

TOWN OF HOLDERNESS
Planning Board Meeting Minutes: March 16, 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	Louis Pare, Member	Peter Francesco, Ex-Officio
Janet Cocchiaro, Alternate		

Members Not Present: Ronald Huntoon, Member

Staff Present: N. Decoteau, Landuse Board Assistant E. Mardin, Fire Chief

Others Present:

B. Snelling stated the meeting was being held under Emergency Order 12 issued by the Governor of New Hampshire pursuant to Executive Order 2020-04 and RSA 91A that authorizes the Holderness Planning Board to hold the Public Hearing remotely via Zoom.

B. Snelling recognized J. Cocchiaro as a voting member in place of R. Huntoon and acknowledged a quorum was present as seven voting members were logged in for the Zoom meeting.

APPROVAL OF MINUTES:

MOTION: "To approve the minutes of January 19, 2021 as presented."

Motion: D. Bunnell

Second: C. Lehner

Discussion: None

Motion Passed: 6 – Yes 0 – No 1 – Abstention (J. Cocchiaro not present on Jan 19, 2021)

MOTION: "To approve the minutes of February 23, 2021 as amended."

Motion: B. Snelling

Second: A. Francesco

Discussion: B. Snelling stated "Additional" needs to added as the first word in the second statement under Fencing.

Motion Passed: 7 – Yes 0 – No

B. Snelling opened discussion of the regulation of Non-Residential Solar Collection Systems.

B. Snelling referred to the text:

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 Area – Systems 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 the section included the following:

- removing the section on the Village Area of the Commercial District implies that there are no restrictions in that district.
- should any ground mounted solar collection systems be permitted in the Village Area of the Commercial District
- clarification was made that the Village Area is one part of the Commercial District in Holderness
- should only roof mounted solar collection systems be permitted in the Village Area of the Commercial District
- should the square foot area of a ground mounted collection system be limited to 500 sq. ft. in the Village Area of the Commercial District
- the wording should be changed to “25 acres or less” instead of “less than 25 acres” for each designation of size limitations.

The Board determined to change the text 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 and the Village Area of the Commercial District– Systems that are 1 acre or less of solar land coverage.**
- **Rural Residential District – Systems that are 25 acres or less of solar land coverage.**
- **Commercial District excluding Village Area – Systems that are 50 acres or less 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 text:

Emergency Response

1. *Access to the site for emergency response shall be provided and detailed on the plan.*
2. *A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.*
3. *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.*
4. *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 on the section included the following:

- E. Mardin indicated the wording is appropriate
- requiring the information is justified
- should the shut off location be posted at the entrance to the site

The Board did not make any changes to the Emergency Response section.

The Board reviewed the following text:

Glare

1. *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.*

2. *Based on the above information, the Planning Board may require mitigation.*
3. *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.*
4. *Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.*

Discussion on the section included the following:

- 1.30 is a little less than the reflective level of water and the relative limit of reflection that can be obtained with anti-reflective coating
- Glare may be a non-issue in Holderness due to the topography
- Glare is a geometric issue relative to the tilt angle of the panel (vertical direction) and azimuth of the panel (horizontal direction)
- Glare usually occurs at dusk and dawn
- Should the whole section be deleted or is it important to include something to address mitigating glare issues should they occur

The Board determined to change the section on Glare as follows:

Glare

1. **A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel tilt angle and azimuth, time of year and visibility locations and based on that information the Planning Board may require mitigation.**

The Board reviewed the following section on Lighting:

Lighting

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

Discussion on the section included the following:

- The original draft included "On site lighting shall be minimal and limited to access and safety requirements only." Which sends the message that there should not be an excess amount of exterior lighting.

The Board determined to change the section on Lighting as follows:

Lighting

1. **On site lighting shall be minimal and limited to access and safety requirements only and shall comply with requirements of Section 550 of the Holderness Zoning Ordinance.**

The Board reviewed the following section on Abandonment and Decommissioning:

Abandonment and Decommissioning

1. Solar Collection Systems shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the municipality (such as for reasons beyond the control of the owner/operator). An abandoned system shall be removed and the site restored within 6 months of abandonment.

Discussion points included the following:

- Some towns require a surety bond be provided.
- It is not necessary to require a surety bond.

The Board did not make any changes to the section on Abandonment and Decommissioning.

CORRESPONDENCE:

The Board reviewed the following email correspondence received March 15, 2021 from Todd Dunphy:

To the Holderness Planning Board,

My name is Todd Dunphy, my wife and I own property at 10 Prospect Ridge Rd here in Holderness. I attended the December 15th, 2020 zoom meeting regarding the Dearborn property, 10 lot subdivision on Mt Prospect Rd and Stone Post Rd.

I attended as an abutter, and because a fire pond that was a topic of the meeting, is located on my property.

The Holderness fire chief was requesting the fire pond on my property be updated to meet the influx of the subdivision.

Currently the town does not have any regulations regarding fire ponds or cisterns relating to new developments.

At that meeting one board member mentioned that the development in question is within 5 miles of the Plymouth Fire Department so a fire pond or cistern should not be a consideration in approving the development.

That statement does not sit well with some taxpayers in the town of Plymouth, with whom I have discussed these issues.

And in my opinion, the planning and developing of our town should not rely on another town's resources.

During that meeting I also learned that the town of Holderness has not yet adopted codes or laws that the state of New Hampshire follows regarding residential building and or subdivisions.

With the current real estate market, I think the Board should consider reviewing all issues surrounding the need to fall in line with the state codes and requirements.

Building and development anywhere in New Hampshire, is required to follow the codes and laws set forth by the state, regardless of whether a town has adopted those codes and laws or not.

But in a town like Holderness, that has not adopted state codes, who is to say all new construction, developments and remodels are following the state standards.

To allow building and developing in this town, a highly desirable, land rich town with many second homes and vacation rentals is not safe and is not looking out for the future of this town.

Taking a hard look at the codes and regulations that the state follows will give you, as a board, and the fire chief a solid foundation to make educated decisions regarding the safe building and development for the residents of Holderness.

I understand adopting codes and bylaws takes time and can add workload, or the potential for more manpower, but I feel it is absolutely necessary this day in age.

Adopting these codes and laws may require the need for a code official for inspections or more leg work for a property owner to list a few.

But these codes and laws are in place for the safety of the residents as well as first responders in the event of a major catastrophe.

I currently hold a Master Plumbing License and Gas Service License in the state of New Hampshire, and I see the need for these codes every day.

An unlicensed individual performing work on electric, gas, plumbing, or other areas of a building may have the best intentions but could unknowingly be setting the stage for serious harm to life and property.

For those of you not familiar with how the state of New Hampshire gas license became law I would like to share it with you.

On May 24, 2003 Amilia Luhrmann, 5 years old, died after her parent's vacation home in Moultonborough exploded.

The explosion was the result of an unqualified individual cutting and crimping a gas line in a remodel to the home.

At the time of that incident the State of New Hampshire did not have a license requirement pertaining to natural or liquid propane gas.

Amilias parents lobbied and help to pass "The Gas Fitters Law Known as Amilis's Law" requiring anyone in the State of New Hampshire working on a gas line or appliance to be properly licensed. Unfortunately, most code and licensing requirements are the result of situations like this but again they are in place for the safety and wellbeing of all.

I urge you as the Board that helps to plan and develop our town, to consider the severity of not adopting the states codes and laws regarding residential building and development.

It is in the best interest for the future of our town.

If I can help in any way, or clarify anything in this letter, please do not hesitate to ask.

Thank you for your time.

Todd Dunphy

- B. Snelling stated that Fire Chief, E. Mardin, is working on draft language to include in the Subdivision Regulations to provide the authority to request/require a fire pond or cistern in new developments.
- E. Mardin stated she has a meeting scheduled with the Board of Selectmen to discuss responsibilities the Town may incur that go along with requiring fire ponds/cisterns.
- E. Mardin stated that the Emergency Management Plan which is updated every five years has for the past 15 years included adding rural water supplies throughout town has been one of the top priorities.
- B. Snelling summarized by stating the Town has started working on including provisions for requiring a source of water for new subdivisions.
- B. Snelling stated the letter also refers to the Town not adopting State building code regulations.
- E. Mardin stated the Town of Holderness has not adopted the NFPA 1 and NFPA Life Safety Codes
- E. Mardin stated that an Enforcement Officer does not necessarily go hand-in-hand with the adoption of the NFPA 1 and NFPA Life Safety Codes but it would give the town more leverage to require construction meet the code.
- P. Francesco noted that the Mutual Aid Agreement between the area towns to support/assist on fire protection in the area does address the financial aspect for towns to share coverage.
- A. Francesco stated it is good that Chief Mardin is starting the conversation with the Board of Selectmen regarding these issues.
- A. Francesco stated the discussion is cause for her to review how the current Subdivision Regulations address the issues and to consider possible solutions.
- B. Snelling stated the town has begun to look at the issues brought up in the email.

MEETING SCHEDULE:

B. Snelling reminded the Board that he will be meeting with the Zoning Board of Adjustment on March 17, 2021 to discuss the issue of detached accessory dwelling units,

A. Francesco asked the Board to consider changing the start time of the Planning Board meetings to an earlier time in the evening (4:30pm – 5:30pm) and to limit the meeting to being 2 hours long.

A brief discussion on the subject included the following:

- 4:30 would be too early for the working public to attend
- It would be difficult to make the meetings end at a certain time as it can be difficult to gage how long a Public Hearing on an application will take
- 5:00 or 5:30 may be workable

A. Francesco stated she did not expect a decision right away, but asked that the members give it some thought and be prepared to discuss it further at a future meeting.

B. Snelling stated the next meeting is April 20, 2021.

B. Snelling stated a Site Plan Review application has been submitted for Betsy's Park.

ADJOURNMENT:

At 8:00pm the following motion was made:

MOTION: "To adjourn."

Motion: A. Francesco

Second: C. Lehner

Discussion: None

Motion Passes: 7-yes 0-no

Respectfully submitted,

Nancy Decoteau, Land Use Boards Assistant