
Planning Board Minutes 03/28/2016

Planning Board

Town of Greenfield

Meeting Minutes

Recorded by Janice Pack

March 28, 2016

Members Attending: Paul Renaud, Ken Paulsen, Robert Marshall, Angelique Moon

Participating by Phone from Washington, D. C.: Andre Wood

Meeting Opened: 7:04 PM

Minutes Read by PRenaud. After corrections were made, KPaulsen moved to accept the minutes, and this was seconded by AMoon. All were in favor.

Old Business: AMoon moved to accept RMarshall's resignation, and this was seconded by KPaulsen. There was no discussion, and all were in favor.

RMarshall announced he was now the ex-officio.

The procedure for saving the minutes was discussed. Amended minutes will be printed out for the files, and a copy will be forwarded to Aaron Patt for posting on the website.

7:30 PM Preliminary Conceptual Consultation for Ray Cilley

PRenaud reminded all that a PCC was for talking about the proposal in general, not getting into details. Nothing said will be binding, but the Board can make the determination as to whether he needs to go before the Zoning Board. We will see if the proposal fits into the rules and regulations.

Ray Cilley introduced Keith Akerly, and said that they are "looking at this venture together". They are looking at various locations in Greenfield to put up a solar array. One location is on Old Bennington Road. RCilley passed out some photocopies which detailed a solar array option to the members of the Board. He said that they are in talks with the State about this venture. The solar panels would be fenced in with a security fence, with shrubs planted around it. PRenaud asked "How visible will it be from the road" and RCilley said "It would depend on how much greenery was planted around it." PRenaud asked about the approximate size, and RCilley said "half an acre." RMarshall pointed out that the drawing shows 146' one way, and 112' the other way. KAKERly said the elevation was "6' to 8' to the top. Reason for that is snow build up."

KPaulsen asked if the solar collected was just for his business use. Ray said "No, there is no power out there currently to the site. We have not submitted the application yet for the utilities." PRenaud asked if they were planning to use the power themselves, and RCilley said "No, we are planning to collect it and sell it back to the utilities." He said that the intended property was not conservation land, and looked at a soils map of the property with the Board members which showed where the conservation easement was in relation to the designated property.

RMarshall said it was pretty clear that this was a commercial operation which was a change of use for the property. If a change of use is involved, a site plan review is needed. PRenaud asked for any discussion. AWood asked for the address of where it was intended to be (right before the railroad tracks, on the other side of the road from the sand pits). AWood said that if it was a change of use, and the land was currently Rural Ag, not commercial, then he agreed that a site plan review would be needed.

AMoon moved that a site plan review would be needed, and KPaulsen seconded the motion. Hearing no further discussion, the Board voted, and all were in favor.

RCilley asked if a site plan review was needed just because of the site they picked, and PRenaud clarified that the Board feels that he needs a variance if he wants to put a commercial venture in an area that was not zoned commercial. PRenaud says that none of our current regulations address this exact use. The state gives a lot of leeway but in the absence of regulation, it may not be permitted.

AMoon asked if our closest proxy was Small Wind Power accessory use and PRenaud said "Yes."

PRenaud said that while most people in Greenfield would support this type of thing, they may not want to see them all over town. Mike Borden said that just for our information, Yankee Magazine in Dublin is getting ready to install a big array, and they are all over the place now. RCilley said that the State lists the Town of Greenfield as exempting the value of the system, and he wanted to know if that could ever be reversed. PRenaud said in 2008 the Town voted that the cost of the system would not be taxable, but that was geared toward residential, not commercial, and he mentioned that it was a Select Board issue.

KAKERly asked if he could have a copy of the exemption to see what the actual language was, and did it specify residential and/or commercial. RMarshall said that he would be happy to ask the question at the Select Board meeting, and would get back to RCilley and KAKERly by Wednesday.

AMoon found where February 2008 Select Board minutes made reference to it as a petition article. (Warrant Article 2) and the Board reviewed the 2008 Annual Report and found that it was a vote to adopt the state RSA (by voice vote, with no count) and the article passed.

KAKERly asked "if it were a not for profit, would it still need a site plan review?" The answer was "Yes."

RMarshall gave RCilley a Site Plan Review Application, and noted that he owed \$7 for it.

The PCC was over, and RCilley, KAKERly, Mike Borden and Ashley Saari left the meeting.

AMoon mentioned that when they came back, she should recuse herself from the vote as she was the nearest human neighbor to RCilley's property.

Mail: 3 plats from New England Forest Products were received (to be filed)

The new Zoning Ordinance (revised 3/08/16) was distributed and it was mentioned by KPaulsen that the change in districts needed to be reflected on the map in the meeting room. KPaulsen also noted that on page 30, section 6. Scenic Landscapes and Vistas, paragraph b., it should be Wapack (not Wapak) Trail.

The Board moved on to the Site Plan Review Checklist. PRenaud feels we are not changing the regulations, just the Checklist form. Going back to the change discussed in the last meeting, adding FOR PLANNING BOARD USE ONLY over Section III, the Board deliberated whether or not the checklist items were for the applicant or the Board.

RMarshall felt that perhaps rather than changing Section III, we might want to have a disclaimer paragraph saying that this was solely to help the applicant comply. He DOES want the applicant to make the public statement that this is a public use, so that he could later deny an application based on falsification of a document if the need arose. Feels that this should indicate that the applicant had gone through the steps, and it could save time later. PRenaud said Section II was the main criteria we used in whether or not to invoke jurisdiction. In section I, #2, (check if the site plan applies) the language could also be problematic. PRenaud also wanted some language in there concerning regional impact and suggested that it could state in Section III "Will this proposal have a regional impact?" PRenaud felt if there was a chance that it would have regional impact, it would need to be noticed.

RMarshall said that we also have to discuss if we are going to have the Corresponding Secretary do the things that the Rules and Procedures specify because if we are, then the Corresponding Secretary would bring the application to the board for review before anything else is done. If the application was deemed to have regional impact, then we could proceed accordingly. There are 20 days in our regulations to review before acting on the application. In the appendix, it spells out what would have regional impact. KPaulsen said that we could cover these things in a PCC. PRenaud said that Southwest suggested that we have a PCC for just about everything, and if we did that, we could cover these things and make the determination then if it could have regional impact.

RMarshall said we should put a whole package together as we go through Rules and Procedures in case we want to make any other changes, and do it all at once.

The Board discussed what possible changes we could make to the Site Review Application, and AMoon detailed a paragraph that could be inserted at the top that would basically be the instructions for its completion:

The Site Plan Review Checklist is intended to guide the applicant through the Application Process for Site Plan Review and gather the information necessary for Planning Board Site Plan Review. The below checklist is to be completed fully and accurately and represents a summary of the applicant's submission. This does not necessarily represent the Planning Boards understanding of the application and Planning Board acceptance of jurisdiction, and the application does not represent Planning Board agreement to these assertions.

The Board also discussed adding columns to the checklist. AWood agreed with our thoughts, adding that we need to make a very clear distinction as to whether or not the SPR is complete enough, and that it still doesn't mean we are going to rule on it.

PRenaud asked "Are we going to put in AMoon's disclaimer? And then add columns to the checklist; one set for the applicant and one set for the Board, and a N/A or received, agreed, waived, etc.?" RMarshall suggested we switch to a landscape view rather than a portrait view so we'll have more space. AWood said "Don't call it approval, but perhaps deliberation stage." PRenaud said he would work with Catherine Shaw on this form.

Additional changes were discussed, including language and headings for the columns. RMarshall suggested that he not make this too complicated. "This is a checklist for the Applicant, to guide them through the process, and our way of checking that the applicant has provided all of the information." PRenaud wants it to be clear to the Applicant, and us, as well as any lawyers who may be in the room that we will use Section I and II to determine if we have enough information for deliberation, and Section III is for deliberation. AMoon suggested the columns could just be labeled Received, and the date. PRenaud will speak to CShaw and incorporate the Disclaimer, and add columns, and revise the Checklist for the Board's review.

PRenaud reminded everyone that we have the Site Walk next Wednesday. Everyone can meet at the Town office and carpool.

Regarding the Rules and Procedures discussion, RMarshall asked that we review #4 under Officers, and under Procedure for Public Hearing, review #5 and #7. PRenaud will review the document again, and make a few suggestions for the Board's review at the next meeting.

AMoon let the Board know that she will not be here for the meeting of April 11th.

Lastly, PRenaud said there would be a public hearing for the special exception for the poles being in the wetlands. In the Preemptions book RSA 674:55 states a precedence for wetlands that basically says that even if an entity gets a wetlands permit, it doesn't preempt them from going before the Zoning Board.

9:25 PM KPaulsen motioned to adjourn, AMoon seconded, and all were in favor.