

MINUTES
Workshop Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, January 3rd, 2019 at 7:00 PM

Meeting Place: Meeting Room, Sanbornton Town Offices

The meeting was called to order by Don Bormes at 7:00 PM

Roll Call

Regular Members present: Will Ellis, Don Bormes, Dick Gardner, Selectman John Olmstead, Jody Slack

Alternate Members present: Debra Schneckloth

Approval of draft Planning Board minutes from 12/6 – Selectman Olmstead made a motion to approve the draft minutes of 12/6 with corrections. Jody Slack seconded the motion and the motion passed unanimously.

New Business

a. PUBLIC HEARING – DRAFT SOLAR ORDINANCE UPDATES

Don Bormes opened the public hearing at 7:05pm. He explained that the Planning Board has been working on updating the solar ordinance this past year so that they can have some control over solar installations in the town. He asked for the public's input and questions on the changes that have been made to the ordinance. Michelle Jackson stated that the ordinance looks good but suggested that residential applicants be required to submit a sketch to the Planning Board versus just receiving a permit. Don Bormes explained that solar panels are treated as a structure and will still need to meet the requirements of a CZC permit. Michelle noted that there may be an issue of glare from solar panels on abutting properties and that the ten-foot setback requirement without a buffer requirement may not be enough. Will Ellis responded that this setback requirement is the same for all structures in Town, and that solar panels should not be treated differently.

Michelle explained that the Master Plan states the character of the Historic District could be a means of commercial activity, and that this would be negated if solar panels are allowed in that district. Debra Schneckloth responded that the ordinance states solar panels in the Historic District should be in the front of the home only if the applicant can demonstrate that it's the only feasible place for them (i.e. south-facing). She stated that home owners in this district should not be prohibited from using solar energy because of the direction of their home. Don Bormes noted that an applicant that can prove hardship based on this ordinance can apply to the ZBA for a variance. Michelle stated that she is worried about the effects of broken panels and suggested a bullet regarding proper disposal in this ordinance. The Board agreed that this is a good point but that it should be listed in the permit, not in this ordinance.

Ian Raymond agreed that damaged panel disposal is important but noted that solar panels are built to last 30 years. He noted that the RSA says that solar energy should not be unreasonably restricted by Towns. He also stated that the Master Plan states that renewable energy should be encouraged and this ordinance says it should be "accommodated". He explained that commercial and large commercial solar on prime farmland could be a way for farmers to stay in business, and both types of solar are restricted from prime farmland in this ordinance. Don Bormes stated again that an applicant that can prove hardship, such as a farmer, can apply to the ZBA for a variance.

Andy Sanborn explained that solar energy is important for mitigating global warming and feels that the permitted zones for commercial solar and larger installations is too restrictive. He stated that he feels the setbacks are arbitrary and punish commercial solar. Don Bormes responded that the numbers were arbitrary at the beginning, but the Planning Board has discussed them at length. Andy stated that he has a document regarding property values and solar and Don stated that this is not pertinent to the ordinance itself, and Andy disagreed.

Karen Ober asked what the different is between this amended ordinance and the old one. Don Bormes stated that the definitions have been expanded as well as the graphs related to setbacks and permitted areas.

Ian Raymond suggested adding a section regarding net and group metering. He noted that even if someone does not want solar for their own home, solar energy itself can make the cost of electricity cheaper for everyone. He also stated that there could be a provision in the Subdivision Regulations that require solar energy to be used in future subdivisions and that this could be included in the deed.

Kathy Curran asked what will happen if this draft ordinance is not voted in, and Don Bormes responded that the current ordinance will still be in place. Nancy Durgin asked if the required buffer for solar could potentially block another landowner's view, and Don responded that there are RSAs prohibiting this. Elaine Demello asked if there are tax breaks for solar energy, and Ian Raymond replied that there are rebates available.

Don Bormes thanked the public for their input and closed the public hearing at 8:15.

b. Discussion on solar ordinance – Don Bormes asked the Board if they feel any changes should be made based on tonight's comments from the public. Will Ellis noted that the message about broken solar panels needing to be disposed of properly should be included in the permit but not in the ordinance. Selectman John Olmstead noted that the Solid Waste Committee can also put this in their ordinance and he will bring that item to the Board of Selectmen for discussion. He also noticed a typo on the first page of the document which Debra will fix.

Don Bormes made a motion to approve the draft ordinance as written, with only the correction to the typo. Will Ellis seconded the motion and the motion passed 4-1, with Dick Gardner abstaining.

Other Business

a. Complaint regarding non-public meeting – Selectman Olmstead noted that there was a 91-A request from Andy Sanborn to unseal the minutes of the non-public meeting with Attorney Fillmore in December. The BOS found that the Planning Board was within its right to seal the minutes.

b. Upcoming business meeting on January 17th – Dick Gardner stated that he feels the Planning Board needs technical and legal expertise for this meeting regarding the solar farm on Tower Hill. He recommended using Mark Fougere who helped created the Stat's model solar ordinance, as well as Keach-Nordstrom for an engineer. Don Bormes recommended at least requesting the attorney's presence at the January 17th meeting to start. Debra Schneckloth stated that she has reviewed the application and has some concerns, and that she reached out to another attorney at NHMA regarding which ordinance the applicant would need to adhere to. She stated that Margaret at NHMA stated that they would need to use the newly revised ordinance as their previous application was found to be incomplete in November, which conflicts with Attorney Fillmore's legal opinion.

Dick Gardner made a motion to invite Attorney Fillmore to the January 17th meeting and to find out which ordinance the applicant will need to adhere to. Jody Slack seconded the motion and the motion passed unanimously.

Secretary Audry Barriault asked the Board to vote on moving the next meeting to the Old Town Hall because of space concerns. The meeting will need to be opened at the Town Offices because it was noticed as such, but can then be adjourned and continued at the Old Town Hall the same night. Jody Slack made a motion to move the meeting to the Old Town Hall after beginning at the Town Offices on Thursday, January 17th at 7:00. Will Ellis seconded the motion and the motion passed unanimously.

Meeting adjourned at 9:20 pm.

**Respectfully Submitted,
Audry Barriault**