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**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**February 13<sup>th</sup>, 2018**

**GENERAL BUSINESS**

Present: Paul Dexter, member, Tim Lang, Chair, Doug Rasp, member, Melissa Anderson, member, Don Bormes, member

Paul Dexter made a motion to approve the draft minutes of 11/28. Don Bormes seconded the motion and the motion passed unanimously.

**PUBLIC HEARING**

Chair Tim Lang opened the meeting at 7:00 and explained that some abutters stated that they were not notified by mail of this hearing as required by RSA. Chair Lang explained that he asked for the Attorney's opinion on this and was told that "noticing" abutters five days before the hearing is interpreted as mailing the notices five days prior, not actually receiving the notices. He stated that 21 notices were sent, 11 were signed for and 10 not signed for. Some abutters noted that the applicants sent notices to the wrong addresses or previous property owners. **Chair Lang stated that he will make sure that notices are sent as early in March as possible.**

Chair Lang explained that this hearing is to discuss the five use variance applications for tax map/lots 12/1, 22/14, 22/15-1, 22/19-2, 22/19-3, and 22/19-5 proposed by Clean Energy Collective for constructing and operating a solar energy farm. He stated that no voting will take place tonight and there will be multiple hearings needed to gather all the required information. The proposed solar energy ordinance developed by the Planning Board will be on the ballot for voting on March 15<sup>th</sup>, and Chair Lang stated that the applicant is not bound by that ordinance, if it is adopted. He stated that the ZBA reviews and votes on variances against this criteria:

Criterion #1: The variance will not be contrary to the public interest

Criterion #2: The spirit of the ordinance is observed

Criterion #3: Substantial justice is done

Criterion #4: The values of surrounding properties are not diminished

Criterion #5: Literal enforcement of the ordinance would result in an unnecessary hardship

Public Hearing on Cases 2018:2-6 opened 7:15PM

Chad Blackiston of Clean Energy Collective explained that solar energy can lead to a 50% reduction in a user's energy bill, and that there are no harmful emissions or noise from a solar farm. He also stated that there is no demand on public services if land is used for a solar farm versus if it is used for homes. He noted that a user would need to be on the utility that the solar farm uses in order to participate, which in this case is Eversource. Michelle Jackson asked if Clean Energy Collective is different than the original applicant for this project, and Mr. Blackiston responded that the original applicant was NH Solar Garden which turned the project over to CEC.

Chris Nadeau of Nobis Engineering explained that this proposal includes five parcels of land, each using about two to four acres of area to place 3,000 to 4,000 solar panels. Drainage will be in place on each parcel and a seven-foot chain link fence will surround each array, with space under the fence for wildlife travel. The five parcels are located in three different zoning districts – Forest Conservation, Historic District and General Agricultural. A driveway will be needed on each parcel

to construct and maintain the solar arrays. Logging will need to take place outside the array as well in order to provide sunlight. The acreage and total clearing needed are as follows:

Site C: 43 acres, 4 and ½ acres for the array, clearing 10 acres

Site E: 113 acres, 4 acres for the array, clearing 1 acre

Site I: 17 acres, 4 and ½ acres for the array, clearing 2.7 acres

Site G: 12 acres, 4 and ½ acres for the array, clearing 2 acres

Site H: 10 acres, 4 ½ acres for the array, clearing 1 acre

Jay Murdow of Clean Energy Collective explained the building process of each array. He stated that the land would be surveyed so that erosion control can be designed and implemented. One to two weeks would be needed for logging for each parcel, followed by installing screw foundations for the arrays, and then installing modules, wiring and testing, which can total three to four months but can overlap between parcels. Chair Lang asked how much of the arrays will be seen by residents. Mr. Murdow responded that they can be seen from three to four miles away, and that owners of the property themselves will see the arrays and that there will be an obscured view when traveling along Tower Hill Rd and from around Old Town Hall during winter. He stated that they are dark blue and blend in with surroundings unless someone is looking directly down on them.

Don Bormes asked about height of each panel and Mr. Murdow responded that the maximum height would be about 11 feet. Don Bormes also asked about erosion control plans. Chris Nadeau responded that they must follow the regulations that come with the Alternation of Terrain Permit from the State that they will need to have. He noted that temporary erosion control will be used during construction which will include woodchips; grass will also be planted around and under the panels which CEC is responsible for maintaining. Don Bormes asked if there is a decommissioning plan in place for this solar farm. Giuseppe Perniciaro of CEC responded that some towns have a decommissioning plan or CEC can provide templates for this.

Jay Murdow explained that CEC is in the process of an impact study now with the utility company which they have already applied to. He stated that this project will require three-phase power, and Tower Hill Road currently only has single-phase power. The poles would need to be replaced from Tower Hill, through the Town Square and down Rt.132 towards Tilton for over two miles. These wooden poles will be 45 feet tall but with six to seven feet of the pole in the ground, so roughly 38 feet above ground. Doug Rasp asked if there are other sites the ZBA can look at to get an idea of what this project will look like, and Mr. Murdow responded that this is new to New Hampshire but there are large arrays in MA and VT.

Melissa Anderson asked about buffers between each array and neighbors. Mr. Murdow responded that they are open to discussing screening requirements. She also asked about removing stumps from the area. Mr. Murdow responded that stumps would be removed from the area the panels are placed within but left around the perimeter to help with growth in the future. Melissa Anderson asked about the screws used to hold down the arrays. Mr. Murdow explained that these are three-inch diameter hollow screws that are about six to seven feet long.

Don Bormes stated that he is worried about the affect this solar farm would have on surrounding properties and that the ZBA needs to satisfy abutters. He asked if there is data on what this would do to property values and Mr. Murdow responded that there is limited data because solar is so new. Don Bormes noted that the data on wind turbines shows that there is minimal impact at five miles from a turbine but the impact is catastrophic at 100 feet. Melissa Anderson asked how much of the array will be seen from Sanbornton Central School and Chris Nadeau responded that the array will be 125 feet to the property boundary for that array. Doug Rasp suggested doing some staking with flags to see how much can really be seen from a distance and Mr. Nadeau responded that this may be an option.

Andy Sanborn explained that there is almost no data on solar farms and abutting property values but he has found one study from Orange County, North Carolina, commissioned by a solar farm company, that states there is no impact to adjacent homes or land.

Chair Tim Lang reminded the public that solar farms are not an approved use in the zones which these parcels are within, and this is the reason for asking for a use variance. Paul Dexter asked if the Conservation Commission or Historic District Commission need to approve this. Chair Lang responded that the request lies with the ZBA but both commissions will be asked for their input as well.

Abutter Michelle Jackson stated that she is concerned about having to see the solar arrays from her property, and that Tower Hill Rd is classified as a scenic road and higher poles will obstruct this. She stated that approved variances should not change the essence of a neighborhood and that she bought her property thinking that she would have the protection of zoning. She also noted that variances should be granted when someone is having a hardship due to regulations and that is not the case, and approving this would actually cause a hardship for abutters. John McCarville stated that the photos he has seen on the CEC website show large cleared areas and clearing trees seems counterintuitive to using solar energy to help the environment. Jay Murdow responded that there are environmental offset calculations that can be done to show this is not the case, and that there may not be many photos of projects in the northeast because of the legislature in this area.

Nancy Durgin asked if the chain link fence around each site will be seen, and Mr. Murdow responded that the view of the fence will be obscured. Debra Schneckloth asked how close to her property boundary the arrays would be. Chris Nadeau showed on a map that two different arrays would be 35 feet and 80 feet from the boundary, depending on terrain. She asked how the arrays will be connected to each other, and Mr. Nadeau responded that there will be a combination of underground and overhead lines. Chair Lang stated that this needs to be clarified because it will factor into the ZBA's decision about what this project would do to the nature of the landscape. Debra Schneckloth asked who would be responsible for erosion control and Chris Nadeau responded that CEC would be responsible for all maintenance. She stated that she saw a previous map at the Planning Board that included 13 solar array sites rather than five, and Mr. Nadeau responded that it's a possibility for the future but only five are allowed now by law.

Lynn Chong asked if some arrays could be moved back further so that they can't be seen as much, and Mr. Nadeau responded that it may be possible. John McCarville stated that the original PILOT proposal was for the full 13 sites and would provide around \$60,000 benefit to the Town, but this is significantly less. Karen Ober asked if all 170 acres owned by the Guintas will be taken out of current use for this project. Chris Nadeau responded that seven acres for each parcel will be taken out of current use, so around 35 acres total will be taken out of current use. Bob Bryant asked if the tree removal will include chipping or logging. Jay Murdow responded that large logs will be removed from the site but smaller trees will be chipped. Tim Burke asked if screening would be possible so that the panels wouldn't be seen from Hunkins Pond Rd. Chris Nadeau responded that some towns require screening and that this would be up to the Planning Board when presenting a site plan.

John McCarville asked if there is a possibility that someone in the future would get their solar farm approved because this project is approved. Chair Lang responded that the ZBA looks at projects on a case by case basis. Giuseppe Perniciaro reminded the public that the utility can only handle so much solar power supply. Guy Guinta explained that he needs this project in order to pay his taxes and that this project would benefit others, not just him. Michelle Jackson stated that personal financial issues are not one of the five criteria that the ZBA votes on when granting a variance. Melissa Anderson stated that if there are 170 acres of land maybe some of these arrays could be moved further from property boundaries to satisfy abutters. Chris Nadeau responded that CEC would need guidelines on this but it may be possible.

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Brad Crosby asked if these plans are available at the town offices and Chair Lang responded that they will be. Stuart Dymont asked how much of the sites are in the Historic District, and Chris Nadeau responded that half of one site is. Andy Sanborn stated that residents pay taxes in the form of property taxes, state taxes and also through their electric bills, as the utility companies pass on their expenses to users. He stated that if there was an issue with this solar farm, users would not be footing the bill and that if CEC paid no taxes to the Town he does not have a problem with it because solar energy is that important. Michelle Jackson stated that she moved to Tower Hill Rd from Tilton and has found it to be a very friendly area where everyone cares about their property. She does not feel that this project is important enough to change the nature of the road and the neighborhood. Joe Guinta stated that people will not be unfriendly because there are higher poles and solar arrays. Doug Phillion stated that much of the land in the proposed sites was logged ten years ago, and that as of 2014 New Hampshire had zero megawatts of renewable energy feeding into the utilities, unlike neighboring states. Giuseppe Perniciaro stated that CEC is happy to meet with abutters and discuss their concerns.

Chair Lang recapped the additional information that the ZBA needs more information on from the applicant:

- Decibel levels
- Decommissioning plan
- Buffering/screening plan
- Property value implications
- Connectivity between sites and to the Power Grid (poles or underground?)
- Public safety access to each site (in case of emergency)
- If arrays can be moved further back from abutters' property boundaries

He also noted that the ZBA will seek input from the Conservation Commission and Historic District Commission.

**Meeting adjourned at 9:30. The next meeting will be held on March 27<sup>th</sup> at 7:00 at Old Town Hall again.**

Respectfully submitted, Audry Barriault