

APPROVED AS AMENDED

Town of Fitzwilliam Planning Board Meeting Minutes April 17, 2018

Member's Present: Terry Silverman; Paul Haynes, Vice Chair; Suzanne Gray; Robin Peard Blais, Secretary; Charles Kenison, Selectman's Rep; Ross Tourigny, Chairman

Member's Absent: Matt Buonomano; Rob Young, Alternate

CTO: 7:03 pm

Solar Update. 7:04 pm.

Tourigny discussed the article provided by Kenison regarding NextEras newest solar project in Ontario. The Board reviewed the article together.

The Board then discussed their thoughts and concerns about the current Chinook Solar proposal (owned by NextEra) for a solar utility facility in the Town. Blais asked if Kenison knew how much square footage was proposed to be cut at the site. Kenison responded he was unsure of the total square footage allowed by the intent to cut permit however, thus far, it seems to be nearly completely cut.

Silverman asked about the right-of-way on the proposed property. Kenison responded *Brian Damon* does not have a deeded right-of-way to the property and is accessing the proposed property through a separate lot. Kenison clarified that they are accessing it to haul away firewood.

Gray discussed the upcoming informational meetings with Chinook Solar and when they would be held. The LUA announced that they will be holding two sessions; Wednesday, May 16 & Thursday, May 17. The LUA also clarified that the intent of the first meeting was to focus on abutters to the project, who would be invited via notices from Chinook Solar, while the second meeting is open to the public. The Board expressed concerns about the informational session just for abutters and asked if it could include Board members or other people from the public. The LUA responded that she would follow-up and confirm whether or not it would be okay for others to attend that session. Silverman added that there should be two fully public informational sessions, as opposed to one fully open and another that is closed off only for abutters.

The Board then discussed the estimated life span of the solar panel array installation. The Board recalled Chinook Solar reporting that the lifespan is to be 30 years. Silverman discussed that he has been reaching out to several tech experts to come out and speak with the Board. Silverman

clarified that the techs were from the region, and he could invite them to attend a meeting if the Board would like that.

Tourigny expressed that he was concerned the only reason making Fitzwilliam attractive for solar energy power plants was because it could be easily connected to the power lines. Tourigny and Blais discussed how other solar energy power plants have been sited in the region; discussing Orange, Athol, and Peterborough. Blais discussed with the Board how “ugly” the substation looks since being developed; particularly in terms of loss of vegetation and impacts to the viewshed. The Board discussed their concern about whether or not the solar plant is to only be put in for the subsidies providing the company a tax break.

Tourigny added that he had recently heard from a homeowner that one strategy for keeping solar panels clean is to use a Rain-X-like substance on the panels which would help debris easily run off the surface. Blais discussed that she had spoken to Phil Bryce from the Division of Parks and Recreation and that he is interested in attending those informational sessions, mainly on behalf of researching what the potential impacts could be to Mount Monadnock.

Gray discussed maybe there should be an informational sheet for the community which would outline the timeline and process for the hearings. Gray added that they could include Town & SEC information about the matter, as well as how the public can be involved with the input process. The Board talked about how they could increase the community’s involvement in this matter.

Tourigny discussed potentially using the Fitzwilliam Facebook page to post about these events. Silverman responded that so far there hasn’t been an application submitted so there isn’t much concrete information about the project that can be passed along. Gray and the Board discussed trying to get the community involved with SEC meetings so they are able to give input. Tourigny suggested putting something in the newsletter with information about the SEC meetings and how interested people may be involved, and that the newsletter clarify that there has been no formal application submitted.

Tourigny asked if there was any further discussion on the matter, there was none.

Solar Conditional Use Permit. 7:29 pm.

The Board reviewed the draft of the CUP application form. The Board discussed the details within the CUP and Gray noted that the wording was a bit confusing beneath the title of the document. The Board asked that the sentence be re-worded for clarity, reflecting that applicants for community-scale roof-mounted and small-scale systems did not need to fill out a Conditional Use Permit application.

Blais noted that there should be more lines for writing under 7, or a note for the applicant that they may use a separate sheet of paper.

Scenic Road Update. 7:42 pm.

Gray discussed the confusion regarding the size of the trees which may be cut and read the provided definition. Gray clarified that the total circumference of such trees involved in Scenic Roads would be 19 inches in circumference or larger, as defined by the State.

Gray reflected back to the 2012 Master Plan and identified where it discussed scenic roads and goals related to it. Gray added that the Board was reviewing the concept of Scenic Roads purely because it's a goal in the Master Plan and it's the job of the Board to review those goals. Gray then noted that some of the goals within the Master Plan discuss preserving rural character and stonewalls, and that those goals may be accomplished through Scenic Roads. The Board discussed landowner's rights of removing trees in the right-of-way to which Silverman & Tourigny responded that they were allowed to cut down those trees in their properties right-of-way.

Blais asked if the Planning Board would be suggesting roads for designation and Gray responded that no, the purpose of Scenic Roads would be to create a vehicle to allow people living on a road to petition together to designate that road as scenic.

The Board discussed removing the section of the state's Scenic Road template which gives the Planning Board and Conservation Commission the ability to designate roads. The Board discussed that the purpose of the ordinance should be to solely allow community members the ability to designate their road, if they want to, through a petition of 10 voters who must be living on that road.

Haynes asked about reaching out to the Highway Department to get their input. Kenison added that he felt the language needed to be much clearer because when the Board first reviewed it, most everyone aside from the Board had misinterpreted the document. Gray and Blais discussed that at its core, Scenic Roads would should simply help to preserve rural character, like stonewalls, on roads where those residents wanted those features preserved.

Kenison asked if it was possible to designate portions of a road as scenic. The LUA noted that designating portions of a road is possible. The Board questioned how a road may be designated if it does not have 10 voters to petition. The LUA responded that she will research if there is legal authority for a quorum of residents on a road to petition the designation in the event that there are not 10 voters living on that road.

Gray discussed that the template draft of Scenic Roads should include language about the possibility of designating portions of roads and the process of designation should be made significantly clearer to whomever is reading it.

The Board agreed to revise the template draft and discussed inviting the Town's Road Agent for a discussion. The Board agreed to invite the Road Agent to the next meeting.

Review of Planning Board Projects in the Land Use Department. 8:08 pm.

The Board discussed how they should prioritize the projects which are based off goals from the 2012 Master Plan.

Silverman addressed the research being done on Innovative Land Use Controls, of RSA 674:21. Silverman noted that, specifically with the Flexible and Discretionary Zoning, which he felt it was something more for the Zoning Board of Adjustment to handle because it's important for the Planning Board to be objective with how they review cases. Silverman discussed a related past case that had triggered the Board to discuss these innovative land use controls, specifically the Flexible & Discretionary Zoning. Silverman explained that he felt if the Planning Board was to allow that type of zoning, such as making case-by-case exceptions, then it would open the Board up to a lot of lawsuits and issues.

Haynes and Tourigny agreed with Silverman, in that the Planning Board should not become subjective with how they handle cases. Gray responded that she also feels that the RSA 674:21 could become a slippery slope, legal-wise.

Blais commented on the research for Complete Streets and noted that she felt utilizing the concept had potential to negatively impact the rural character and would be a taking of land.

Silverman discussed that the LUA should not be working for the Economic Development Committee on developing a brochure for new businesses. Tourigny and Gray responded that they are in the process of meeting with the Selectmen to see if they may contract the LUA to work on it.

Blais discussed adding the Prime Wetlands to the project list so that they may begin working towards designation of Prime Wetlands at the next Town Meeting.

Tourigny asked if there was any further discussion and there was not.

Minutes of April 3, 2018. 8:31 pm.

Gray and Silverman discussed clarifying, on Page 9, Line 382, when Silverman discusses town legislature and agreed to change it to "town legislature or at Town Meeting."

Gray noted Page 10, where Buonomano spoke on Line 438, that it should clarify that the Board had the opportunity to utilize the two most senior member's knowledge.

Silverman discussed that the minutes were beginning to sound a lot like a transcript and in doing so can be confusing for the Town to follow along and that it takes a fair amount of time to edit the minutes to ensure that they be interpreted exactly as they should. Tourigny discussed that the past minutes didn't always include all subject matter discussed. The Board agreed, going forward, the minutes should be less like a transcript.

Gray made a motion to accept the minutes as amended, Haynes seconded, and the Board agreed unanimously.

Tourigny made a motion for the meeting to adjourn, Haynes seconded, and the Board adjourned at 8:38 PM.