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TOWN OF GRANTHAM Zoning Board of Adjustment Minutes September 28, 2017

Chairman Conrad Frey called the meeting to order at 7:00p.m., September 28, 2017 in the lower level of the Grantham Town Hall located at 300 Route 10 South.

Present: Zoning Board Chair Conrad Frey; Members Peter Guillette; Margery Bostrom; Peter Gardiner; Tanya McIntire and Selectmen Representative Constance Jones.

Absent: ZBA Member Myron Cummings.

Public: Sandra Besas; Rae Tober; Nancy Luce; Gordon Luce; James Coakley; Carolyn Ferguson; Tom Jones; Don McCormick; Town Administrator Melissa White.

Approval of Minutes

Chair Frey asked the board if there were any corrections or additions required of the minutes from March 23, 2017. There being none, M. Bostrom moved the minutes be accepted as written and second by P. Gardiner.

Unanimously Approved

New Business

Variance Application ZBA Case# 9 /2017-1 and Case# 9 / 2017-2

Map 222 Lot 281 / 24 Clearwater Drive and Map 222 Lot 280 Road Round the Lake/Clearwater Drive, Grantham, NH

Norwich Solar Technologies, Inc. Representatives: Don McCormick and Tom Jones.

Frey stated after informing every one of the rules and regulations of tonight's meeting if there were any questions. Zoning Board member McIntire asked if the board had to make a decision on the variance this evening. Frey stated that unless there were a valid reason they would continue. Frey next asked for representation for the variance application.

Don McCormick introduced himself as the representative for Norwich Solar Technologies, Inc. McCormick stated that they have two (2) similar requests which are on different properties. McCormick said that both properties are zoned RR1, which does not contemplate a solar energy project. One is the Eastman Waste Water Treatment Plant, the lagoons are right below where one of the arrays will be placed, which is called the VDE (Village District of Eastman) project. In each case what they believe after working extensively with Eastman Board Members; Community members and the Energy Committee that it is favorable. McCormick continued that from a site point of view the array is blocked by trees along the road entering in, and they are specifically designing the electrical entry to be placed underground. McCormick said that as you are driving around the waste water treatment plant you do have a view of the array over by the lagoon which is partly blocked by some trees and this road is not a highly trafficked road in the Eastman community. McCormick stated they would like to ask for a

DRAFT

TOWN OF GRANTHAM Zoning Board of Adjustment Minutes September 28, 2017

variance as the property is really not useable for intended zoned purposes and that extending the allowance for these two (2) properties would be a reasonable request.

Frey asked McCormick if the power was to be used within Eastman and not on the grid. McCormick stated both projects will be entering in what is called the New Hampshire Net Metering Program and the actual use of the electricity goes onto the grid and then gets used as the grid demands it. McCormick said that from the metering point of view, yes, the community has meters with the demand that would utilize the power from these. Frey asked, so there is no storage, and McCormick said there is no storage. Frey said that Eastman has their own boards and asked McCormick if he had gone to these boards. McCormick stated yes, and that through their board processing they held public meetings in Eastman with the help of CEO & General Manager Ken Ryder. Ken Ryder also invited the property owners that were closest in proximity to view how the arrays would appear.

McIntire asked who owns the array. McCormick said that the array is owned by a third-party funder and explained that the Eastman Community will be able to receive the power and the third party will fund the project in its entirety. He said that the Eastman Community and the Village District are the off takers and have what is called the “power purchase contracts” and they are under obligation to buy the power that this array generates and they have the option to purchase this array at intervals starting in the seventh (7th) year anniversary from the commissioning. McCormick continued that this is actually sort of a common structure now that allows municipalities or not for prophet entities to finance these through industrial partners that can take advantage of the taxes.

McIntire asked McCormick if this means the power has to be bought by Eastman? McCormick said yes, Eastman is under a long-term power purchase agreement for the power of these array. McIntire said that she guessed she didn't understand what they are going to do with this. McCormick stated that this is designed to supply the power that they already use but it will essentially come from the array supply instead of what they are currently buying from the grid. McIntire asked McCormick if this was a supplement for the grid? McCormick explained that almost all of the renewal energy projects that you will see in New Hampshire participate in a New Hampshire designed program that the Public Utility Commission signed that passed the legislature. He said this is a program that allows renewable energy to go onto the grid and be counted by the utility and allows you to assign the power that's really virtual so this array on a sunny day throws electricity onto the grid that gets counted on a meter. McCormick continued that Eastman has meters at all of their facilities that require electricity and what happens is accounted for over the course of a year. He said when power is needed as an example in winter and/or the middle of the night when the rays are not producing any sunlight all they have to do is call that power from the grid from when it was sunny, then back to their meters virtually by building. McCormick said they (Norwich Solar Technologies) are supplying accentually all of the

DRAFT

TOWN OF GRANTHAM Zoning Board of Adjustment Minutes September 28, 2017

electricity of several meters in the Eastman Community and all of the demand for the Village District of Eastman.

Frey stated before continuing with any decision from the Zoning Board members were there any questions from the abutters and/or public.

Abutter Sandra Besas explained to the Board where her property is located near the proposed project. She also stated that she was a representative of “My Special Place” in Eastman and they have had opportunities to discuss this before. Besas said there was no cost what-so-ever to the Eastman Community and there were two other areas where solar array panels exist in Eastman and that this would be a third (3rd) solar array. She said that she just wanted to understand that the investor gets his money back by tax deductions and they, Eastman residents, get net zero. Besas asked McCormick if the power was going to be used for the settling ponds for this array. McCormick stated that power supply from this array will go to a number of buildings in Eastman to include the pump station. He said both Eastman Community Association and Village District will be purchasing the power for the arrays. Besas said to McCormick that there is a cost, and he said there is a net savings. She stated that she was not against this project. Besas next said there was a trail and a habitat trail between where these arrays will be installed that has been documented and also mentioned small children living in the area of Clearwater Drive and felt this road was the worst road in Eastman. She further mentioned concerns she had and appreciated how nice and responsive the people have been representing Norwich Solar Technologies.

Abutter Jim Coakley stated that he was in favor of the project but not in favor of the additional traffic on the road, there was already a lot of traffic with trucks back and forth all day and night. He said there is a rock pile and storage area for Eastman up there (referring to the end of Clearwater Drive) and a commercial enterprise. Coakley stated that this road is one of the worst roads in Eastman and they do not seem to be willing to improve it, adding one more truck is going to cause a situation much worse than what they have now. He said that he is in favor of solar energy, but against trucks.

Frey asked McCormick how much more traffic will there be? McCormick stated that after construction there would be typically only two (2) trucks a year times two per site visit for operations and maintenance of the panels. McCormick stated what is nice about these panels is they are monitored remotely. McCormick stated that he does recognize the road conditions. Tom Jones said that the trucks are only regular double cab pick-up trucks that hold up to four (4) men.

Gardiner asked how long will it take to construct this array? McCormick stated four (4) weeks and when they deploy to the site they will trailer the equipment to the site and said that the

DRAFT

TOWN OF GRANTHAM Zoning Board of Adjustment Minutes September 28, 2017

equipment is not the usual large site equipment, it is much smaller. The trailers would be hauled away until time to go back and pick up the equipment when the job is finished.

McIntire asked about the 2.7 acres of land that needed to be cleared and log trucks that would be used. McCormick said that it would be a noisy operation for a few days but felt this would take less than a week. McIntire said that she used to transport a child that lived in the area on Clearwater Drive and the road was awful and muddy. She said if it happens to be wet when those logging trucks are in there it will be worse. Frey said that would just be for the construction.

Coakley asked if they had permission already to take down the trees and McCormick said yes, that they had been to several Eastman board meetings. Coakley stated that it was a “big deal” to even take down a few trees in Eastman and there was a special committee and he had received a lot of grief when he just had a few trees removed from his property and here they are clearing 2.7 acres of land. McCormick said that he can’t speak on this unfortunately and Frey stated that was an Eastman question, not a zoning question.

McIntire said that this sounded like a business thing to her in a residential district and wanted to know if this is what McCormick was asking the variance for. Frey reiterated that McCormick was asking for a permitted use which is a business use, which is solar array in the Rural Residential District (RRI). McIntire asked Frey if that were different and would they need to change the zoning act. Frey said no and in 2002 approval for solar wind and other renewable energy systems was added to the RSA 674:17 The Purpose of Zoning and proceeded to read that article to the members and public.

Guillette asked if Clearwater Drive was the road that passes by the water treatment plant and where is the access point. McCormick pointed out on the site plan photo he had where the access location was. McCormick also said that they were very careful in trying to preserve the trail and explained to the abutters they will be leaving a tree screening.

McIntire asked McCormick who the owner was of the investment company. McCormick stated their name was “New Energy Equity Partners” (NEEP) who contracted them to permit, design, build and operate the facility in Eastman. He said that Norwich Solar Technologies, Inc. will be for all intents and purposes the face and who you call with concerns and they (NEEP) are essentially a bank, but because of the funding mechanism they (NEEP) are technically legally the owner.

Abutter Rae Tober stated that she would just ask the company that when they bring any trucks onto Clearwater Drive please inform the drivers to pay attention to the speed limit through there. McCormick stated they will also put up some temporary posted speed signs that will

DRAFT

TOWN OF GRANTHAM Zoning Board of Adjustment Minutes September 28, 2017

address that. All abutters thanked him. Guillette suggested that this be mentioned at next week's Planning Board meeting for their approval. Abutter Besas stated she still had some concerns with all of this and thanked McCormick for his advice, consideration and time.

Frey stated they would now vote on the variance application for Norwich Solar Technologies, Inc. and proceeded to read aloud from the zoning ordinance the criteria for which the board members would vote on this evening:

1. The variance will not be contrary to the public interest; Approved by all members
2. The spirit of the ordinance is observed; Approved by all members
3. Substantial justice is done; Four (4) members Approved / one (1) denied
4. The value of surrounding properties are not diminished; Approved by all members
5. Literal enforcement of the provisions of the ordinance would result in an unnecessarily hardship.
 - A. For purposes of this subparagraph, "unnecessary hardship" means that owing to special conditions of the property that distinguishes it from other properties in the area:
 - I. No fair and substantial relationship exists between the general public purposes of this Ordinance provision and the specific application of that provision to the property; Four (4) Approved / One (1) Denied
 - II. The proposed use is a reasonable one; All Approved

Frey informed McCormick that their variance application had been approved. Tober asked what the next step was and Frey stated that any future installation of arrays will need to come before the zoning board until such time that these changes will be added as a permitted use into the Zoning Board of Adjustment Ordinance Manual under Special Exception and then they would still have to come back again to the zoning board for approval of that special exception. McCormick thanked the board.

Other Business

Message from Chair Conrad Frey:

Frey stated he had some changes for the zoning ordinance he would like to discuss with the board at the next meeting in October:

1. Have something written to do with Airbnb's and put them into the ordinance as a Special Exception next to the regular Bed & Breakfast article so they would have to come to the board for permission.

DRAFT

**TOWN OF GRANTHAM
Zoning Board of Adjustment Minutes
September 28, 2017**

2. Ten (10) years ago, zoning failed to have Agriculture & Forestry put into Rural Residential (RR1) as a Special Exception. He felt that someone on a one-acre lot would not want to have next to them a pig farm or lights on in a large greenhouse, but did feel that it was alright in Rural Residential II and III which are larger lot sizes. Frey said that this had failed twice in the past for planning board approval.

Increased fees and zoning forms/application changes:

Frey stated that in a recent email received from Town Administrator Melissa White it was brought to his attention that Zoning/Planning Board application fees should be increased due to costs per applications and mailings. Frey said fees had not been changed since 2002. Frey said there was a zoning board form for a "Supporting Statement for a Variance" on the Town website and at the Selectmen's office that is outdated and should be removed.

Requests for new members/alternates:

Frey said that member Margery Bostrom was retiring from the Zoning Board and asked Town Administrator White for support in recruiting new members and alternates. White asked Frey if he was asking a request for alternates only and he said yes. Selectmen Jones asked Frey how many regular members they have now and he stated five (5) and only one alternate. Frey said with Bostrom retiring the one alternate will then become a member and that is why it is necessary to have at least three (3) alternates.

Adjournment

Chair Frey stated there being no further business a motion was made by Margery Bostrom and second Peter Gardiner to adjourn the meeting at 7:58p.m.

Unanimously Approved

The next meeting at the Zoning Board of Adjustment will take place on October 26, 2017 at 7:00p.m. in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall. Application deadline for that meeting is October 6, 2017.

Respectfully Submitted,
Martha Norris, ZBA Clerk