

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**MEETING MINUTES
AUGUST 8, 2017**

Present: Lucky Evans, Kristin McKeon, Chris Oot, Alternates Roland Vollbehr and Lance Zinn and Selectboard Representative Norman VanCor

Absent: Harriet Davenport and Burt Riendeau

The Zoning Board of Adjustment met at the Chesterfield Town Offices on August 8, 2017. *Vollbehr moved to elect Kristin McKeon to serve as Chairman in the absence of Chairman Riendeau and Vice Chairman Harriet Davenport. Evans seconded the motion which passed by majority vote. McKeon abstained.*

McKeon opened the meeting at 7:30 p.m.

John Zannotti was introduced for his interest in filling the position as alternate to the Zoning Board of Adjustment.

Hearings:

- **Chesterfield Board of Selectmen** request a Variance from Article II Section 203.2 of the zoning ordinance to permit the installation of photovoltaic solar array for generation of electric power up to 100kW. The property is located at the corner of Rt. 63 and Stage Road, Chesterfield, NH 03443 (Map 16 Lot A5) Residential District.

Present: Brad Roscoe for the Chesterfield Board of Selectmen

Roscoe stated that the property used to store sand piles during the winter months (by the Town). He noted that the Highway Dept. used to be on this lot approximately 30 years ago. The purpose of application is to set up solar panels for green power to the town. It would also give a cash free revenue base for this property. Currently this property is not receiving revenue or taxes. Because of its history, the town will probably not try to sell it and, as far as he knows, the property has not been tested.

The solar array sits on top of the ground and this would utilize this piece of property. Photo maps were distributed to the board members indicating where the solar panels would be placed and where the setbacks would be. The panels would process approximately 95kW. The panels would be either connected to the existing telephone pole on the property or on the pole across the street on Rt. 63. The side and back setbacks are 20 feet from the boundary lines and 50 feet from the front boundary lines on the Rt. 63 side.

It would be in the public interest as it reduces the tax burden for the town and the property may not be used for anything else.

The variance will not be contrary to the spirit and intent because photovoltaic systems are allowed in residential areas and there is no house on this property.

Substantial justice is done because the land is owned by the town and would probably not be used for anything else.

It should not affect the surrounding properties because the solar systems are not intrusive and will be shadowed on the south, north and west by vegetation. There are only two houses in this

area and there is already vegetation for screening from one house. If approved, the Planning Board may require screening for the second house.

Roscoe stated that he doesn't have a drawing on the height for the panels but estimates that they will be approximately ten (10) feet tall. McKeon asked if the panels make any sounds, including a hum. Roscoe replied that the power transformers are the same as all the other transformers. Roscoe stated that there would be about 400 power cells. Roscoe noted that ground testing may be required if the town tried to sell this property and there may be concerns of what would be found. The property consists of one acre. He added that the property is quite flat and shouldn't have any drainage issues. Options would be to have grass or stone under the panels. The panels could be mounted on steel beams or mounted on concrete ballasts.

The discussion was opened to the public.

John Zannotti: Are there going to be any aboveground wires from the solar panels.

Roscoe: The wires on the property will be underground from the transformer to the pole.

The only above ground wires will be crossing Rt. 63 to the pole.

Zannotti: Is there any reason to have the panels fenced in?

Roscoe: It is a code requirement that it be fenced in.

John Pieper: Are the solar panels stationery or do they tip up and down toward angle of the sun?

Roscoe: They will be stationery.

John Koopmann: This site is currently residential. If this site is converted to production in energy, will that go beyond residential by converting it to another use? Will it be challenged in the future?

Roscoe: That site was the town highway garage originally before we had zoning ordinances.

McKeon: The town doesn't have to follow its own rules.

Oot: 203.2 states permitted uses include municipal buildings and uses.

Roscoe: The property will be leased to an LLC for a certain number of years, and then it will convert back to the town. The LLC is not a nonprofit LLC.

McKeon: The owner has to apply for the variance.

Roscoe: The revenue plan has not been paid up. The business model is to have revenue of a couple thousand dollars a year while they have it for six or seven years. It will then be transferred to the town and we'll receive revenue of approximately \$17,000 per year.

Jeff Scott: Prior to the land being used for the town building, there was also a gas station at that site, which may lead to the idea of possible pollution there. The neighbor spoke to Scott on the north side of concerns about having some screening.

Amanda Kinson: Property owner across from the site on Rt. 63 expressed her concerns regarding impacting the soils and that there most likely is an issue with the soil. How deep will the digging be to install the poles?

Roscoe: 18 inches deep. There might be trenching or it might need fill or 2 inches of concrete on top. The trench should no impact the soil. No one knows if there is contamination on that property.

Kinson: She expressed concerns of increased rainfall coming off the panels, running across the road and coming onto her property where her animals are pastured. She noted that the ditch along Rt. 63 drains onto her property as well.

Pieper: What percentage of the property would be used as generating power from the solar cells?

Roscoe: The center of the property would be fenced in; approximately 60%. Most of the land is open and undisturbed.

Oot: How much soil disturbance would be required if it is trenched.

Roscoe: The code calls for 18 inches deep for the wiring, being connected through the panels and run to the end of the rows. There are two ways to install the poles by concrete ballasts (2 ft. x 2 ft. x 8 ft. long) sit on top of the ground or driving the poles into the ground.

Sue Lawson-Kelleher: Property owner on two sides of this site. She has concerns of the panels being 10 ft. high. The vegetative coverage is deciduous so she will be seeing the panels in the winter months. She noted that the panels are going to increase the amount of water that will be collecting in one spot that may flow onto her property on both sides. There is currently a crystal light substance that comes up through the concrete on her property which may only be a salt issue. There may be a concern with the water runoff. How tall would the panels be with concrete ballasts?

Roscoe: 10 ft. from the ground includes the ballast. There would be a concern for the snow to run off if the poles are driven into the ground making the height only 8 ft. tall.

Lawson-Kelleher: Are there plans for going to the Planning Board for a site plan review?

Roscoe: Yes, it is required for a commercial use. The town owned property being used by a private entity will need to be approved at a Town Meeting. The LLC will have a lease agreement with the Town and code enforcement will be sure that it's built to code.

Zannotti: If there is a potential hazardous soil issue on that property, the town should look into how it might affect the neighbors.

Pieper: How many panels can a concrete ballast hold down?

Roscoe: Roscoe stated that his house has four ballasts for every 26 panels (2 ft. x 2 ft. x 10 ft.). The ballasts would be on the ground and under the panels for this project at approx. 30-35 degrees angled toward the south.

Jeremy Kelleher: His concern is that the solar panel project might affect the property values of the abutters. How will the sun reflecting off the glass panels affect on traffic?

Roscoe: The sun reflection is minimized from the panels. The underside of the panels will be facing the ground.

Pieper: Are there any other town owned properties being considered for this project?

Roscoe: The 3 acre parcel behind the library was found to be not as suitable because the land slants the wrong way, has power lines and ledge and there is a septic system in the center of the field. The cost of installation would be higher at that location. The committee was considering the property adjacent to the school, which could include power to the school for a Phase II. The Highway Dept. has existing panels that produces about 30% of their power. There is an economy of scale if it is done all in one location. This project would cover the electric needs for the Town Office building, fire precincts, Transfer Station and Parks & Rec. It does not cover the Highway Dept. and the school. Currently the town spends about \$34,000 annually for electricity on those buildings that it would cover. The school uses about \$34,000 to \$40,000 a year for electricity.

Roscoe noted that the panels have a 20 year warranty. The LLC will determine what panels will be installed.

Roscoe gave a brief overview of how the solar project was developed. A group of local citizens approached the select board to look into solar for the town. Solar panels are beneficial if the user take in account the federal and state incentives. Being a tax free entity, the town cannot take advantage of federal and state tax advantages. An LLC is a private organization that has investors who pay the expenses and can take advantage of all state and federal tax incentives. The federal tax incentive is 30% of the installation cost and the state tax incentive is about 25%

of the cost. The investors can take depreciation into account. Over a six-year period the investors can fully depreciate these things, get all of the tax advantages and make a good return on their investments. After six years the town can buy back the panels from them at ten cents on the dollar and the town would own them at that time. The town will be receiving about \$2,000 per year while the LLC owns the panels. After that the town will receive all of the revenue of approximately \$17,000. Roscoe stated that an LLC has been formed and the committee is looking for investors. The investors are passive investors in which that they don't have control over the day-to-day operations. They will be working with the town through the contract that will have conditions and stipulations on how things have to be done. The passive investors are there for the paychecks and the deductions and not doing anything else.

Roscoe noted that the committee has two estimates for the solar panel set up; they are between \$260,000 and \$350,000 with another \$20,000 for additional costs. The paperwork has been filed to form the LLC and select board members cannot be members of the LLC. There are qualifications required to become an investor.

McKeon noted that if a variance is granted on this parcel, the variance stays with the property permanently. There was a concern from Lawson-Kelleher as to what will happen to the panels when they need to be replaced. She also would like to have the panels at as lower height as possible.

Oot noted that one of the concerns of the abutters is potential soil disruption and what is underground. He inquired if it would be possible to have no digging from the panel to the pole. Roscoe replied that there are possible variations of doing this. The least impact would be to putting using the concrete ballasts and ditching from the pole to the end to the wires. The panels are approximately 30 inches wide by 60 inches long. Vollbehr suggested that the rows be doubled up to have eight rows instead of four. Roscoe noted that a certain distance is needed between the rows for the standard components.

Zinn noted that there are concerns of what is underground in the area of where the panels are potentially going to be installed. Roscoe stated that the maintenance costs would be mowing grass and maintaining the chain link fence. Roscoe noted that there will be no lights required at the site. Evans asked what type of fill, if any, will be used on that property. Another concern was whether the project would generate any noise. McKeon asked what type of fencing is required for the project. Pieper inquired as to whether steel piping can be used for underground wiring, and if so, would that be set less than eighteen inches underground.

Board requests for more information from Roscoe as follows:

- Photos of screening used from other solar sites
- Screening requirements to cover the solar panels
- How is this project going to resolve concerns effecting the abutters, including environmental issues and ways to mitigate their concerns
- Visual impacts, soil disturbance and how to mitigate the issue
- Runoff from the panels
- Will the project change property values in the area
- How the project is going to be built, including concrete ballast used or steel
- Is it possible to use single panels (lower rows) vs. doubling them

- Information on noise concerns created from the project, how it travels and effects of the noise
- Fencing used for security purposes
- Visibility from Rt. 63
- That the project meets all criteria

McKeon moved to continue the public hearing to September 12, 2017 to continue the discussion at the ZBA meeting. Vollbehr seconded the motion.

Vote called: Evans – Yes; McKeon – Yes; Oot – Yes; Vollbehr – Yes; Zinn – Yes

The motion passed unanimously.

Review Meeting Minutes

- **June 13, 2017**

Voting on the minutes: Evans, Oot, Vollbehr and Zinn

Vollbehr moved to approve the June 13, 2017 meeting minutes as amended. Zinn seconded the motion, which passed unanimously.

Other Business

Evans stated that he was served a Summons for a Zoning Board Appeal on July 26 for the Xpress Natural Gas decision of the ZBA. VanCor advised that any ZBA member receiving a summons to bring it to the Town Administrator in the Selectmen’s office as soon as possible. The summons will be delivered to the Town Administrator on August 9.

The next meeting is scheduled for September 12, 2017.

Adjourn: *Vollbehr made a motion to adjourn the meeting. Oot seconded the motion, which passed unanimously.* The meeting adjourned at 9:18 p.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Kristin McKeon
Chair Pro Tem, Zoning Board of Adjustment

Date