

TOWN OF HOLDERNESS
Planning Board Meeting Minutes: Feb 2, 2021

B. Snelling called the meeting held via Zoom to order at 6:30PM.

ROLL CALL OF MEMBERS:

Members Present:

Robert Snelling, Chairman	Angi Francesco, Vice Chairman	Donna Bunnell, Secretary
Carl Lehner, Member	Ronald Huntoon, Member	Louis Pare, Member
Peter Francesco, Ex-Officio		

Members Not Present: Janet Cocchiaro, Alternate

Staff Present: N. Decoteau, Landuse Board Assistant

Others Present: D. Katz T. Vansant

B. Snelling stated a quorum was present as seven members were logged in for the Zoom meeting.

B. Snelling opened the public hearing to begin a discussion of the regulation of Non-Residential Solar Collection Systems.

The Board reviewed the following draft language:

NON-RESIDENTIAL SOLAR

Any ground mounted or roof mounted solar collection system designed for other than on-site, individual residential use and consisting of one or more free standing, ground or roof mounted solar arrays or modules, or solar related equipment.

Discussion points on the definition of non-residential solar included the following:

- Should language be added for a community type system?
- Would two neighbors sharing a system be non-residential?
- The word “individual” means one residence and anything else falls under non-residential.

The Board agreed to edit the section as follows:

NON-RESIDENTIAL SOLAR

Any ground mounted or roof mounted solar collection system designed for other than on-site, individual residential use and consisting of one or more free standing, ground or roof mounted solar arrays or modules, or solar related equipment to include community or group solar projects.

The Board reviewed the following draft language:

Roof Mounted Solar Collection Systems

Roof mounted solar collection systems of any size are permitted in all districts by building permit. Roof mounted systems shall be exempt from building height limitations.

Discussion points on the definition of *Roof Mounted Solar Collection Systems* included the following:

- Would solar panels extending beyond the existing roof line trigger site plan review

The Board agreed to edit the section as follows:

Roof Mounted Solar Collection Systems

Roof mounted solar collection systems of any size are permitted in all districts by building permit. Roof mounted systems shall be exempt from building height limitations. When the Roof Mounted Solar Collection System exceeds the existing bounds of the roof a Site Plan Review is required. When the Roof Mounted Solar Collection System conforms with the existing roof a Building Permit is required.

The Board reviewed the following draft language:

Ground Mounted Solar Collection Systems

Ground Mounted Solar Collection Systems are permitted through Site Plan Review with the following restrictions.

- *Village District – Systems designed for on-site use with a rated nameplate capacity of 10 kW AC or less and that are less than 500 square feet solar land coverage. Such systems must be screened from public view.*
- *Residential District – Systems, regardless of nameplate capacity, that are less than 1 acre of solar land coverage.*
- *Rural Residential District – Systems, regardless of nameplate capacity, that are less than 25 acres of solar land coverage.*
- *Commercial District excluding Village – Systems, regardless of nameplate capacity, and that are less than 50 acres of solar land coverage.*
- *Municipal Systems – All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.*

Discussion points on Ground Mounted Solar Collection Systems included the following:

- Nameplate capacity may not be necessary to identify
- The amount of land used by an array is of concern
- Is there any location within the Village District that could install a ground mounted system and meet all zoning requirements – setbacks
- Consider deleting the Village District
- Identify Residential District as General Residential
- Remove “regardless of nameplate capacity”
- Should there be regulation of the size of non-residential systems for each district
- The size of allowed land coverage per district are starting points and could be revisited

The Board agreed to edit the section as follows:

Ground Mounted Solar Collection Systems

Ground Mounted Solar Collection Systems are permitted through Site Plan Review with the following restrictions.

- **General Residential District – Systems that are less than 1 acre of solar land coverage.**
- **Rural Residential District – Systems that are less than 25 acres of solar land coverage.**
- **Commercial District excluding Village – Systems and that are less than 50 acres of solar land coverage.**
- **Municipal Systems – All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.**

The Board reviewed the following draft language:

General Requirements for granting a Permit

- *The development in its proposed location will comply with all applicable requirements of the Site Plan Regulations not otherwise covered in this section. Specific requirements for a non-residential solar collection system shall pre-empt any similar requirement in the Site Plan Review Regulations.*
- *In granting a permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.*
- *The use will not materially endanger the public health or safety.*

Discussion points on General Requirements for granting a Permit included the following:

- The terms “may”, “reasonable” and “intended” are open ended and consideration should be given to removing the second bullet point
- The second bullet point can be revisited at the next meeting
- The word “the” should be removed from the third bullet point

The Board agreed to edit the section as follows:

General Requirements for granting a Permit

- **The development in its proposed location will comply with all applicable requirements of the Site Plan Regulations not otherwise covered in this section. Specific requirements for a non-residential solar collection system shall pre-empt any similar requirement in the Site Plan Review Regulations.**
- **In granting a permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.**
- **The use will not materially endanger public health or safety.**

The Board reviewed the following draft language:

REQUIRED EXHIBITS AND DATA

Site Plan

A detailed site plan showing the solar land coverage area as well as all structures and equipment to be installed on site including utility connection point(s) and equipment.

Equipment Specification

All proposed equipment or specifications must be included with the application.

Such information can be supplied via manufacturer's specifications or through detailed description.

Emergency Response

Access to the site for emergency response shall be provided and detailed on the plan.

A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.

Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to ensure adequate public safety.

Contact information for the solar collection system owner/operator shall be posted on site at the access way and provided and updated to the municipality.

Discussion points for **REQUIRED EXHIBITS AND DATA** included the following:

- Is Equipment Specification necessary for the Planning Board?
- A solar array burning down/catching on fire is an infrequent occurrence but the Fire Dept. may want specifications on equipment being installed.
- The utility company that systems are connected to review and have standards in place for equipment standards
- Remove Equipment Specifications

The Board agreed to edit the section as follows:

REQUIRED EXHIBITS AND DATA

Site Plan

A detailed site plan showing the solar land coverage area as well as all structures and equipment to be installed on site including utility connection point(s) and equipment.

Emergency Response

Access to the site for emergency response shall be provided and detailed on the plan.

A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.

Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to ensure adequate public safety.

Contact information for the solar collection system owner/operator shall be posted on site at the access way and provided and updated to the municipality.

The Board reviewed the following draft language:

GENERAL STANDARDS

Land Clearing

- Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
- Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
- Erosion control measures during construction shall be detailed as required.
- A detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to neighboring uses and public ways.
- Systems that disturb more than 10 acres of previously undisturbed land shall provide a natural resource inventory that details site conditions and habitat and mitigation efforts to reduce impacts to important species and habitat.
- Agricultural related Solar should minimize impacts to farmland activities and Prime Farmland Soils as defined and delineated by soil survey.

Setbacks

- Solar collection systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system – including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.

Screening

- Solar collection systems shall be visually screened to the extent possible through the preservation of existing vegetation or through a landscaped buffer in accordance with the following. A buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
- All solar systems shall have a reasonable visual buffer from public ways and neighboring commercial/residential uses based on the viewsheds, contours of the land and abutting land uses.
- Required screening shall be maintained during the operative lifetime of the Solar Collection System

Discussion points for Land Clearing, Setbacks and Screening under General Standards included the following:

- The Board can make a determination regarding updating Site Plan Review Regulations to address specifics of non-residential solar collection systems at some point – but the discussion on regulation is necessary whether it is included in the Zoning Ordinance or the Site Plan Review Regulations.
- The words “during construction” should be removed from the third bullet under Land Clearing.
- It was noted that for Residential Solar the following language was included: “. Ground mounted systems cannot be placed within the Woodland Buffer (150 feet from reference line) of shoreland property?”
- The setback for non-residential solar arrays should be 35 ft from property line and 150 ft. from waterfront.
- The setback for commercial structures in the Site Plan Review Regulations is 10 ft.
- Aesthetic value and property value should be considered in the regulation of non-residential solar systems
- The aesthetic value or the “not in my backyard” attitudes are subjective
- The Board agreed that the setback for non-residential solar collection systems should be 35 ft from property lines and not the 10ft. as stated in Site Plan Review Regulations.
- The language on screening is subjective and will be difficult to enforce
- Screening should be well defined if it is going to be required

The Board agreed to edit the section as follows:

GENERAL STANDARDS

Land Clearing

- Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
- Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
- Erosion control measures shall be detailed as required.
- A detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to neighboring uses and public ways.
- Systems that disturb more than 10 acres of previously undisturbed land shall provide a natural resource inventory that details site conditions and habitat and mitigation efforts to reduce impacts to important species and habitat.
- Agricultural related Solar should minimize impacts to farmland activities and Prime Farmland Soils as defined and delineated by soil survey.

Setbacks

- Solar collection systems shall be considered structures and shall comply with a 35 ft. setback from lot lines for the entire system – including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.

Screening

- Solar collection systems shall be visually screened to the extent possible through the preservation of existing vegetation or through a landscaped buffer in accordance with the following. A buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
- All solar systems shall have a reasonable visual buffer from public ways and neighboring commercial/residential uses based on the viewsheds, contours of the land and abutting land uses.
- Required screening shall be maintained during the operative lifetime of the Solar Collection System

A. Francesco stated she had to leave the meeting at 8:09pm.

The Board reviewed the following draft language for Fencing and Electrical Requirements under General Provisions:

GENERAL PROVISIONS

Fencing

- *Perimeter fencing shall be installed as a safety concern for abutting land uses.*

Electrical Requirements

- *All systems not connected to the grid shall be approved by a licensed electrical professional or building Inspector.*
- *Grid-tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to operation of the system.*

Discussion points for Fencing and Electrical Requirements under General Standards included the following:

- Solar fields are a safety concern and should be fenced
- Bob will look into if there are any requirements for fencing by the utility company systems are connected to or other state agencies.
- What is meant by “building inspector” as the Town of Holderness does not have one
- A licensed electrician should sign off on non-residential systems
- Non-residential solar systems should comply with the National Electric Code
- The wording of the second bullet under Electrical Requirements needs to be edited

The Board agreed to edit the section as follows:

GENERAL PROVISIONS

Fencing

- **Perimeter fencing shall be installed as a safety concern for abutting land uses.**

Electrical Requirements

- **All systems not connected to the grid shall comply with all applicable national electric Codes and be certified by a licensed electrical professional.**
- **Grid-tied systems shall file a copy of a final approved interconnection with the municipality prior to operation of the system.**

The Board reviewed the following draft language for Glare, Noise and Lighting under General Provisions:

GENERAL PROVISIONS

Glare

- *A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.*
- *Based on the above information, the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to minimize resulting impacts.*
- *Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.*

Noise

- *Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).*
- *Noise levels at the property line shall be maintained at a reasonable level given the location of the facility with due consideration to the surrounding land uses and zone.*

Lighting

- *On site lighting shall be minimal and limited to access and safety requirements only. All lighting shall be downcast and shielded from abutting properties and comply with relevant requirements of Section 550 of the Holderness Zoning Ordinance.*

Discussion points Glare, Noise and Lighting under General Provisions included the following:

- The word “reasonable” should be removed from the second bullet under Glare
- The text “*equal to or less than 1.30*” in the third bullet under Glare needs to be better defined
- B. Snelling will research what “*equal to or less than 1.30*” means
- Remove “reasonable” from the second bullet under noise.
- The noise level should be specific – 5 dB (decibels)
- Lighting should just make the reference to Section 550 of the Zoning Ordinance

The Board agreed to edit the section as follows:

GENERAL PROVISIONS

Glare

- **A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.**
- **Based on the above information, the Planning Board may require mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to minimize resulting impacts.**
- **Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.**

Noise

- Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).
- Noise levels at the property line shall not exceed 5 dB above ambient level.

Lighting

- On site lighting shall comply with requirements of Section 550 of the Holderness Zoning Ordinance.

The Board determined to review Stormwater under General Provisions at their next meeting on Feb 16.

ZBA Request /Detached ADU:

Discussion regarding a response to the memo from the ZBA regarding Detached Accessory Dwelling Units included the following points:

- Section 400.24 Accessory Dwelling Unit was adopted in 2017 per the state requirement.
- Section 400.24 does not address detached ADU's.
- The Holderness Zoning Ordinance is a permissive ordinance which means that since detached ADU's are not addressed in the ordinance they are not allowed.
- The issue of allowing/not allowing detached ADU's was included in the 2017 discussion
- The consensus of the Board is to stay with the requirement of one dwelling per parcel.
- The Board is not legally obligated to hold a public hearing on the issue

The Board agreed that B. Snelling will draft a response to the ZBA for review at the Feb 16 meeting.

ADJOURNMENT:

At 9:00pm the following motion was made:

MOTION: "To adjourn."

Motion: B. Snelling

Second: D. Bunnell

Discussion: None

Motion Passes: 6-yes 0-no 0-abstention 0-absent

Respectfully submitted,

Nancy Decoteau, Land Use Boards Assistant