

TOWN OF MILFORD

Office of Community Development

Planning • Zoning • Building Safety • Code Enforcement • Health
Economic Development • Active Projects



Administrative Review

Date: May 11, 2020
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-08: Milford Spartan Solar, LLC., / Not Too Dusty, LLC., Tax Map 39 Lot 74 - Variance Application**

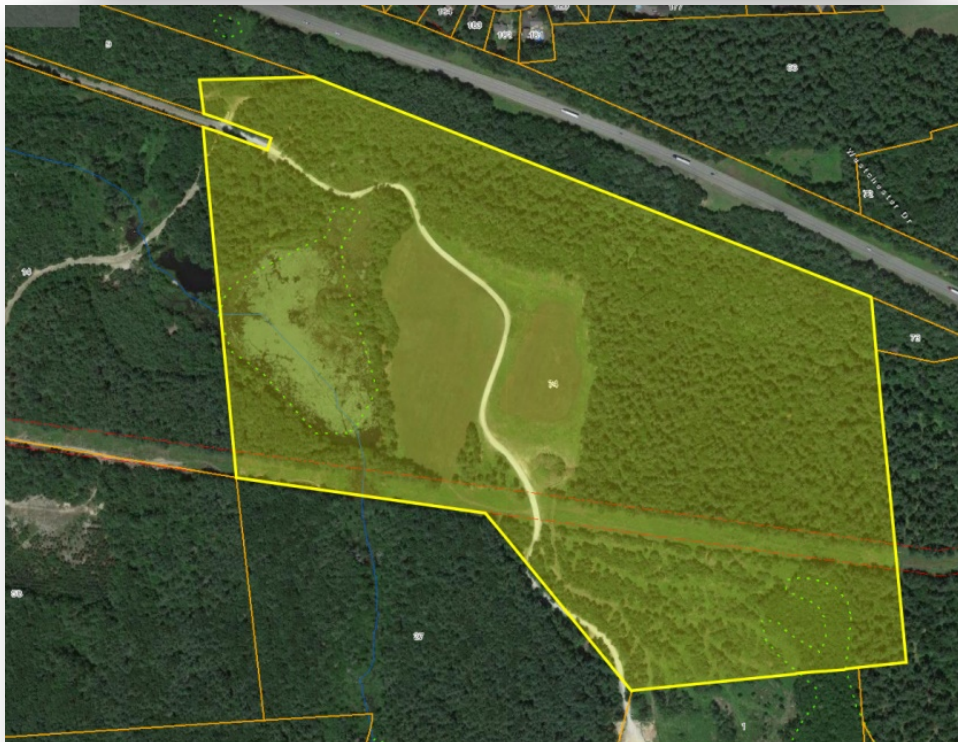
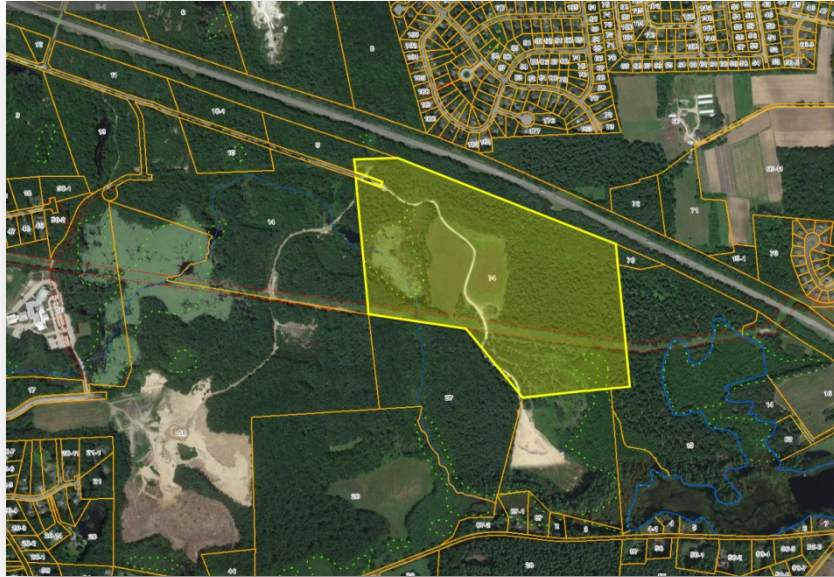
The applicant is before the Board of Adjustment seeking a VARIANCE from the Milford Zoning Ordinance, Article VII, Section 7.11.4 to permit a portion of the 16 Megawatt Utility scale solar collection system be constructed on a parcel located in the Residential 'R' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 101 acres with more than 200 linear feet of frontage on the Class VI section of Perry Road. The property can be found between Birch Brook on the west and Osgood Pond on the east. It is bounded on the north by the Rte. 101 Bypass, and to the south by other large, mainly undeveloped tracts, lying between the subject property and Mason Road. The property is encumbered by a cross country electric utility right of way approximately 100' wide, running east west across the southern portion of the Property.
 - b. The property is undeveloped and comprised of open fields, forested lands, and wetland resource areas. The property provides access to the abutting earth removal operation on lot, Map 42, Lot 10 (residential lot).
 - c. Access to the property is by way of the Class VI section of Perry Road with no direct access to Route 101.
2. The applicant proposes to construct a 16 Megawatt (MW) photovoltaic solar energy generating facility on land it will lease from Not Too Dusty, LLC, Tax Map 39, Lot 74 and on land leased from the Town, identified on Town Tax Map 38, Lots 4, 5, 5-1, 9, 11, 12, 13, 14 as a single integrated facility.
3. Of the 101 acres of the subject property, the applicant's plan calls for 47.27 acres to be utilized as part of the solar collection system. Of the 119.62 acres of Town Land, Milford Spartan Solar's plan calls for 35.78 acres to be utilized as part of the solar collection system. In total, the applicant has options to lease 220.62 acres, and proposes to utilize 83.05 acres, or 37.64% in support of the solar system.
4. The project, as described, is categorized as a Solar Utility (as a single integrated facility) with a solar land coverage exceeding 50 acres and producing less than 30 MW. Each parcel looked at separately would be an industrial solar system under the Town's classification system: between 25 and 50 acres, without regard to nameplate capacity. The project requires 83.05 total acres for the solar collection system - 35.78 acres of the Town Land, and, 47.27 acres of the subject property. A proportionate split of the productive capacity of the system, the Town Land will account for 7 Megawatts and the subject property will account for 9 Megawatts.

Pursuant to Section 7.11.4.A, solar systems are a permitted use in the Residential 'R' Zoning district up to 25 acres and 5 MW with the issuance of a Conditional Use Permit (CUP) by the Planning Board. A Utility Solar or an Industrial Solar System are not a permitted use in the Residential 'R' Zoning District and as such

requires, a Variance for the additional 22 acres and 4 megawatts. On the Town portion of the project, in the IC1-2 zone, a utility scale system or industrial solar system are permitted uses, requiring a CUP from the Planning Board.

Aerial Photos of Subject Property:





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION	
Street Address: Rte. 101 Bypass	
Tax Map / Parcel #: Map 39/ Parcel 74	Lot Size: 101 acres
PROPERTY CURRENTLY USED AS	
undeveloped sand and gravel	
<i>If the application involves multiple lots with different owners, attach additional copies of this page.</i>	
PROPERTY OWNER	
Name: Not Too Dusty, LLC	
Address: 27 Adams Road	
City/State/Zip: Kittery, ME 03904	
Phone: () 603-759-4675	
Email: tomm.lorden@gmail.com	
<i>The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.</i>	
APPLICANT/REPRESENTATIVE	
<input checked="" type="checkbox"/> SAME AS OWNER Milford Spartan Solar, LLC	
Name: By: McLane Middleton, Professional Association	
Address: 900 ELM STREET P.O. BOX 326	
City/State/Zip: Manchester, NH 03105	
Email: Tom.Hildreth@McLane.com	
Phone: () 603-625-6464	Cell: () 603-566-4154
The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.	
See LOA on file	03/20/2020
Property Owner's signature	Date:

Date Received: _____
Case Number: _____
Application Number : _____
Hearing Date: _____
Decision Date: _____
Decision: _____

Zoning District (check one):

Residence A
 Residence B Residence R
 Commercial
 Limited Commercial
 Industrial
 Integrated Commercial-Industrial
 Integrated Commercial-Industrial-2

Overlay District (check any that apply):

West Elm Street Overlay
 Nashua/Elm Street Overlay
 Commerce & Community Overlay
 Open Space & Conservation
 Wetlands Conservation
 Groundwater Protection
 Floodplain Management

APPLICATION FEES	
Application Fee:	\$75.00
Abutters Fee: \$4 x ¹³	52.00
Amount received:	127.00
Date Received:	
Check _____ Cash _____	

THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.



ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: _____
 Case Number: _____
 Application #: _____
 Date Complete: _____
 Hearing Date: _____
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION
Street Address: <u>RTE 101 BYPASS</u>
Tax Map / Parcel #: <u>MAP 39, PARCEL 74</u>
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article <u>VII</u> Section <u>7.11.4</u>
Describe the variance you are requesting under the above section of the Ordinance. <u>VARIANCE TO PERMIT UTILITY, SCALE</u> <u>SOLAR COLLECTION SYSTEM ON PARCEL</u> <u>IN R ZONE.</u>

General Criteria Section 10.01

Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1

- Granting the Variance would not be contrary to the public interest because:
PLEASE SEE ATTACHED LETTER.
- If the Variance were granted, the spirit of the ordinance would be observed because:
PLEASE SEE ATTACHED LETTER.
- Granting the Variance would do substantial justice because:
PLEASE SEE ATTACHED LETTER.
- Granting the Variance would not diminish the value of surrounding properties because:
PLEASE SEE ATTACHED LETTER.
- Unnecessary Hardship: PLEASE SEE ATTACHED LETTER.

This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.



ZBA Application – Variance
MILFORD ZONING BOARD OF ADJUSTMENT

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:
i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because :
AND
ii. The proposed use is a reasonable one because:
(B) Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:
(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:
1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:
In addition, Variances may have extra criteria that must be met. This includes, but is not limited to: 6.03.5 Floodplain Management: The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.
ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition. A. A plan of the property and all buildings, drawn to scale, is required. B. A Building Permit Application as needed (to be determined by the building official.) C. Additional explanations, justification, abutters' statements, letters, etc.



ZBA Application – Variance
MILFORD ZONING BOARD OF ADJUSTMENT

Please read the following information that is designed to help you understand the unique nature of a Variance petition.

Town of Milford Zoning Ordinance can be found at:

[http://planning.milfordnh.info/DOCUMENTS/ZONING%20ORDINANCE%20MASTER%20\(2011\).pdf](http://planning.milfordnh.info/DOCUMENTS/ZONING%20ORDINANCE%20MASTER%20(2011).pdf)

NH RSAs, Chapters 672-677 can be found at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm>

VARIANCE: A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance. If you are applying for a variance, you must first have some form of determination that your proposed use is not permitted without a variance. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to your application. For a variance to be legally granted, you must show that your proposed use meets all five (5) of the following conditions:

- a. Granting the Variance would not be contrary to the public interest.

A variance would be considered contrary to the public interest if it unduly and to a marked degree violated the basic zoning objectives of the Zoning Ordinance. Will the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

- b. Granting the Variance would observe the spirit of the ordinance.

This requires that the effect of the variance be evaluated in light of the goals of the zoning ordinance.

- c. Substantial justice would be done by granting the Variance.

Substantial justice is done when any loss to the individual is not outweighed by a gain to the general public.

- d. Granting the Variance would not diminish the value of surrounding property.

The applicant, to convince the Zoning Board must explain that granting the variance will not decrease the value of surrounding property.

- e. Denial of the Variance would result in an unnecessary hardship.

The first requirement is that there are special conditions or characteristics applying to the property (such as, but not limited to, exceptional narrowness, shallowness, or shape of the property, or exceptional topographical conditions), that distinguish it from other properties in the area. Because of these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property. And finally, the proposed use must be a reasonable one. You must explain what makes the property unique and why a "hardship" would be created if the terms of the ordinance were strictly applied.

In lieu of a claim of unnecessary hardship, the Variance may be granted when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that any Variance sought shall be in harmony with the general purpose and intent of the zoning ordinance and the Variance shall survive only so long as the particular person or persons have a continuing need to use the premises. To meet this criterion, explain the accommodations that are necessary and identify the person or persons and provide evidence of their disability.



THOMAS W. HILDRETH
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April 15, 2020

Zoning Board of Adjustment
 Town of Milford
 1 Union Square
 Milford, NH 03055

Re: Application for Variance to Construct Solar Collection System in “R” District

Ladies and Gentlemen:

Purpose

The purpose of this letter is to submit the following materials on behalf of our client, Milford Spartan Solar, LLC (“MSS”), in support of the above-referenced application:

1. ZBA Application Form – Variance;
2. Abutter list;
3. Preliminary Draft Plan showing project layout/zoning district boundaries; and
4. Letter of Authorization from property owner, Not Too Dusty, LLC (“NTD”).

The application seeks a variance to permit an industrial and/or utility scale solar collection system on property in the R zone, south of NH Rte. 101.

Property

The property is shown on the Milford Tax Maps as Map 39, Parcel 74 (the “Property”). The Property has been owned by NTD, a New Hampshire limited liability company, since June 2013. On January 1, 2020, NTD entered into a Land Lease Option and Lease Agreement with MSS in order to permit MSS to conduct engineering, environmental and other due diligence, and to pursue the permitting and approvals required to construct and operate a solar collection system on the Property. NTD has authorized MSS, and its agents, to pursue this variance application by way of the letter of authorization submitted herewith.

The Property is an irregularly shaped rectangle, approximately 101 acres in size. It is located near the geographic center of Milford. The Property can be found between Birch Brook on the west and Osgood Pond on the east. It is bounded on the north by the Rte. 101 Bypass, and to the south by other large, mainly undeveloped tracts, lying between the Property and Mason Road. The Property is encumbered by a cross country electric utility right of way approximately 100’ wide, running east-west across the southern portion of the Property.

The Property is directly abutted to the west by property owned by the Town of Milford (the “Town Land”). The Town Land is in the Integrated Commercial Industrial 2 zoning district. And 119.62

acres of the Town Land is subject to a similar Land Lease Option and Lease Agreement with MSS dated September 23, 2019, following a Town Meeting vote in March 2019 authorizing the Select Board to enter into a long term lease of this municipal property. The Property is in the R zoning district.

Until the recent Town Meeting, both the Property and the Town Land were also within the Commerce and Community Overlay District (“CCOD”), the West Milford Tax Increment Financing District, and affected by the Brox Properties Public Infrastructure Improvement Fund. For many years, the land in this area has been slated by the Town for large scale commercial/industrial development, but few proposals have been made. The useable land in this area is quite fragmented. There is no direct access to the state highway and the state has made highway access a low priority. Municipal water and sewer do not serve the area, and the costs to extend the infrastructure is quite high.

The overlay district and both financing mechanisms were deleted from municipal ordinances by the Town Meeting on March 10, following the unanimous recommendations of the Planning Board, Select Board, and Budget Advisory Committee. The public hearings leading to the zoning change make clear that elimination of the CCOD was to pave the way for the proposed solar project.

Project

MSS proposes to construct a 16 Megawatt (MW) photovoltaic solar energy generating facility on the Property and the Town Land, as a single integrated facility (the “Project”). The Project will provide long term economic benefits to the Town of Milford in the form of rent and PILOT¹ payments. The Project has no impact on municipal services or infrastructure. And the Project will generate enough renewable energy to serve the equivalent energy needs of more than 8,000 people. Of the 101 acres of the Property MSS has an option to lease from NTD, MSS’s plan calls for 47.27 acres to be utilized as part of the solar collection system. Of the 119.62 acres of Town Land MSS has an option to lease from Milford, MSS’s plan calls for 35.78 acres to be utilized as part of the solar collection system. So, in total, MSS has options to lease 220.62 acres, and proposes to utilize 83.05 acres, or 37.64%, in support of the solar system.

Pursuant to a 2019 amendment to the Zoning Ordinance, Milford defines several different types of solar collection systems, depending in the power generating capacity of the system and the amount of land involved. These different types are summarized in the following table:

Solar System Type	Solar Land Coverage	Nameplate Capacity	R Zone Permitting
Commercial	< 5 acres	≤ 1 MW	CUP
Large Commercial	5-25 acres	1-5 MW	CUP
Industrial	25-50 acres	unlimited	X
Utility	> 50 acres	< 30 MW ²	X

¹ “PILOT” is an acronym for payments in lieu of taxes.

² Solar systems 30 MW or larger are subject to the jurisdiction of the New Hampshire Site Evaluation Committee, pursuant to NH RSA 162-H.

The Project proposed by MSS is for a 16 MW system on more than 50 acres of land. The Project is intended as a single, integrated facility spanning seamlessly across the Town Land and the private Property. It has been described that way in public meetings in Milford since at least the Fall of 2019. (See, for example, the minutes of the Planning Board meeting on November 5, 2019, discussing the fate of the CCOD: *“the solar farm will use 30 acres of town land and another 45 acres will be used on another private property.”*)

As noted above, the Project requires 83.05 acres for the solar collection system – 35.78 acres of the Town Land, and 47.27 acres of the Property. Presuming a proportionate split of the productive capacity of the system, the Town Land will account for 7 Megawatts and the Property will account for 9 Megawatts. Each parcel looked at separately would be an industrial solar system under the Town’s classification system: between 25 and 50 acres, without regard to nameplate capacity. On the Town Land, in the ICI-2 zone, an industrial solar system (as well as a utility scale system) is a permitted use, requiring a CUP from the Planning Board. On the Property, in the R zone, either an industrial solar system or a utility solar system first requires a variance from this Board.

Before turning to the variance criteria, it may be worth pointing out that this application is not about use - it is about size. Solar systems are permitted in the R zone as a matter of right up to 25 acres and 5 Megawatts. That much of the Project on the Property requires no special zoning relief. The part the Project which needs relief are the 4 additional Megawatts on the 22 additional acres.³

For the reasons set forth below, MSS’s Project qualifies for a variance for an industrial solar collection system.

Variance Criteria

1) Granting the variance would not be contrary to public interest because:

- a) Project would be similar to surrounding parcels -
 - i) abuts the Town Land in the ICI-2 zone (where any size solar collection system only requires a CUP from the planning board)
 - ii) would be integrated portion of the Town solar project approved by Town voters (with lease and PILOT agreement approved by Select Board)
 - iii) next to town gravel pit, next to Lorden gravel pit
 - iv) adjacent to state highway
- b) The Project is in the public interest
 - i) Clean air and clean water
 - ii) Lease and PILOT revenue
- c) Low visibility, no residential views, closest residence > 600ft away

2) If the variance were granted, the spirit of the ordinance would be observed because:

³ And if the NTD Property were subdivided, it would be possible to divide the 9 Megawatts and 47.27 acres of the Property into two separate projects, each of which would be permitted by right in the R zone as large commercial systems.

- a) The listed purpose and intent of the Solar Collection Systems section of the ordinance states:
“The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public’s health, safety and welfare, and the environment. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.”

i) This Project:

- (1) Is appropriately located in this area of town, as it directly abuts land the Town has leased for development of a solar project.
- (2) Will protect public health, safety and welfare, and the environment by facilitating clean air and water in the region, and appropriately siting panel areas such as to prevent impacts.
- (3) Is the best opportunity for the Town of Milford to facilitate the State and National goals of developing clean, safe, renewable energy resources
 - (a) Would provide enough clean/safe/renewable power for ~8,000 people

3) Granting the variance would do substantial justice because:

- a) The Project is beneficial to the public -
- i) Facilitates clean air and clean water
 - ii) Lease and PILOT revenue
 - iii) Would not adversely impact surrounding properties or the environment
 - iv) Use is consistent with the commercial uses around it

4) Granting the variance would not diminish the value of surrounding properties because:

- a) The use is consistent with the uses around it
- i) Property does not directly abut any properties with residences on them
 - ii) The increased revenue to the Town could increase the value of surrounding properties by helping pay for needed infrastructure to facilitate municipal services
 - iii) No homes would be able to see the portion of the Project on this Property

5) Owing to special conditions of the property that distinguish it from other properties in the area; denial of the variance would result in unnecessary hardship because:

The hardship here is the unique nature and location of the Property which make it undesirable for many traditional developments. The Property is surrounded by wetlands – Birch Brook, Osgood Pond, and their associated watersheds. The Property has limited access to roads, public water supply and sewer system. The Town’s experience in not being able to find a party interested in developing any portion of the Brox property for the past 20 years is indicative of the challenges faced by this land.

But the very same attributes which make the Property uniquely burdened from a development perspective, also make the Property uniquely well suited to host a good size solar collection

system. The Project does not require an extensive road network. The Project does not require municipal sewer or water services. The Project will not put any demands on the school system or municipal services, yet it will pay substantial economic dividends to the Town. The unique characteristics of the Property make it virtually valueless for any of the uses permitted in the R zone. A variance is required to permit the proposed Project to proceed.

a) **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

i) The application of the provision regarding which scale of solar collection system is allowed on this Property would not advance the purpose or intent of the ordinance.

(1) Responsibly sited solar system is the best way to advance the purpose and intent of the ordinance

b) **AND the proposed use is a reasonable one because:**

i) It furthers the purpose and intent of this section of the ordinance

ii) The Property abuts multiple commercial enterprises but no residences

iii) Residents of Milford voted to approve a lease option (and the Select Board signed it) on the neighboring 119.62 acres for development of a solar farm

The proposed variance is not contrary to the public interest because it will not unduly or in a marked degree violate the basic zoning objectives of the ordinance. The proposed Project would not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public.

For similar reasons, the spirit of the ordinance is observed because the proposed project would not alter the essential character of the locality nor threaten the public health and safety or welfare.

Substantial justice is done because there is no individual loss that is not outweighed by a gain to the general public. In fact, there is no individual loss, at all. And the gain to the general public is tangible and substantial.

Because of the appropriateness of the site, and the fact that it will be substantially screened from public views from any residences, the Project will have no adverse impact on the value of surrounding properties. And by comparison to other uses that could be made of the Property, the proposed Project actually has the chance to enhance the value of surrounding properties.

Finally, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The requested relief can be granted to this Property without frustrating the purpose of the ordinance. The proposal represents a reasonable use considering the Property in the unique characteristics of its setting and environment.

Conclusion

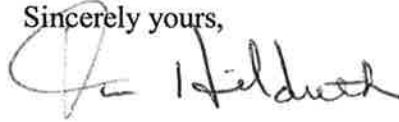
The Town of Milford has been incredibly supportive of this project all along its course. The support is evident in the 2019 Town Meeting votes to create the Solar Collection Systems section of the zoning ordinance and to authorize the Select Board to lease the Town Land. The support is evident in

the unanimous actions of the Planning Board, Select Board, and Budget Advisory Committee, and the 2020 Town Meeting making further ordinance and bylaws changes in favor of the Project. This broad and sustained public support is strong evidence that the proposed Project furthers the public interest, is consistent with the spirit of the ordinance, reflects substantial justice, will not be adverse to surrounding properties, and is a reasonable use of the land.

Approval of the variance by the Zoning Board is not the last local regulatory review that the Project on the Property will require. Approving the variance simply permits the applicant to proceed with an application for a Conditional Use Permit for the entire Project from the Planning Board.

We are submitting this application prior to your April 23, 2020, submission deadline with hopes that the case will be heard at your public hearing on Thursday, May 21, 2020. If you have any questions about the submission or require additional information in advance of that date, please be in touch. Otherwise, thank you for your attention to and assistance with the processing of this application. We will look forward to speaking with you further about it at your meeting in May.

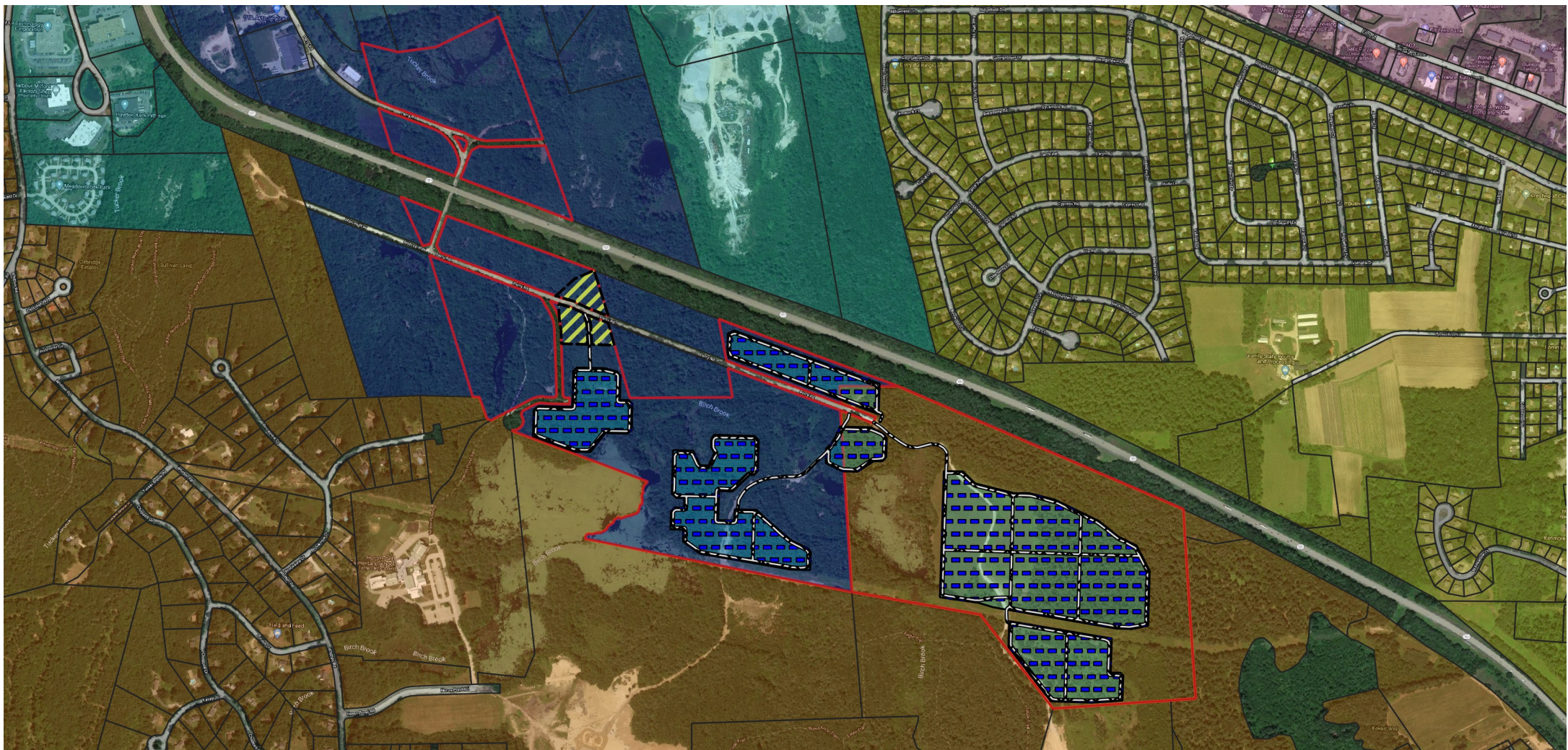
Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Hildreth", written over a faint, illegible typed name.

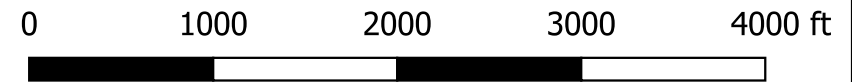
Thomas W. Hildreth

TWH:
Enclosures

cc: M. Caplan, Olivewood Energy
D. LeBel, Olivewood Energy








Preliminary Draft Plan



Project Layout

-  Temp Construction Laydown Area
-  Fenced Panel Areas
-  Access Roads
-  Project Parcel Boundaries

Parcel Zoning

-  Commercial
-  Industrial
-  Integrated Commercial Industrial-2
-  Residence R
-  Residence A

Preliminary - Draft

Milford Spartan Solar, LLC
 Layout Version 3.5
 04/14/2020

LETTER OF AUTHORIZATION

NOT TOO DUSTY, LLC
27 Adams Road
Kittery, ME 03904

March 20, 2020

Planning Department
Code Enforcement
Zoning Board of Adjustment
Town of Milford
1 Union Square
Milford, NH 03055

Re: Authorization of Granite Apollo, LLC

Ladies and Gentlemen:

The undersigned, as owner of premises in the Town of Milford, located south of the Route 101 Bypass, further shown on Milford Tax Maps as Parcel Mblu 39/74 and described in the Hillsborough County Registry of Deeds at Book 8568, Page 598 (the "Property"), hereby authorizes Granite Apollo, LLC, its assigns and attorneys, and each of their employees, agents, and consultants, to seek approval from the Town of Milford (including, but not limited to, building permit, zoning relief, site plan review, and conditional use permit) in connection with the design, engineering, construction, installation, operation, and maintenance of an Industrial and/or Utility Solar facility on the Property.

Sincerely,

NOT TOO DUSTY, LLC

By: _____

Thomas H. Lorden, Manager