

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

May 24th, 2022

GENERAL BUSINESS

Present: Tim Lang, member, Paul Dexter, member, Kevin Riley, alternate, George Murray, alternate, Melissa Anderson, member, Glenn Frederick, member

Tim Lang called the meeting to order at 7:00pm. Kevin Riley was seated as voting member. Members agreed for Tim Lang to serve as Chair for the meeting until the next meeting when election of Chair is on the agenda.

Paul Dexter made a motion to approve the minutes of 4/26/22. Kevin Riley seconded the motion and the motion passed unanimously.

a. Public hearing - Application for Appeal of Administrative Decision (ZBA 2022-8a)

Applicant: Chris Hastings

Location: 22 Seth Dr

Applicant seeks appeal of administrative decision regarding the Zoning Enforcement Officer's interpretation of Article 4, Section Z of the zoning ordinance related to Solar Energy Systems.

Chris Hastings explained that he would like to put in ground-mounted solar arrays totaling 18kW but the ordinance classifies systems over 10kW as Commercial, though this is for residential use. His home currently uses 11kW and if he purchases an electric car, hot tub, or other items he will need several more kW per item. The arrays would be located behind the house and would be difficult for neighbors to see, though the arrays are not small.

George Murray asked why the applicant does not want to apply for a site plan application with the Planning Board; Chris responded that he believes the site plan application is overkill for what he wants to do. George responded that he does believe the arrays would have an impact to the land and many of the items that would be needed for a site plan have already been addressed in the documentation that's been provided tonight. Paul Dexter agreed and stated that there are probably several items in the site plan checklist that could be waived since they do not apply to this specific project.

Tim Lang stated that this specific appeal request is related to the Zoning Enforcement Officer's interpretation of "Commercial" according to the Ordinance. He noted that the ordinance says a Residential system is for primarily on-site residential use, but also lists anything over 10kw as being Commercial. Tim added that although the 10kW number seems arbitrary and the footprint of the arrays should be the main concern, the Planning Board aligned size with energy usage when they created the ordinance. Chris stated that the arrays would take up about 710 square feet. Melissa Anderson noted that the energy output of each panel is going to change as solar technology changes, which is often. Members agreed that this section of the ordinance needs to be updated by the Planning Board.

Tim stated that he feels the applicant's proposal is in the spirit of a residential solar energy system, but practically Steve Laurin did apply the ordinance appropriately in considering this a Commercial system; members agreed. George noted that several other projects that were for residential use

came before the Planning Board with site plan applications (and were approved) because they were considered Commercial as defined in the Ordinance.

Paul Dexter made a motion to uphold the decision of the Zoning Enforcement Officer in determining that this proposed 18kW solar energy system is considered Commercial in accordance with the Zoning Ordinance. Glenn Frederick seconded the motion and the motion passed unanimously.

b. Public hearing - Application for Variance (ZBA 2022-8b)

Sanbornton Zoning Ordinance Article 4, Section Z.5(1)

Applicant: Chris Hastings

Location: 22 Seth Dr

Applicant seeks variance to allow ground-mounted solar energy system at private residence without commercial site plan application as required by the ordinance.

Tim Lang suggested that the applicant table this application and go through the site plan application process with the Planning Board. He explained that if for some reason the site plan application is denied, he could then continue with the Zoning Board, but if a decision is granted tonight then he would not be able to and would have to appeal the decision to the Housing Appeals Board. Chris Hastings agreed to table this application for a variance.

Meeting adjourned at 7:51 pm.

Respectfully submitted,
Audry Barriault