

Town of Farmington  
Zoning Board of Adjustment Meeting Minutes  
Thursday, April 6, 2023  
356 Main Street-Farmington, NH 03835

**Board Members Present:**

John David Aylard, Chairman  
Joe Pitre, Vice Chairman  
Bill Fisher, Clerk/Secretary  
Bob Morgan  
John Scruton

**Others Present:**

Jen Czysz, SRPC Executive Director  
Keriann Roman, Drummond Woodsum  
Thomas Hildreth, McLane Middleton  
Christopher Dunn, KW Realty  
Dale Knapp, Walden Renewables  
Irene Dupont, Debbie Prue, Sandra &  
Steve Brown, Mark & Brigitte Garber,  
Traci Cameron, William Hinton, Patricia  
Colanto, Eric Pound, Bobbie Glidden,  
Daryl Murphy, Lee Murphy, Jaiden  
Glidden, Jamie & Kristal Corriveau,  
Sarah Mackenzie, Brian Howard,  
Caitlyn Robicheau, Jaiden Glidden

**BUSINESS BEFRE THE BOARD:**

**Call to Order:**

Chairman Aylard called the meeting to order at 7 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

**November 3, 2022-** Public Minutes- No errors or omissions

**Motion:** (Scruton, second Pitre) to approve the minutes as written passed 5-0.

**Announcement of New Term Limits:**

Chairman Aylard said at their March 20 meeting the Board of Selectmen appointed the following members each to a 3 year term: Joe Pitre and Robert Morgan.

**Vote on Officers:**

Chairman Aylard called for nominations for Chairman.

**Motion:** (Fisher, second Aylard) for John Scruton to be the next Chairman;

There were no other nominations for Chairman.

**Vote:** the motion passed 4-0-1 (Scruton abstained).

Chairman Scruton called for nominations for Vice Chairman.

**Motion:** (Scruton, second Morgan) to nominate Joe Pitre for Vice Chairman;

There were no other nominations for Vice Chairman.

**Vote:** the motion passed 5-0.

Chairman Scruton called for nominations for Clerk/Secretary.

Mr. Pitre asked Mr. Scruton to state what the Secretary's function is.

Mr. Fisher said the Secretary is primarily the backup to the Chair and the Vice Chair if they don't show up as they have a Recording Secretary who takes care of all the paperwork.

Mr. Scruton said the ZBA bylaws say that a Clerk/Secretary shall be elected annually and he/she shall maintain a record of all meeting transactions and findings. Duties of the Clerk may be performed by staff pursuant to the RSA and in cases where staff assistance is unavailable the elected member shall fill this role. He said it would be doing the minutes if staff is unavailable.

**Motion:** (Pitre, second Morgan) to nominate John Aylard for Clerk/Secretary;

There were no other nominations

**Vote:** the motion passed 4-0-1 (Aylard abstained).

#### **NEW CASES:**

**Public Hearing for a Variance by Jean E. Crawley Trustee, Tax Map 36, Lot 3.** A request has been made for a Variance under Table 2.00 (C) Table of Permitted Uses, Section II Residential, Letter (A) Principal Uses. The applicant is requesting a variance to allow for a single-family detached dwelling in a zone in which residential uses are prohibited. The property is in the Commercial Business District.

Chairman Scruton opened this public hearing and asked the representative for the Jean E. Crawley Trust to make a presentation.

Christopher Dunn of KW Realty came forward and told the board the variance request is to change the current land use from commercial to residential and the facts supporting this request are:

**1). The Variance will not be contrary to the public interest:**

**Applicant Response:** There is a dirt road and it is not suitable to commercial use. There is a bridge that must be crossed to access the property with a weight limit. No frontage on Route 11 or ability to advertise (as would be required for a commercial use or business).

**2). The spirit of the ordinance is observed:**

**Applicant Response:** There is no road frontage or ability to have signage on Route 11. It is located on a dirt road not suitable to commercial use with a wooden bridge that is not suitable for commercial traffic.

**3). Substantial justice is done:**

**Applicant Response:** There is no harm to the abutters as all abutters are residential. The lot as residential would improve the neighbors' property values. There would be no added noise from a potential commercial use.

**4). The value of surrounding properties are not diminished:**

Applicant Response: Located in a residential neighborhood. Residential is the highest and best use.

5). Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Applicant Response: The land is sloping, hilly. The road is dirt and the bridge cannot handle heavy vehicle traffic, dirt road and wooden bridge. (as stated on the Variance application) Chairman Scruton asked if there were any questions from the board members.

Mr. Pitre asked Mr. Dunn to describe where the property is located on Paulson Road.

Mr. Dunn said it is on the west side of Rt. 11 just up the dirt road maybe 600 ft. from the street and from the land itself it's barely at 1,000 ft. He said it's probably right on the cusp of 500 ft. in from Rt. 11.

Mr. Pitre asked how far away it is from the yellow building there.

Mr. Dunn said he has only measured it by using a trip odometer on a truck and estimated that it is about .2 miles up the road from it.

Chairman Scruton opened the hearing to public comment at 7:09 p.m. and asked if there were any questions from the public on this variance request.

He explained the applicant is requesting a variance to allow a residential use on what is commercial. He recalled that that they went back 1,000 ft. from Rt. 11 making everything commercial. He said this is up a Class V dirt road that becomes a Class VI somewhere in there. He again asked if anyone wished to comment and hearing none closed the public comment portion of the hearing at 7:10 p.m. He then asked for motions from the board regarding the 5 tests for a variance.

Town Attorney Keriann Roman asked if the property is off of the Class VI part of the road.

Mr. Scruton said no you're still on the Class V portion and it's further up that it goes to Class VI.

Mr. Dunn said that is correct.

Chairman Scruton called for a motion on Criteria #1.

Motion: (Fisher, second Pitre) that the variance will not be contrary to the public interest;

Discussion: Mr. Fisher said this is property that can't be used for anything else right now and the town has just had warrant articles passed that is making it easier to use commercial property and to allow in the back of commercial property to build residential units so it has no effect on the surrounding property values.

Mr. Pitre asked for the size of the property.

Mr. Dunn said it is about 6 acres.

Mr. Pitre asked if he planned to put any commercial ventures on the property.

Mr. Dunn said no just residential.

Mr. Aylard asked for the amount of frontage it has on this road.

Mr. Dunn said he don't know the exact number off the top of his head but it is in excess of 200 ft. and is probably more in the neighborhood of 400-600 ft.

Mr. Fisher said that's on the dirt road and not on Rt. 11.

Mr. Dunn said that's correct. He said none of the 6 acres touches Rt. 11.

**Vote:** the motion passed 5-0.

**Criteria #2: Motion:** (Pitre, second Morgan) that the spirit of the ordinance is observed;

**Discussion:** Mr. Pitre said we can do multiple uses, residential and commercial uses on commercial property so that gives him a clue that this is possible. He said he may not at this time but he has the ability later on to make this dual purpose.

**Vote:** the motion passed 5-0.

**Criteria #3: Motion:** (Pitre, second Aylard) that substantial justice is done;

**Discussion:** Mr. Pitre said it's a unique piece of property being off the beaten path it's on a dirt road and over a bridge and that's probably the best use of that property at this time.

**Vote:** the motion passed 5-0.

**Criteria #4: Motion:** (Aylard, second Pitre) that the value of surrounding properties are not diminished;

**Discussion:** Mr. Aylard asked if he has any neighbors around him.

Mr. Dunn said up the hill is residential and straight across the street is residential and there may be one other residential piece but he knows of at least two.

Mr. Pitre asked how far that is from his property.

Mr. Dunn said 2 of the abutters are residential.

Mr. Aylard asked how far the trailer is from him.

Mr. Dunn said it's across the street and it's about 50 or 100 ft. away.

Mr. Scruton asked if you still drive all the way thru to Ten Rod Road.

Mr. Dunn said you can drive to the top of it and at the top its private property and the road goes to private.

Mr. Fisher said it doesn't go all the way thru and there's another road off of the other end that comes up where the old Pound Road is and in between Pound Road and Paulson Road there's a private strip of property and a guy who has a home and a chicken ranch.

Mr. Aylard was somewhat hesitant to vote at first and questioned if that was a good reason.

Mr. Scruton said he asked if there was other residential and therefore putting residential next to it would not adversely affect the value of the residential properties.

Mr. Aylard asked if he was going to put up a stick built building or bringing something in.

Mr. Dunn said t would likely be a stick built building

**Vote:** the motion passed 5-0.

**Criteria #5: Motion:** (Pitre, second Aylard) that the literal enforcement of the ordinance would result in an unnecessary hardship;

**Discussion:** Mr. Scruton asked for the reason there is something unique about this property that creates this hardship.

Mr. Pitre said the dirt road, the bridge and it is unique to where it sits and he believes there is

ledge there too. He said this sounds like this is the best use of the property and it is unique.

**Vote:** the motion passed 5-0.

Mr. Scruton asked if there are any conditions that should be placed upon the approval.

Mr. Pitre said no because he has to apply for a permit and has to meet those requirements and asked to move the question.

**Motion:** (Pitre, second Fisher) to grant the variance as requested passed 5-0.

**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 R18, 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 the applicant is requesting a Special Exception and there are a number of tax maps and this is on the Milton/Farmington Town line and asked if there is a motion that this be considered a project of regional impact because it's on the Milton line.

**Motion:** (Pitre. Second Aylard) that this is a project of regional impact because of its location on the Milton line passed 5-0.

Mr. Scruton said this means we need to give notice to Milton so that the people in Milton that are impacted by this can also comment. He said the intent right now is to allow a presentation on the project so everyone here can hear about the project and the discussion on this will be at a continuation of this public hearing towards the middle of May when they can reconvene and have given Milton adequate notice. We couldn't declare this a project of regional impact earlier because it had to come before the board and the board had to take the vote and they can't act outside of a meeting and that is why that motion just occurred he said.

He then invited Nutes Solar, LLC to come forward and make a presentation on their project.

Att. Roman asked him to clarify that they will have an opportunity to speak as well tonight.

Mr. Scruton said they would have an opportunity to speak tonight and they can speak then. He said the meeting will not be re-noticed because this will be a continuation. The abutters won't be getting a new notice and we won't be putting anything in the paper because everyone here will have been notified. There will be notice going to the Town of Milton he said.

Dale Knapp, Head of Development for Walden in New England introduced himself and Att. Tom Hildreth from McLane Middleton who is the primary author of the submission that is before them. He said they are here seeking zoning relief, a Special Exception to allow this project to proceed and the proposed project is a 20 megawatt ground mounted solar facility.

Mr. Knapp said over the past year they have been evaluating the project and they have met with regional planners, municipal staff and they have been in front of the Select Board a few times to discuss and introduce the project and they proposed a **Payment In Lieu Of Taxes**



agreement.

He said they held a public informational meeting last month and all the abutters were noticed and it was fairly well attended and they had some good interaction with neighbors.

Mr. Knapp said Walden is a national developer but they are focused on developing projects here in New England and they have a long track record in NH and ME. He said he lives in ME and they are headquartered in Portsmouth, NH, a couple of their staff live in NH and he has spent his career working on projects in NE.

He said they recognize that this board has seen solar in front of it before so they have based their submission on their prior experience around solar seeking zoning relief so they submitted the justification based on that.

He said this is a ground mounted solar facility proposed on private property that would be built with private capital funded by Walden. He said these projects have short construction windows between 9 to 12 months and they are intending to site the facility so it reduces visibility from abutting properties.

He said they are not noise generators they are not intended to disturb neighbors and within the filing in front of them they will see they have committed to respect setbacks from property lines to allow for vegetation to remain in place to screen visibility of the project.

Mr. Knapp said in terms of tangible benefits for the local community the PILOT they put in front of the Selectmen was a draft and they are working through that with them. He said the total value of that over the 40 year life of the project would be \$3.75 million without requiring any additional services from the municipality. He said the first year of payments to the municipality would be \$185,000.

He said decommissioning is a concern and the project would have to post financial surety to fully decommission the project prior to construction and that is in the commitment they made to the Select Board. He said this is a first step being before the board here and being before them next month and there will be many meetings with the Planning Board and they will have to file permits with NH Dept. of Environmental Services. We are going to do a number of site assessments and surveys with full civil design to support the site plan application and it will take a while to get through that process. We hope to be in construction toward the end of next year he said.

Mr. Fisher asked what setback they would be using.

Mr. Knapp said it would be a minimum of 100 ft.

Mr. Fisher said if he was not mistaken it only requires 50 ft.

Mr. Knapp said that is correct and within this zone they are going beyond what the required setback would be and in addition structures are allowed to be up to a height of 35 ft. these structures are well under 20 ft. so they are compliant with the standards of that zone.

He said this is a preliminary discussion and he didn't want to dig into the details of their very robust filing but they certainly could if they would like and he would be happy to take questions

from the board.

Mr. Scruton said their role is relatively limited as a Zoning Board and as Mr. Knapp indicated he'll be going before other groups and agencies. He said their role is limited to deciding if he meets the following standards: 1). the proposed use is consistent with the character of other permitted uses allowed within the district; 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.

He said those are in our zoning ordinance that is online if you want to look at what those are. He said the questions are designed to fit a lot of different situations obviously they are not going to be sending anybody to school from the solar farm but they have to look at all of those standards as they evaluate this from their standpoint and those are the topics that will be in their forefront as they consider this project. He asked if the board had any questions for the applicant.

Mr. Pitre asked if any jobs would be created and that maintenance was obviously an issue.

Mr. Knapp said there are 2 phases-the construction phase will employ close to 200 people. He said they try to use local civil contractors for the earth work and typically they use local electricians if they are available and sometimes it's challenging because they are going to more competitive markets south of here.

He said during the long term maintenance there is not a tremendous amount of need for labor associated with the facility but they will see as there are more solar projects that move toward operation in New England that a local crew will take on the maintenance responsibilities for a handful of projects so they are staying busy. Short term big boom here locally, long term there are definitely opportunities there locally but it's certainly not 200 jobs he said.

Mr. Pitre asked what the typical maintenance routine is.

Mr. Knapp said its typically a quarterly visit just a pickup truck and they can dispatch a crew and the sites are remotely monitored so that's another part of the operational management of the process and if there's an issue in terms of the project performance they will dispatch a local crew to visit the site. Usually it's just quarterly inspections of if everything is up and running properly and some limited grounds keeping and they may have to do some mowing and vegetation management which is another service they would seek locally he said.

Mr. Aylard said he caught his ear when he said no higher than 20 ft. and asked if these were not going to be the panels on the ground and were going to be the umbrella type.

Mr. Knapp said no and he brought some images that he thought might be helpful and showed the board and the public photos from 2 of their Maine projects. They're quite close to the ground he said.

Mr. Pitre asked about the location of the access road and if it would have multiple accesses.

Mr. Knapp said they are proposing a single primary construction access road and they have not done a detailed site survey or a full civil design this is a concept plan suitable for this purpose. He said right now the proposed access is off of Chestnut Hill Road and the existing access off of Dodge Cross Road is not suitable for a construction access. That could be an emergency ingress and egress if the need arises but our primary access proposed for all maintenance and equipment delivery is off of Chestnut Hill Road he said.

Chairman Scruton opened the hearing to public comment and questions at 7:32 p.m.

Mr. Fisher said they will be seeing this again when it goes before the Planning Board and tonight they were here for the SE to allow a solar farm to even be put in at this property. He said it is not on the list in the Table of Permitted Uses but there are similar permitted uses within this area that coincide with this so he is just asking for the SE to even put it in.

He said the next phase if it is not granted starts a whole different thing but if it's granted they will come to the Planning Board with their plans on where they will put the roads, the setbacks, how they are going to camouflage this from their houses (plastic fences, trees, bushes?), water runoff, snow storage and a lot of different variables will have to be considered and this will all be at a public hearing before the Planning Board and that's where the exact plans on how they're going to build this and where they put things will be approved and authorized.

He said he knows this because he is also on the Planning Board and he hoped to see each of them again at the Planning Board to hear their input because it is very important that the ZBA and the Planning Board know how they feel about this going in basically in their backyards and they have to find out what Milton has to say about it.

Dodge Cross Rd. resident Irene Dupont said their property values will go down and this has been proven all over the country every time one of these farms is put in. She said the safe distance is over a mile from it and they're talking less than 100 ft. or 100 ft. from our homes and that's way too close. She said they have all kinds of wildlife in that area-bears, deer, rabbits and fox and asked what is going to happen to them.

She said there are fires that have been caused by these things and a lot of fires and they hide them by saying it was an "other" kind of fire instead of letting people that these farms are causing fires. An animal can run into it, a human can run into it, Firefighters have to have special equipment or they can get electrocuted if there is a fire in one of these units and asked if our Fire Dept. is able to handle this. We really need to look deeply into this before we allow this to come she said.



Mrs. Dupont said they hum and she moved into the country because she wanted peace and quiet and it's not going to be that if these are put in. She said when the construction is being done all this traffic and noise is going to be there and asked if they have to put up with that too. She asked if their property values go down if their property taxes will go lower and if that is going to help the town if they're paying less taxes because their houses aren't worth as much. We really need to think about this and the board needs to do a lot of research and find out exactly what is going on and to check with other areas that have had problems with these farms she said.

Nutes Rd., Milton resident Bill Hinton said he is an abutter and that he moved here a couple of years ago clearly for the peace and quiet. He said this project is huge it's a lot of acreage, there's a lot of wildlife and he can't imagine that they're not going to disturb that situation and encouraged the board to look into the effect of what happens with the wildlife on this particular property. He said they can tone it down to say they are only going to use 120 acres but they are really going to disturb somewhere near 400 acres and he would like to see the board consider it.

Mr. Hinton said he went to the previous meeting and he sees in his case that it allows more access to the back of his property and they are going to gate it but they are not going to fence everything they're only going to fence their investment and that's the panels. This could create an entire different situation than we have in a lot of the abutters around here is access to it with 4-wheelers, hunters, dirt bikers, whatever and you should consider the scope of what this could create he said.

Resident Trisha Colanto said she moved to Farmington in Nov. and she came here to get away from everything and she wanted quiet and peace and have her animals and not have to worry. She said she is really concerned and she doesn't think that this is right for us or for the animals or even for their pets.

She said she heard that a sound is emitted that bothers animals that we may not hear though she didn't know if that was true or not. She said she totally objects to this and she is so close to that it's going to be right there and she came to get away from all of that. I worked hard to get here and now just as I get here you're going to put this huge thing here. I disagree and my biggest concern is the animals, the wildlife and we don't have much of it left and we need to protect that she said.

Little City Rd. resident Debbie Prue said she was reading something that said at 30 ft. away the sound of it is 65 decibels and they're talking 150 ft. She said they said it doesn't go inaudible until 500 ft. and that is quite far away and that means at her house at 150 ft. she will be hearing one of those motors running.

She said she has read a lot about how they only last 25-30 years and asked if we are going to turn some land into a landfill to bury these things that are filled with lead and so forth. She said those are toxins and whatever is going to happen to those things somebody is going to get hit

with them whether it's us or somebody else. Those are toxins that go into the ground that could eventually make people sick and die. At some point people have to be important too. I'm all for things that are making things better, greener unless the end results are no better than the beginning she said.

Milton resident Caitlin Robicheau said her property is "wow right there" and right smack dab in the middle of it is going to be in her backyard. She said she takes her kids out there and that she and her dogs go walking out there and she grew up in the middle of nowhere with all this land that she was so excited to share with her kids and now it's going to be gone.

She said that's so much acreage and half of that would have been at least a little bit better but they're leaving nothing there and like everybody else has said the noise concerns her about the wildlife, her animals and her kids hearing the humming.

She said she has heard that they attract bugs and she definitely doesn't want any more. She asked the board to please look into this as this is huge. She said she could see it a lot smaller maybe half or a quarter but the whole thing is huge and that's going to delete so much and take away so much even if they put fences the wildlife could run into them and what happens after that fires, toxins. She said the solar panel thing is supposed to be green but asked if this was going to benefit us and if they were going to get cheaper electricity because she would love that but it is not going to benefit us in any way.

Oakwood Rd. resident Jaiden Glidden pointed out the location of her property and said everyone here has made remarkable points and she didn't think that there was any need to reiterate them. She said one of her major concerns was Chestnut Hill Rd. and we know the condition of the road and it is not going to withstand the equipment that's brought in. She said it's bad in the middle of the summer on a dry day, when we're talking wet season we're talking potholes and asked who is going to maintain that and pay to repair that.

She said that Chestnut Hill Rd. is a busy road and they probably all travel it once or twice a day. She asked what they would do when there are commercial vehicles taking up that space day in and day out during that development. This is not what this town has ever been about. I've lived here for 21 years and nobody says let's go to Farmington they have a great solar farm and nobody ever will. Being that I'm an abutter with my husband we are completely against the development of this land for this use she said.

Resident Steve Brown said a couple of years ago his grandson got married up in Farmington, Maine and that happens to be the largest solar farm in New England. He said he stayed in the campground up there for a couple of days and all the cars that were in there had Florida and Texas plates and he asked around and it was all people working on the solar farm. He said it is a misconception that it is going to provide local jobs and he has seen it himself.

Dodge Cross Rd. resident Jamie Corriveau said as far as the money aspect of it they are talking about giving out 40 years worth of \$3.75 million and asked if that gets split between Middleton, Milton and us that about that and if it doesn't that works out to \$93,000 a year to the Town for

40 years. He said his house generates almost \$11,000 in tax revenue for the town and all that acreage right there if you put 10 houses in you make that money a year.

Mr. Corriveau said his other issue was how low the solar panels are and it's easier to work on them because they're lower but nothing travels thru there after that. He said he owns 20 acres and has lived here since 2001 and they clear cut the land behind him and all the animals stopped coming thru the yard. I'd like to see an environmental impact study and I'm sure you've generated one but I didn't see it yet. I don't think the money aspect of it benefits the town enough to make it worth losing all that property he said.

Bobbie Glidden said she owns property and is an abutter off of Elm Street and her biggest concerns are the deforestation and the water runoff. She said this is on a ridge and if you take down trees there's going to be a whole lot of water coming down a sloped area. She said she didn't know a lot about solar fields but this doesn't seem to be the best placement for solar fields due to the water runoff. She said she is a supporter of clean energy but she worries about the herbicides that will be used to control the vegetation.

Brian Howard said he works for Cameron's and they have done a lot of hydro-seeding and planting on some of these solar farms (Franklin, Durham, Enfield and Hinsdale) and all of them have been in a gravel pit or on a municipality landfill or on a ridge or a mountain like the ones that oversee Plymouth. He said every one of them have not been in a residential area. He said there's a lot of impact and they're going to handle the water runoff but asked what Chestnut Hill Rd. is going to handle and who is going to fund that.

He asked about all of the culverts that run down Chestnut Hill Rd. and who is going to fund that and if the Town would have to fund that to make larger culverts and fix the road. He said they are going to do the project and asked who is going to fix the roads. It's going to be on us (pointing to himself and the audience) he said.

Chestnut Hill Rd. resident Sarah Mackenzie said her maiden name is Russell and her family has lived in this town for years and her grandfather 2 doors down from her built the house there with his own hands. She said she is a fan of clean solar energy and has no problem with it but the area it would be in is a residential area and is not something that is meant for this. This is our homes, this is where we live and it certainly could be positioned somewhere else she said. She said that land should be saved for more residential lands, more people, more homes and potentially more farms and there's a lot of stuff that this town would support a lot more.

She said the main access is probably going to be right across from her house which she is not a fan of because she has a nice big driveway and she has a lot of cars already that turn in and out of there and she has a feeling that is just going to perpetuate that. There's going to be construction vehicles in and out of my driveway and I'm not a fan of that either. I don't think this is a good position for this project of that size she said.

Chairman Scruton asked if there were any other comments and hearing none asked if there was a motion to continue the public hearing.

**Motion:** (Pitre, second Morgan) to continue this public hearing to May 18 at 7 p.m. at the Farmington Town Hall;

**Discussion:** Mr. Fisher said he would like to know if it is feasible and he would like more information from other sources such as a real estate agent for property values possibly in areas where solar farms have gone in. He said he would like to see what the positive or negative impacts have been to property values.

He said he would also like to hear from some representative of the Farmington, Maine Zoning Board or their Planning Board, Town Counsel, Board of Selectmen or whatever they have and see what the impacts have been from their solar farm up there.

Mr. Knapp suggested they contact Sanford, Maine as it is closer to them and the project in Farmington is significantly larger than this by about 4 times. He said he would see if he can get somebody from the Town to come to the next meeting if that would be helpful.

Mr. Fisher said they could take care of that through our Planning Dept. and then asked Ms. Czysz if the Planning Dept. would contact some other experts.

Ms. Czysz suggested they ask the residents as well to see what the impact has been on their lives.

Several audience members commented in agreement with Ms. Czysz's suggestion.

Mr. Scruton said they have a motion to continue and Mr. Fisher has stated some of the information that he would like in addition to what they have heard tonight and he would expect that the company would respond to some of the comments that have been given here tonight as far as addressing their concerns when they resume. He asked if there are other matters of this that need to be discussed tonight before they vote to continue the public hearing.

Att. Roman said it's not a question of whether the board or the Planning Dept. has the authority to contact the residents of other towns and bring them in here they really don't. She said the public can and the applicant can bring in who they want and they should consider if there are any third party experts that they want and they have the same authority as the Planning Board to do that. She said that might be something to discuss now so they don't have to continue it and then continue it again.

Mr. Fisher said that is why he asked for a real estate agent or someone who has dealt with properties around solar farms. He said he didn't know who was available and it is going to take some research but from what he has read he can't contact them because he would be representing the board and he can't do that on his own.

Att. Roman said as far as property values the applicant can and the residents can and asked if there was any other type of expert they would want to hire for the Zoning Board.

Mr. Aylard said he believes this board can ask to show or not show that it increases or decreases the value of the property.

Att. Roman said she presumed that the applicant will want to do that because the board asked



for it.

Mr. Knapp said they included a peer reviewed study in their submission to the board that covers all of this information.

Mr. Fisher said he meant no offense but he would like to hear that from a third party expert.

Mr. Knapp said it is a third party expert.

Mr. Fisher said he used a third party expert in his report and if he was a company writing a report he would write it in a positive light and he wouldn't use negative information that's why he would like to hear from a third party for real estate values or detrimental impacts from the solar farm on the community.

Mr. Scruton said he assumed they can request that the Strafford Regional Planning Commission get them information on that.

Att. Roman said they could motion that they want to retain a real estate appraiser or assessor.

Mr. Scruton asked if that would be after the motion to continue.

Att. Roman said she would do it now and they have to decide if the Town would pay for that or the law says if they retain an expert that's reasonable the applicant pays for it.

Mr. Fisher said the Town has retained 2 engineering firms but he didn't know if those firms can do this type of work.

Att. Roman said she didn't think so.

Att. Hildreth said when a board retains an expert like this it is not to do original research for or against the application it is to review the information that is submitted to the record by the applicant or by opposing parties to evaluate not to do independent research to tell a board it's going to have this effect or that effect. He said they have the power to require an applicant to fund that research but it's premature because they haven't looked at what is in the record yet. He said if they look at that information and say we need someone to help us make sense of it then that's where you get them involved not at this stage coming in with the original findings.

Att. Roman said she would agree that they would look at what the applicant submits and then they could hire an appraiser to give an opinion on what the applicant or anybody else submits and they may have it. She said they were just trying to save having to go to the May meeting and then go to a June meeting but they can wait until May and review in more depth what the applicant has submitted and then make that motion in May.

Mr. Fisher said he was just interested in saving time and he didn't want to keep the applicant going into June. He said he thought if they could have somebody review the data that was submitted and give them a report on it at their May meeting...

Att. Hildreth said they already submitted the information to the board and as Mr. Knapp said it wasn't prepared for them and wasn't commissioned by Nutes or the parent company. This was information that was gathered by a firm that has surveyed other sites in half a dozen states around the country so it's not our work.

Mr. Fisher said he didn't mean to offend anybody but he doesn't know real estate values and



he doesn't know what effects things have.

Att. Roman said it would be appropriate to have a third party appraiser review what they submitted and she thought they could do that now but if Att. Hildreth wants to wait that just delays things on their end and she didn't think it matters to the board.

Att. Hildreth said his preference would be that they at least have a chance to address the substantive issues that were raised today and narrow the focus of what the experts might be required to weigh in on.

Mr. Hinton asked if the board can require a wildlife impact study.

Mr. Scruton said he did not know but that is not one of the conditions for a SE so he doubted they could.

Att. Roman said she didn't think they could do that. She said the public can submit whatever they want to the board for them to look at.

Mr. Fisher said he believes that would be part of the Alteration of Terrain Permit that they must get from the state and as part of that NH DES will come out and do a wildlife study and the same thing happened with the solar farm they were going to put in at the Transfer Station. He said they did a study and found a spotted salamander and it changed the plans for that solar farm. It will be looked at but that's at the Planning Board level he said.

Chairman Scruton suggested that at the next meeting everybody presents what information they have. He said if you have a real estate study present it, if you have a wildlife impact you want to present or if you have something else you want to present you can present it.

He said they would also expect them to answer some of the questions that have been raised by the public here and at that point they can decide if they want to hire an expert for review.

Mr. Knapp said the responses they'll compile here are directly related to the subject material contained in the criteria that they are reviewing this submission under and that is not necessarily the wildlife or some of the other issues raised here. He said there will be a very extensive permitting process that will involve the state, NH Fish and Game, NH DES, the storm water dept. and a lot of analysis will go into this site and by no means does this represent the end of the process.

Mr. Scruton said he read at the beginning the criteria that has to be decided regarding a Special Exception and that's all this board is really considering. He said there will be opportunities for input later at the Planning Board and the state permitting but for deciding if they get past this hurdle the issue becomes are they consistent in character with other permitted uses, hazards, potential fire, explosion, detrimental to property values, traffic hazard, municipal service demands and storm runoff. He said those are the area they will be looking at and deciding whether they meet that first hurdle to get to the next step.

Ms. Glidden pointed out the location of her property on the display map and said it was the last house on Oakwood Rd. on the left. She said her road gets washed away all year long from streams coming down through here and it got worse when they started selectively cutting back

here (not this applicant) recently and the runoff got really bad. She said Oakwood Rd. is a private road and is not Town maintained so a lot of the private roads there are going to end up having to face the repercussions of what happens during this development. This Town is not paying to repair or maintain those roads and asked what those people are going to do when they can't leave their house or get to their house because of water runoff that has completely washed away their private roads. The Town is not going to come in and fix it, you're not going to come in and fix it (pointing to Mr. Knapp) so who else-we're going to have to she said.

Mr. Scruton said they are gathering information and anything she can give them in support of what she just said would be useful for the next meeting.

An audience member suggested they just say no and not have a next meeting.

Mr. Scruton said they can't because they are not at that point yet and they have to continue to the May meeting and let Milton comment and let everyone have an opportunity to comment and hear everything before they make a decision.

Mr. Corriveau said it sounds like in the packet they supplied to the board for this meeting that information should be in that packet just to get this variance. He said outside of that there is really nothing they can do here today. When the Planning Board meets that's the one where we'll really have to voice our opinions he said.

Mr. Fisher said and at the Conservation Commission meeting when it comes before them for their input. He said if it passes all 5 criteria the SE gets approved and if they don't then it doesn't and that starts the negotiations all over again in different way.

Mr. Scruton said that everything they received from the company is public information.

Mr. Corriveau asked if they have to come here to get it or if it is online.

Mr. Scruton said they will have to contact the Planning Dept. and they will ask the Planning Dept. to put it online.

Mr. Corriveau said Mr. Knapp referenced a Sanford project and asked if that was the Sanford Airport project.

Mr. Knapp said no they are building one on Rushten St. and there's one on New Dam Rd. He said the airport project is worth a look and there are some trackers there and he could send him a map and gave him his business card.

Mr. Fisher said his comments requesting this other stuff he draws back until their next meeting.

Mr. Scruton asked if there were any other comments and hearing none called for the vote on the motion to continue the public hearing to Thursday, May 18 at 7 p.m.

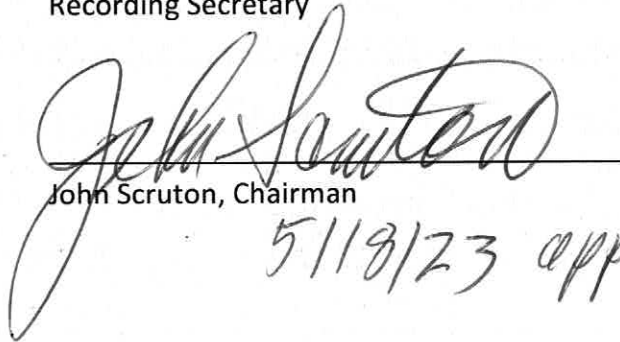
**Vote:** the motion passed 5-0.

**Any Other Business to come before the Board:** None

**Adjournment:**

**Motion:** (Pitre, second Aylard) to adjourn the meeting passed 5-0 at 8:13 p.m.

Kathleen Magoon  
Recording Secretary

  
John Scruton, Chairman

5/18/23 approved