail and to actually help build it as part of what they were proposing.

Mr. Knapp said they have done that before and they had a project in Sanford where they worked directly with the snowmobile club to re-route their trail both during construction and operations.

Mr. Fisher said he is also a member of the Planning Board and when they saw the Transfer Station and the adjacent property for the solar field that was going to go out there, there were quite a few residents that showed up especially from the Peaceful Pines Mobile Home Park and there was a lot of concern about being able to see the solar field from their backyard. He said they were not going back as far as this proposed project of 100 ft. setback they only used 50 ft. from the property boundaries so the same concerns you people have they had and the company was working well with them.

He said there may be some houses where you can see the solar field depending on how high your property is compared to how low their property is or how thin the trees are. He said when they had the Planning Board meeting they planned a lot of extra trees and you talked about planting more trees to hide this from the surrounding areas. Same questions you all had they

had and it's a hard decision to make all the way around he said.

Mr. Scruton said some of those issues would be addressed at the Planning Board. Mr. Fisher said they were able to work out with the company that was going to do that solar field not this company and those property owners to get fences put in and trees to be put in and in some cases moving the solar panels back a few feet.

Mr. Fisher said speaking of drainage from the property the same situation there and there were swales and plants that were put in to prevent drainage from coming into Peaceful Pines and also during the AOT process the whole project was stopped because a study was done because of a spotted salamander and some turtles. That will be looked at as part of the AOT process and the state does stop projects for salamanders and turtles. They stopped that one, safeguards were put in, fences raised 8 inches so the turtles could get through down to the Cocheco River so things do get worked out and your concerns are looked at by the Planning Board and by the state quite seriously he said.

Mr. Scruton said that builds on what he said that they are at the beginning of the mountain and the 6 issues they need to look at are the 6 that outlined on this sheet and they will be voting on them individually. He then opened the hearing to public comments and questions. Branson Road resident Gary Clark said they are really good politicians in the way they are talking but the one thing he had to say was they would do anything in their power to approve this solar farm but they never give any negative results it's always good. He said they were talking about decibels but there are no decibels that these things produce but they have numbers on the board that he is going to have to sit there and listen to constantly. He said he lives right there and he has a fence around his property and they're promoting that solar field to start 100 ft. from his house. He said he loves to watch the wildlife and a lot of wildlife comes in his backyard. He said he has turkeys and deer and asked what this thing is going to do to the animals with no place to go.

He asked what everybody relates to when they want to know some information and then answered that they go on the computer and go to Google to find the answer. He held up some paper and said he had some answers there from the solar farms. He read some of the disadvantages are habitat degradation, electromagnetic radiation that dangerously reduces life expectancy, property values decrease and it destroys the beauty of Mother Nature. He said they were supposed to be the experts but he guessed they were not because they were relating to everything good and its bull---t.

Christine Hickman said she lives at the top of Oakwood Rd. and asked them to show her where that is on the map.

Mr. Knapp pointed out Oakwood Rd. on the map.

Mrs. Hickman said already the woods have been clear cut right to their property line and there is a runoff stream that flooded the road because they compromised the stream when they were clear cutting. She said their basements are flooding already and she has a husband that

has 3 immune diseases already and asked what it is going to be like for them to live that close and that they told her neighbor that they can come to within 50 ft. of his house. She asked if any of them have driven up there and then told them to take a ride up there and see what they have already clear cut into their yards and see what they have left for trees. They're going to plant trees but they've already taken away I don't know how many she said. Mrs. Hickman said she can sit at her dining room table and watch at 4:30-5:30 p.m. every night probably a herd of about 15 deer, they have owls that talk back and forth to each other and they have a flock of about 15 turkeys and if you went to her woodpile and move a piece of wood you would definitely find a salamander. She said they all should take a ride up there and see what has already been done and what they are going to do to their lives that is going to be right on her backyard. She said they're going to have a fence and asked where those deer would go and if they care. Seriously, you don't care she said.

Branson Rd. resident Steve Brown said he was worried about the high frequency radiation. He said they tell you if you have a cell phone within 8 inches of your head you can get fuzziness in your brain from the radiation from a cell phone and that's documented. He said they're telling you on the news every night not to have a cell phone right up to your head and the young kids today are doing it constantly and then asked what that is going to do for where he lives.

Mr. Brown said his second concern is the runoff and when the development he lives in was put in, they diverted a stream and took a backhoe and cut along the property line from where this solar farm is all the way down to Chestnut Hill Rd. He said in back of his house there is a ditch that is 5 ft. deep because it wasn't put in properly and asked if that would be taken care of. Little City Rd. resident Irene Dupont said this project is not going to help Farmington and asked what we are going to get out of it. She said her understanding is this power is not going to help us at all, it's not going to lower our electric bills and asked why we are even thinking about it. She said the damage to wildlife will be devastating and recently she has watched 8 does and a buck in her backyard, there has been a bear and 2 cubs recently, turkeys are always around and there is a beautiful red fox that hangs out in her backyard. She said there are all kinds of animals there and the amount of birds they have is unbelievable and that many of the birds are killed by these solar panels.

Mrs. Dupont said when they start construction that noise is unbelievable and there is a company that went to a place that was done in Ohio and the people said for 14 hours a day all they heard was noise. She read that exposure to excessive noise can raise your blood pressure, pulse rate, cause irritability, anxiety, mental fatigue and interferes with sleep, recreation and personal communications. She said children may suffer from stress and other problems such as impairment in memory and attention span. Long term exposure to intense noise can lead to personality changes and violent reactions. Elderly, children and people with underlying depression are particularly vulnerable to these effects as they may lack adequate coping mechanisms she said.

She said there is also a series of behavioral responses caused by noises on animals that affects their sleep, movement, nutrition, communication, reproduction and territory defenses. She said noise is very harmful even during the weaning period and the little ones can move away from their mothers with the risk of never finding their mothers again.

Mrs. Dupont read that numerous tests have established that plants constantly exposed to noise dry out and die. She said she and her husband moved to this town because they wanted peace and quiet and that her husband is not well. She said they wanted a rural area and it is quiet where they live. She said they can talk about decibels but when you walk out into her yard you hear nothing except the birds and she has tons of birds.

She said she won't be here in 25 to 30 years when the solar panels are no longer working and she won't have to deal with the disposal of the panels and the components but her children and grandchildren will. She asked if we want to leave this mess for them to figure out. She then said to be aware when doing research that some of the sites claiming that solar is safe and the way to go are put out there by solar companies. She said a few of the sites she looked at on her computer were saying solar is great but advised people to trace them back to find the company that is publishing these. We really need to be careful with what we're doing let's not ruin this town. It's a fabulous town to live in she said.

Little City Road resident Brian Howard pointed out the location of his property on the map and said they said they are going to make this solar farm with a 100-150 ft. buffer from the property lines. He said he has gone over and above and has spoken to someone from NH Fish & Game, the Dept. of Energy and Urban Forestry Development from Concord and she said he should take some pictures. He said his neighbor has a laser where he can project length and distance and showed the board a picture on his phone of the wetlands they estimated to be 1500 ft. and it went further in.

He said Fish & Game asked him if anybody puts boots on the ground and physically gone in and looked at the property. He said they will do it but it has to be requested. He said the lady from the Dept. of Energy did some research before she called him back and she said the power from this solar farm is trying to be sold to a co-op which is not related to Eversource which means that's further out so it's doing nothing for Strafford County but it may help Belknap or Coos County or any of those counties. He said she told him that Eversource hasn't done anything with solar power at this point because most of it doesn't meet their standard so that is why it is trying to be sold out of the town to a co-op or whatever it may go to. He asked if this was to get approved by the Town and go to the next level what benefit for the town. He said she explained to him that the Town could make a small portion from leasing the property if that is how it works but it doesn't meet Eversource standards.

Mr. Howard said the transmission lines around all of our properties are currently owned by Eversource and she said they will have to file for a permit through Eversource and then it has to be approved for them to use those transmission lines to get them to Belknap County meaning

the Alton/New Durham Town line where Eversource's lines end and the co-op takes over and they are not connected. So there is no real benefit for this for Farmington in itself and this is what she is saying and this is what I'm gathering from her he said.

He said Fish & Game was concerned about the wetlands and at this time he has 2 last year's eagles that are roaming and flying around. He said Fish & Game is willing to go out there and take pictures if the Town needs that.

Mr. Scruton said that is not one of the 6 things they have to decide tonight. That would come up later he said.

Mr. Howard said he understood that but he went to the state level to see where we stand as taxpayers.

Little City Road resident Debbie Prue said she understood this is a money maker because when the end results don't match the beginning results their column is green but when the panels die and they can die anywhere from 7 years to 25 years that is landfill. She said that has lead, cardium and these are deadly when they are put in landfills when it hits water streams. She said we have wetlands out there and they're known to cause rain. She said in fact they are considering using them in areas that don't get a lot of rain because it actually causes rain over these panels. She said it says large solar panels can act as rain makers so they are taking a wetland where these things may cause more rain and making it wetter and asked then what.

Ms. Prue said this may sound stupid to some of them and maybe they don't even care but she worked hard for many years to finally be able to buy a home that she can call hers and she likes going out in her backyard and asked who would want to listen to a refrigerator hum 24/7. She said that would be like putting a bug in your ear and saying that's not loud you'll get used to it. I'm not asking for much just consideration for the people that live along these areas. She asked if they would think differently if this was put behind their home and maybe that's how it should be considered a little bit too.

Tall Pine Road resident Gretchen Drost said because of the clear cutting the storm water is already a concern for them so hearing additionally that is really going to be something they are going to really harp on. She said no one likes change but she wants to be a forward thinker and look to the positive of this but some of the questions she has like in the project it says in specific locations closer to residences strategic landscape plantings will be added during the final design to further reduce visibility and asked would define the specific locations. She said she is right on the cusp of that and so is their neighbor at Oakwood Rd.

She said they understood they shouldn't be taking into account the impact on the wildlife but as human beings who are we if we don't take into account the impact on the wildlife. She said in the movie Independence Day there were people outside the ark and people didn't want other people in the ark and we are getting to that point in our society.

Mr. Scruton said the Planning Board is going to see this and those are the kinds of things that will come to the Planning Board not the Zoning Board.

Mrs. Drost asked if the impact studies were 2 years, 3 years, 4 years, 10 years because what's happened 2 years around their properties might be different 10 years from now. She asked about the references we have here and how long have those towns-the one in Wells and the other towns have been in existence and what the sustainability is of this because she heard what the lady said about where are they going to go after 10 years because she is worried about the maintenance. We're hoping are kids are going to be there and that's the way it's going to be all the time so I'd really like to know that she said.

She said she would also like to know if they have references from abutters in other states around where these solar panels are. She said she wondered if there was anyone in the audience who is willing to lease their land she would like to hear why they lease their land and why they did that. She said they maintain a lot of the back side of the snow mobile trail and she heard what they said that it's not their property and she gets that and hearing that they still want to maintain that is a positive for them.

Mrs. Drost then asked if these are high voltage transmission lines and said if a deer gets thru a high transmission line... We've seen broken leg deer we care and we just can't shut that off. If you get to the Planning Board addressing those issues out front are really going to be helpful. You can say put it to the side that's not one of the 6 but as human beings that's going to be something that people are really going to want to look at she said.

She said they will take the time to look at the references from the abutters in other states because when she looks at the properties they have for references she doesn't see a big blue house like hers. I want to look at the positive of this but I think we need more answers she said. Abutter Bill Hinton said he was astonished that under traffic there is going to be no impact and asked if they were going to fly these 200 employees in. He asked how they were going to get there and if that is 200 vehicles or 50 vehicles.

Milton resident Katelyn (no last name given) said she noticed during the initial presentation from the applicants that it was advised that there was no property impact except for one property. She asked who that property is and why that one was impacted and none of the other ones are. She asked if that was her property and that she would like to know. She said she lives on the Milton side and she can literally see the Ridge (Marketplace) with all the lights and she can see "Mooyah" (Burgers, Fries & Shakes) and she didn't understand how she is not going to see 20 ft. high solar panels in her backyard.

She said they keep referencing from 2018 and one of the board members talked about that but they're talking 500 acres not behind Jarvis. She said she didn't know how many acres those other properties were but this is 500 acres on wetlands as somebody already pointed out and the roads are already awful. She said she can't imagine trucks hauling these things in or even just the workers coming in every day and Chestnut Hill Road is a high traffic area. Now you're going to plow some stuff through, cut some trees down you cannot tell me you're going to be able to completely control all that runoff she said.

She said gosh only knows what is in these solar panels and she is wondering about the decibels not only for middle aged people but also for infants who already have some high impact on their hearing as well as the elderly who already have auto-immune diseases or other issues. She then asked about pets and her dogs and the livestock down the street and how that is going to affect it. She said that's going to affect her day to day life because she has dogs and livestock and asked how that is going to affect them because they hear at a way different level than we do.

Mr. Scruton said there were 9 abutters in Milton that were notified.

Katelyn said she was referencing what the applicant said earlier in the meeting when they said there were no property value issues and if anything it raised the property values but they advised there was one issue with one property.

Mr. Knapp said that was not related to any property in Farmington or Milton Tom was referencing a regional study across NE.

Katelyn said she was curious why that one was affected.

Mr. Knapp said he thinks it is in the records posted on the website.

Mr. Scruton said it is on the website and it's a long document.

Katelyn said she would like it to be known that it can affect property values clearly. Dodge Cross Road resident Jamie Corriveau said Maine seems to be way ahead of us as far as solar panels and wind energy goes and they are doing a lot of development in the state of ME. He said because he Googled it once his phone blows up with stuff all day with and he knows you can't believe everything you read. He said a big burden they are having in ME is that they are putting these large solar panel fields in and the infrastructure to get the electricity out of there is not built up right. He said ME is saying they could have put it in a different spot that had infrastructure already so the burden comes down to everybody that is on the Eversource grid. He said Eversource said if all those units go in, in a given year the increase in cost to the state of ME is \$258 million to upgrade the grids.

Mr. Corriveau said he was not sure how the studies go he knows a little bit about this though he is not positive if there is an actual Eversource agreement that these guys have to meet Eversource and say yeah we can get it out of there or we can't or they just build the solar field, sell it off and walk away and now it's at the burden of the Eversource and the state to take care of it. He said he is not sure how that is run and we may find that in other meetings later. He asked who that burden is on and if they build a field and then walk away and it's not theirs anymore or is it all done with Eversource's blessing.

Mr. Pimental said he wanted to clarify that online the original package that the applicant put together is still posted. He said they did supply a second amendment and a lot of what they've gone over tonight that was dated May 10 and that has not been posted to the website yet but it will be tomorrow. He said after this meeting they will ensure all the supplemental materials that focus on the sound, the visual assessment and the valuation assessment that was part of

that package that was dated May 10 will be posted to the website along with the original package that was dated March 1.

Dodge Cross Road resident MJ Lanteer said just common sense we have flooding on Dodge Cross Road and you remove all the trees and clear cut 400 acres it's going to affect Chestnut Hill Road it already does. She asked in order to go through with this project if all the abutters have to agree to this for this project to go forward.

Mr. Scruton said no.

Ms. Lanteer then asked if any other location that is already commercially zoned been looked at instead of clear cutting forest. She said we have gravel pits all over Farmington, she didn't know who owns them and they are big scars on the landscape already and would be perfect for solar panels. She asked if anybody has looked into that instead of destroying the forest and wildlife.

Mrs. Hickman said her question was about the roads and repairs and Aspen, Branson, Tall Pine and Oakwood are all private roads and they pay to maintain their roads and asked who is going to fix their roads when they cause damage to them. She pointed to the board and asked if they would pay for it and answered no to her own question and said it would come back on them.

She said they have already had damage from the clear cutting and basements flooding. She said they all have wells and they don't have Town water and asked what is going into their wells from the ground from these panels. She asked the board to take a ride up there to see what they are going to do to their lives and see if they can live with that. Mr. Clark asked in order to put in a big complex like they want to put in here if they have to be commercial property. He said they are not commercial at all on their road so he was wondering about these people when they want to put a zone in like that and if that is going to be commercial.

Mr. Scruton said that's why they are in front of the Zoning Board because they are putting this project in a Rural Residential area.

Mr. Clark asked if that would make them commercial around that area too. Mr. Scruton said no, it doesn't change them. He asked if the applicants would like to make a statement regarding the questions that have been asked and then he will close the public hearing and then they will vote.

Mr. Hildreth said someone asked about the benefits to Farmington and Mr. Knapp talked about that at some length at the last hearing on the Payment in Lieu of Taxes agreement that is typical in the solar industry that they have been negotiating with the Board of Selectmen. He said the 20 year payment was about \$2 million and somebody last time griped that that was measly because he paid \$9,000 or \$10,000 a year in property taxes but all of the money that this project will pay to the Town is pure bottom line impact because this fellow who pays property taxes also has kids going to the schools, he's using the roads more and there is a cost as well. There is no cost here because there is no demand on municipal services so it all falls to the bottom line he said.

He said someone else asked what happens when a solar panel ceases functioning and part of the agreement with the Planning Board will be a decommissioning plan that will describe what will happen to all of the pieces that comprise the facility. He said there is a lot of literature out there today that talks about it because it's a new-ish industry so there are support industries growing up around it to take solar panels and refurbish them, reuse them in other places and if they can't be refurbished or reused they can get dismantled and the stuff that is worth harvesting is harvested and anything that is not gets disposed of in accordance with the applicable law and that's exactly what will happen here. There will be a plan with a bond behind it to ensure that it gets fulfilled he said.

Mr. Hildreth said somebody asked a question about whether the applicant is a good neighbor and they talk like good neighbors but they're not going to be here. He said the applicant intends to be here for 40 years that's the life of their lease agreements and he should have mentioned that they also have contractual obligations with each of the landowners to restore the property to its present condition as fully as possible when they are done and withdraw their materials. He said there is a private action that the owners will continue to own the land that they will have in addition to the decommissioning plan that gets negotiated with the Planning Board. He said somebody said having to listen to the 37.5 decibels 24/7 and he wasn't sure if they missed the part where he said its only making that noise during the day when the facility is making energy it's not making that noise at night so it's not a 24/7 noise producer. He said there were several comments that he thought were helpful looking ahead to the Planning Board. He said for example he was not aware there was a snow mobile trail network there and he has done lots of projects where the developer and snow mobile groups can work together to their mutual satisfaction.

Mr. Hildreth said several people complained about existing conditions that are draining water into their basements or ruining their road or clear cutting as if the applicant did those things. He said the applicant hasn't touched that land so none of that clearing is attributable to this project. He said somebody said can these existing conditions be made better its possible when they get to doing the actual engineering of the sites.

He said Mr. Clark raised the existence of wetlands and as part of the granular level of review that will be done at the site plan phase to plot the wetlands and work around them they're not going to work in the wetlands and there are wetlands buffers. He said all of that will be taken into account and addressed at the appropriate time. They are not invalid concerns some of them are just slightly premature he said.

Mr. Knapp said they have put boots on the ground and a wetlands delineation will be forthcoming and as NH Fish & Game likely told them they will be subject to vigorous review. He said they are in the first phase of a multi-phased development so a formal wetlands delineation will be required to get through site plan and to get through the Alteration of Terrain permit process. He asked Walden Renewables Chief Development Officer Jack Kenworthy to address

the off take questions.

Mr. Kenworthy said there were 2 things he wanted to address and that a resident mentioned a conversation with the Dept. of Energy and he was not sure which project she was referring to but it was not their project. He said this project has not started to market its power yet and there are 2 things that are related here-one is what is the process like for them to interconnect with the grid and they are about 2.5 years into that study process with Eversource. He said it's a FERC jurisdictional interconnection so it's actually governed ultimately by the Federal Energy Regulatory Commission and subsequently through ISO NE which manages the entire ISO NE grid so they administer all of these studies so it's really both Eversource and ISO NE that are ensuring that when they interconnect to the grid 2 things don't happen-any costs are borne by them and they don't do anything to under mind any grid reliability or stability issues. All of that responsibility falls to them and that is what ISO NE is there to ensure happens he said. Mr. Kenworthy said until they have gotten to the point where they have a signed interconnection agreement which they don't have yet but they expect it very soon they won't start to market the power from this project at all because the costs to comply with those interconnection requirements are going to be costs they need to recover and any long term power purchase contract goes out for 20 years. He said it is not the case that they didn't plan to sell to the co-op or anybody else they're not talking to anybody about buying the power right now it's premature.

He said one other thing he wanted to address was the comment about stranded costs going back to the utility in the example of ME. He said that is a very different process and those projects where ME has experienced a rapid amount of growth is in something called distributive generation or community solar. He said those are all interconnecting on distribution circuits that are not FERC jurisdictional so they are entirely run within Central Maine Power or Person's Energy infrastructure and they are supported by a state program which is like a big net metering program. That's not this project this project is a wholesale interconnection and any of the costs associated with distribution upgrades, system reinforcements or transmission upgrades are cost that we pay he said.

Mr. Pitre asked if this is going to be 3 phase power or 2 phase power.

Mr. Kenworthy said it will be 3 phase power.

Mr. Scruton asked if the applicant had additional answers to questions or any additional statements they would like to make before the close the hearing.

Mr. Knapp said one comment they heard was that these projects have not been operating for a number of years and some of the projects they included as references have been operating for over 10 years. He said the warranty lifespan of the panels is expected to be 30-35 years and that's producing greater than 85% of what they did when they were new and that's a manufacturer's warranty so these are not going to fail in a short time span. Mr. Hildreth said keeping mind Mr. Pimental's comments about the limits of the SRPC's review,

but they said here at the end of their commentary on the project "During the review of the proposal the committee also discussed the positive impacts to the region this type of project creates including the benefits that it brings with creating green energy. This is a goal consistent with the local solutions for the Strafford region within the regional development plan". He said that comes full circle this is green energy this is our future. He said someone asked what their grandkids are going to do with these panels and the same question could be asked what their grandkids are going to do when the temperatures have risen 3, 4 or 5 degrees Celsius by that time. This is one finger in the dyke of the dam that is already flowing and we hope you will approve it so we can do our part he said.

Mr. Pitre asked if it is true that solar energy is about 4-5 times more expensive than other means. He said he talked to somebody who was on the Public Utilities Commission and is now a State Rep and they had that discussion today and its quite expensive.

Mr. Hildreth said he didn't know the answer to that at this time.

Mr. Scruton asked if there were any other board questions and hearing none closed the public hearing at 8:59 p.m. The board then moved to voting on the Special Exception General Standards as follows:

1). The proposed use is consistent with the character of other permitted uses within the district

Motion: So moved by Mr. Pitre and seconded by Mr. Fisher.

Discussion: Mr. Pitre said they have other projects that have been approved that are the same type though not as big.

Mr. Scruton said he didn't recall hearing any comments that it was inconsistent with other permitted uses within the district.

Vote: the motion passed 5-0

2). No hazard shall be created to the public or adjacent property on account of potential fire explosion or release of toxic materials

Motion: So moved by Mr. Pitre and seconded by Mr. Fisher.

Discussion: Mr. Scruton said they have the letter from the Fire Chief and the information the applicant presented.

Vote: the motion passed 4-1 (Scruton, Fisher, Morgan, Pitre-yes; Aylard -no). Mr. Aylard said he thinks there is a fire hazard there and because of the size of it the fire hazard has a potential to expand rapidly.

3). No detriment to property values shall be created in the vicinity or change the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment or other materials

Motion: So moved by Mr. Fisher and seconded by Mr. Pitre.

Discussion: Mr. Scruton said they had all of the studies that were presented and they did not

have any factual evidence presented to the contrary other than this one case. Mr. Aylard said he was having a hard time with this one because he never heard anybody say they wanted to live to live next to one of these things but nobody wants to live next to new things. He said he would vote yes but it doesn't increase the value.

Mr. Fisher said he would vote that there is no detriment but noted that he lives in an area where there is berm and it was proposed several years ago to build more houses on the other side of the berm and he was quite upset because he bought on a cul-de-sac because there was nobody around on the other side but he could understand now that there is a need for more housing so he has changed his mind if they want to build out there and extend the road. He agreed there could possibly be some detriment to some pieces of property however overall the whole area and the region he didn't think there was any detriment.

Mr. Pitre said he would vote yes but it's hard to say. He said the evidence that they presented shows that there will not be any detriment to property values.

Mr. Morgan said he couldn't see where it could increase the value of the properties around.

Mr. Scruton said he didn't disagree and that he didn't see how it increases the values. Mr. Aylard said he would add that it does nothing for affordable housing. Mr. Scruton said a big housing development would do more for affordable housing but it's not going to happen with the roads going up there.

Vote: the motion passed 4-1 (Scruton, Pitre, Aylard, Fisher-yes; Morgan-no). **4). No traffic hazard or substantial increase in the level of traffic congestion shall be created** **Motion:** So moved by Mr. Aylard and seconded by Mr. Pitre.

Vote: the motion passed 5-0.

5). There will be no excessive demand on municipal services, including but not limited to water, sewer, waste disposal, Police and Fire protection and schools

Motion: So moved by Mr. Pitre and seconded by Mr. Morgan.

Vote: the motion passed 5-0.

6). No significant increase of storm water runoff onto adjacent property or streets shall be created

Motion: So moved by Mr. Pitre and seconded by Mr. Fisher.

Discussion: Mr. Pitre said this will be reviewed by the Planning Board for proper drainage and that is a tough area anyway so it's going to have to be engineered properly that's the key. Mr. Aylard said it could be a pond if not a lake.

Mr. Pitre said that's true and there is a brook that comes down through there which crosses Chestnut Hill Road.

Mr. Aylard said the problem he has with it is the "no significant" and asked who defines what significant is.

Mr. Scruton said that has to be the state because with the AOT permit there can be no increase in the rate of flow of water off the site caused by the development.

Mr. Fisher said that's correct.

Mr. Aylard said they are cutting 500 acres and asked how it could not be. Mr. Scruton said they are going to have to manage it and they're not going to cut 500 acres. He said if you can't meet the engineering standard for the AOT for the state you can't do it. He said the rate of the flow of the storm water runoff cannot be increased because of the project. Mr. Fisher said they just went through that last night for 3 hours with the Planning Board for a project off of Chestnut Hill Road for a gravel pit. He said during the AOT process, they haven't seen the site plan for it yet, storm water runoff is one of the biggest areas of concern not only that any runoff is contained within the property away from your homes but also away from public streets, private roads and any intersections. We don't want to see water going out there and freezing in the winter and creating an ice rink and causing wrecks he said. He said there are a lot of things the Planning Board will look at and he understood they have a lot of questions tonight about these various 6 levels. They are all handled at the Planning Board level and your comments are also welcome there and play a big deal on the Planning Board making requirements. The Planning Board can say we agree with your project but you will put a 5 ft. swale around the complete project to contain any storm water runoff. I'm not saying we will but we could and they would have to go by that or their project wouldn't get approved so don't think this is the end of everything he said.

Mr. Scruton said the important thing to realize in his analogy at the beginning we're down near the base of the mountain and this just gets them to the next step and they are going to have to address that issue big time before they get further up the mountain.

Vote: the motion passed 4-1 (Scruton, Fisher, Aylard, Pitre-yes; Morgan-no). **Motion:** (Pitre second Fisher) to grant the Special Exception passed 3-2 (Scruton, Pitre, Fisher yes; Aylard, Morgan-no).

Chairman Scruton said the Special Exception is approved.

Mr. Fisher said the Town has entered into an agreement with a third party engineer and the Planning Dept. will ask to have them look at the drainage issues and other engineering issues that the Planning Board may have with this project so there will be other people looking at it other than the Planning Board and our Town officials such as our Road Agent, Fire Chief, Police Chief, etc.

Mrs. Hickman asked what happens to their private roads because the Town doesn't pay for their roads and who is going to pay for any damage to their roads. We can't incur that she said.

Mr. Fisher said he is not a lawyer.

Mrs. Hickman said maybe they should get one.

Mr. Scruton said that is something they will take up at the Planning Board as part of their site plan review because their site review will have to consider that. He said everyone who got a notice for this meeting if they still own the property will get a notice for the Planning Board meeting.

Mr. Pimental said it's likely that folks won't receive anything for a while as he doesn't anticipate this coming before the Planning Board for months. He said if they don't hear anything it's not because things are moving forward without you. You will be notified whenever the applicant is ready to make application and when they submit you will be notified at that time and given the date and the time to participate when that public hearing is scheduled he said. He said they have a lot of work in front of them and it will be a while before we see them so he didn't want anybody leaving here thinking this was going to be on the Planning Board's agenda in June it's not and they will be lucky to see this in the fall or maybe even later. He said if they have any questions to contact him and he would be happy to provide additional information and keep them informed about any other information they receive from the applicant. An audience member asked when the next Planning Board meeting is.

Mr. Pimental said the board meets the first and third Wed. of every month so their next meeting is scheduled for June 7 and then the 21st. He said everybody is welcome to come to the Planning Board at any time and at every meeting they have a public comment section that is open to the public and you can speak on any land use you would like.

5). New Business:

Notice of Decision Third Party Disclaimer- Mr. Scruton said it has been suggested that we add the following to all future Notices of Decisions and approvals from this board: "Nothing in this Notice of Decision, Approval, minutes of the Board, or any reports/comments/notes/letters from the Board's third party consultants, including but not limited to DuBois & King, Inc. shall be relied upon by the applicant, including its officers, directors, partners, members, agents, employees, representatives, contractors and subcontractors, that the applicant's proposal/project is: fully compliant with state or federal law not within the jurisdiction of the Board; logistically feasible at the site; or free from/devoid of any potential liability from third parties-including but not limited to abutters."

Mr. Scruton said the suggestion was that they add that as a way of protecting the Town. Mr. Pimental said he was going to suggest that this be removed the discussion of the board because as of last night the Planning Board voted to not use this so it's a moot point. He said it will be reverted back to the Selectmen and they will iron this out between the Town's legal counsel and DuBois & King's legal counsel to come up with other language for the Town to consider. Chairman Scruton tabled the matter.

6). Adjournment:

Motion: (Aylard, second Morgan) to adjourn the meeting passed 5-0 at 9:15 p.m.

Kathleen Magoon, Recording Secretary



John Scruton, Chairman

JOE PITRE VICE CHAIRMAN