



**Town of Troy  
Planning Board Meeting Minutes  
Wednesday September 4, 2024**

**Members Present:**

**Kyle Smith (Chairman), Henry Underwood (Vice Chairman), Jack Gettens (Secretary), Matthew Meacham, Curtis Hopkins (Select Board Representative), Mike Leclerc.**

**Planning Board Consultant:**

**Carol Ogilvie (Via Zoom)**

**Planning Board Clerk:**

**Elizabeth Watson**

**Public Present:**

**Herb Drugg, John Liimatainen, Richard H. Thackston III, Zachary Farkes (ReWild Renewables, Inc.), Elise Levick, Oliver Levick, Carl Patten Jr., Timothy Wilson, Deborah Wilson.**

1 **Call to Order**

2 Chairman Smith called the meeting to order at 7:02 p.m.

3 **New Business**

4 **MOTION** to amend and approve the Minutes of August 21, 2024 adding the following to line  
5 48: 'Chairman Smith will be working with the Selectmen on next steps' by Henry Underwood.

6 **SECOND** Jack Gettens. Motion Passed, 6-0-0.

7 Matt Meacham will not be able to attend the September 17, 2024, 6 p.m., Zoning Board of  
8 Adjustment meeting. Chairman Smith will attend.

9 **Correspondence**

10 Chairman Smith read a letter from the Conservation Commission requesting that ReWild engage  
11 a third-party entity to determine if there are endangered species on the parcels and to also assess  
12 the project wildlife impacts.

13 Chairman Smith read a letter from Matt Whooley, Deputy Health Officer, stating that there were  
14 no immediate health impacts to the community from the solar projects.

15 Mike Leclerc referenced his prior correspondence to the Planning Board and indicated that,  
16 rather than reading the letter, he would provide information during the deliberation on the  
17 ReWild applications.

18 Zak Farkes reported that there had been email correspondence between the project engineer and  
19 the Troy Road Agent regarding the specification standard for Class V roads.

20 **Public Comment**

21 Mr. Patten discussed the following solar ordinance provisions: the requirement that facilities be  
22 located on Class V roads, and that the waiver decision criteria was hardship and spirit and intent  
23 of the regulations. He indicated that (a) hardship should not be based on money going to the  
24 corporation or landowner, and (b) the waiver was not consistent with the spirit and intent of the  
25 regulations. He expressed concerns about the wildlife impacts and the potential for a precedent  
26 setting decision regarding development on Class VI roads. He requested that the Planning Board  
27 reconsider the Bigelow Hill waiver approval.

28 Mr. Wilson described the provisions of RSA 674:41 specify that development on a Class VI  
29 Road requires that the owner file a notice with Registry of Deeds indicating that the town is not  
30 liable for maintenance or damage that may occur on the road. He expressed concern that rules  
31 were not being followed. Mr. Wilson also described the solar ordinance requirements for an  
32 impact analysis. Mr. Gettens responded that ReWild plans to upgrade the respective section of  
33 the Bigelow Hill Road to Class V standards and that it is his understanding that the notice to the  
34 Registry of Deeds provision of RSA 674:41 must be done before a building permit can be issued  
35 for development on a Class VI Road. It will be the Selectmen's decision whether to issue a  
36 building permit.

37 Mr. Wilson asked, 'What is the Town benefit from the solar projects?' Mr. Leclerc described the  
38 Payment in Lieu of Taxes (PILOT), and he estimated the payment to be approximately equal to \$1  
39 per week per Troy resident. Selectman Hopkins describe the highway block grant benefit based  
40 on the number of miles of town Class V or better roads. Mr. Gettens and Chairman Smith  
41 indicated that there are no provisions in the solar ordinance that give the Planning Board the  
42 authority to base their site plan/CUP application decisions on the net town benefit. Mr. Drugg  
43 noted that public benefit is one of the criteria for a zoning variance.

44 Mr. Wilson asked, 'Who will maintain the road?' Planning Board members responded that if it  
45 remains a Class VI Road, ReWild will be responsible. If the Town adopts the road at Town  
46 Meeting, the Town will assume the maintenance responsibility. If the town maintains the road  
47 for more than five years, it automatically becomes a Class V Road.

48 Mr. Levick expressed concerns about the possible impact of the Bigelow Hill solar system on the  
49 views from the Monadnock Blueberry Farm. Mr. Underwood will email the results of his  
50 ArcGIS-based view analysis to Mr. Levick.

51 The Drugg discussed the Troy Water Resources Protection (WRPD) Ordinance and that because  
52 the solar system was not one of the listed permitted uses, a Conditional Use Permit would be  
53 required. Mr. Drugg discussed the criteria for Conditional Use and indicated that the conditions  
54 listed in Sections VI.B.2.a-e of the WRPD Ordinance are applicable to the solar system projects.

55 **Old Business**

56 The Planning Board discussed the roles of the Planning Board and the Conservation Commission  
57 regarding the Conditional Use Permit application process. The ordinance specifies that the  
58 Conservation Commission will schedule a site inspection within 14 days of receipt of the  
59 application and make a written recommendation to the Planning Board within 14 days.

60 **MOTION**. To all referred to amend and re-submit their CUP applications by checking the ‘Uses  
61 within the Water Resources Protection District’ application type and for the Planning Board to  
62 refer the application to the Conservation Commission for their review and recommendation by  
63 Mr. Gettens. **SECOND**, Chairman Smith. Motion Passed, 6-0-0.

64 There was a discussion among Planning Board members about reconsideration of the previously  
65 approved waivers. Mr. Leclerc favors reconsideration of the Bigelow Hill waiver because it  
66 bypassed the ordinance, takes it out of the hands of the residents, and there is a need for  
67 additional discussion to clarify the meaning of the waiver. Mr. Gettens described the reasons  
68 why he voted in favor of the Bigelow Hill waiver; that the ReWild upgrade to Class V standard  
69 will alleviate concerns about safety and costs to the town and that it provides the Selectmen with  
70 the option to either put the question to the Town or approved the building permit on the Class VI  
71 road, upgraded to Class V standard. Mr. Underwood indicated that he is not in favor of  
72 reconsideration and that it is time to move ahead and discuss the merits of the site plan and CUP  
73 applications. Mr. Meacham indicated that he does not favor reconsideration because he does not  
74 think there will be new information brought to the discussion that has not already been  
75 considered.

76 **MOTION** to reconsider the waiver approvals, Chairman Smith. **SECOND**, Mr. Underwood.  
77 Motion did not pass, 2-3-1.

78 **MOTION** to extend the three ReWild applications to October 2, 2024, Chairman Smith.  
79 **SECOND**, Mr. Underwood. Motion passed, 6-0-0.

80 Ms. Ogilvie described the draft Notice of Decision (NOD) for the Bigelow Hill project and the  
81 process for creating the draft.

82 Mr. Gettens noted that at a prior meeting there were public comments that expressed concern  
83 about construction related traffic on Bigelow Hill Road during the construction phase, and that  
84 Mr. Farkes described, in detail, the construction staging and associated road traffic. Mr. Gettens  
85 suggested that a description of expected road traffic be included as a condition of the NOD.

86 Mr. Gettens noted that the solar ordinance requires that applications include an impact analysis.  
87 However, the ordinance does not require that the Planning Board make a determination whether  
88 the benefits to Troy outweigh potential adverse impacts. Mr. Gettens suggested that we consider  
89 amending the ordinance, in the future, to include this determination.

90 Mr. Underwood asked if Troy has a process for issuing a certificate of occupancy for a non-  
91 residential project. Selectman Thackston answered that they have only been issued for residential  
92 property.

93 Ms. Ogilvie discussed the purpose of the CUP process. She indicated that the process exists to  
94 make it easier for the Planning Board and Applicant to work together and it eliminates the need  
95 for a variance every time a provision of the ordinance is not met.

96 Mr. Underwood discussed the resources he planned to use to decide on the solar project  
97 applications. The Master Plan would be at the top of the list.

98 There was a broad discussion among the Planning Board, Ms. Ogilvie, Selectman Thackston,  
99 and Mr. Farkes about the solar systems applications, the impact analysis, the public comments,  
100 the approved waivers, the WRPD Ordinance, and the deliberation process.

101 **Next Meeting: September 18, 2024**

102 **Adjourn**

103 Chairman Smith adjourned the meeting at 9:43 p.m.

Respectfully Submitted by  
Jack Gettens  
Planning Board Secretary