



Stratham Planning Board Meeting Minutes
December 7, 2022
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Alternate Member
Nate Allison, Alternate Member

Members Absent: Pamela Hollasch, Regular Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:01 pm and took roll call. Mr. House noted that Mr. Allison was sitting in his first meeting as an Alternate Member of the Planning Board after approval by the Select Board. Mr. House welcomed Mr. Allison to the Planning Board.

2. Approval of Minutes

a. November 16, 2022

Mr. Zaremba commented that the minutes should include the details of the Planning Board review of the Conditional Use Permit Criteria for the 190 Winnicutt Road solar array. Mr. House appointed Mr. Kunowski as a voting member for this meeting. **Mr. Zaremba made a motion to table the approval of the meeting minutes until the December 21, 2022 meeting. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

3. Old Business:

- a. Jay and Celeste Ward (Owners) - Request for approval of a conditional use permit to allow the installation of a small-scale ground mounted solar array at 10 Boat Club Drive (Tax Map 12, Lot 2), Zoned Residential Agricultural. Owner/Applicant's representative is Harmony Energy Works, 10 Gale Road, Hampton, NH 03842.**

Mr. Connors presented the topic. The public hearing for the project was opened at the last Planning Board meeting, but postponed a decision until tonight to allow the Board to review revised materials submitted at the last meeting.

Jay Arslanian of Harmony Energy Works spoke on behalf of the Owner. He updated the plan to show the extent of tree clearing particularly in proximity to the Shoreline Buffer Zone on the property. Mr. Arslanian also presented to the Board some photographs of the existing conditions. The clearing will be 100 feet by 150 feet towards the driveway in the opposite direction of the Shoreland Protection District and not visible from the road or from the neighbors. Mr. House asked if there are any tree clearing requirements applicable to this project (e.g. a requirement to keep a certain caliper of tree) even though it is outside of the Shoreland Protection District. Mr. Connors responded that there is a screening requirement for visual impact from solar array projects, but this application does not include a screening plan as the Applicant believes there is sufficient existing screening.

Mr. Canada asked who delineated the Shoreline Protection boundary. George Horrocks from Harmony Energy Works responded that it is an existing overlay available in the State's GIS system.

Mr. Kunowski made a motion that the application as presented is complete. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Zaremba made a motion to open the public hearing. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved. There were no comments from the public.

Mr. Zaremba made a motion to close the public hearing. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

The board reviewed the Conditional Use Permit Criteria.

1. Spirit and Intent of the Ordinance: The Stratham Master Plan encourages the development of renewable energy systems, therefore the application is consistent with the Master Plan.
2. Conformity to Zoning Ordinance: The Planning Staff and Board are not aware of any violations.
3. Site Suitability: Adequate vehicular and pedestrian access for this project exists for the authorized persons. Public service availability is not applicable to this project. The site is flat and outside any protection districts. The project is an electric utility needing no additional access to appropriate utilities.
4. External Impacts on Abutting Properties and the Surrounding Environment: The board noted that the area surrounding the proposed array is heavily wooded.
5. Character of the Site Development: The project location is over 300 feet from the nearest neighbor and heavily wooded. Positive comments from abutters were submitted by the Applicant at the last meeting.
6. Character of the buildings and structures: The height and mass of the structure is in line with residential uses.
7. Preservation of natural, cultural, historic and scenic resources: The project is located outside the Shoreland Protection Act resource and there is no historic resource identified.
8. Impact on property values: The board is not aware of any property value diminishment due to solar arrays and the location is far from abutters.
9. Availability of Public Services and Facilities: The project requires no municipal services.
10. Fiscal Impacts: There are no negative fiscal impacts identified for the Town.

11. Public Interest: Renewable energy is within the public interest.

Mr. Canada made a motion to approve the Conditional Use. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

Mr. Zaremba made a motion approve the application for a Conditional Use Permit for a ground-mounted 17.64 kilowatt ground-mounted solar energy system at 10 Boat Club Drive (Tax Map 12, Lot 2), as the Planning Board has determined the application meets all of the Conditional Use Permit criteria, subject to the following conditions:

1. A note shall be added to the plan that site disturbance and limits of clearing shall be limited to the area demarcated on the plan by the white dash line.

2. Prior to the start of construction, the applicant shall stake out the location of the panels on the property and contact the Town Planner to conduct an inspection to ensure the location is consistent with the approved plans.

Mr. Canada seconded the motion. All voted in favor and the motion was approved.

4. Other Business:

a. Proposed 2023 Zoning Amendment Workshop:

1. Request by Stratham Green for amendment to Solar Energy System Ordinance

Mr. Connors presented the project. Stratham Green currently has an approved medium-scale ground mounted solar array. The Zoning Ordinance currently requires that the Town hold a financial guarantee for the life of the solar array to ensure that when the property owner discontinues use of the array, it is properly disassembled and removed from the property. This requirement is unusual in that financial guarantees are usually held for short periods of time and this requirement is indefinite. Stratham Green has requested that their \$4,000 guarantee be returned. The only way that can occur is with a Zoning Amendment. Stratham Green requested Planning Board support for a proposed Zoning Amendment.

Mike Ficara spoke on behalf of Stratham Green. The residents of Stratham Green researched and determined the scrap value of the array is \$43,000. They have created a decommissioning plan that includes the proposed decommissioning cost (approximately \$4,000) which would be more than covered by the scrap value. The life of the array is about 40 years and the component warranties are 25 years. Therefore the residents of Stratham Green request that the \$4,000 financial guarantee be returned.

Mike Rowe, Stratham Green Board Member, spoke on behalf of the finances at Stratham Green. The community recently installed a water treatment system to remove PFAS that cost \$62,000. And although Stratham Green may be able to recover some of the cost of installation, there are ongoing maintenance costs that they will incur.

Mr. House asked for clarification if Stratham Green is asking for a zoning amendment or for the money to be returned without an amendment. Mr. Connors replied that the Planning Board does not have the authority to return the money but they could support a change to the ordinance. The Zoning Board has a long process to return the funds. If the Town voted to pass a change to the ordinance in March, then the Select Board would vote to release the money.

Mr. Canada asked how the scrap value was determined. Mr. Horrocks responded that it came from online sources for recycling of aluminum, glass and silicon.

Mr. Canada appreciates the comments from Mr. Rowe on their water quality expenses. Mr. House commented that a zoning change will affect all solar arrays. Mr. Houghton commented that the intent of the ordinance was to protect the Town from incurring costs for removal and if an alternative can be put in place, he is supportive. He added that the administrative costs of managing \$4,000 over 30 years is not insignificant. The Board discussed establishing a lien in lieu of the escrow. Mr. Zaremba agreed with a change to the ordinance. Mr. Kunowski asked how many other small escrows are currently held by the Town for solar projects. Mr. Connors responded that this is the only one at this time, but a second medium-scale project (under appeal) was approved under the ordinance.

Mr. Connors commented that many surrounding towns don't have solar ordinances and the ones that he researched, do not have escrow requirements. He suggested that since the board is supportive of this change, he can provide language for review at the next Planning Board meeting. Mr. Connors further described the zoning change process and timelines.

Mr. Kunowski commented that the Stratham Green letter requests acceptance of the decommission plan and noted that it is not in the Planning Board's purview to do so. Mr. Connors concurred and stated the Planning Board can recommend that zoning language be developed to address the issue. The new language could require development of a decommission plan.

Mr. Allison agreed with a Planning Board recommendation to amend the zoning ordinance.

2. Various Zoning Amendments

Mr. Connors presented the following various proposed zoning amendments:

- Amend Section 3.8.8, Table 2 of the Gateway Commercial Business District to change the minimum front setback from zero feet to 15 feet and the maximum from 15 feet to 40 feet.
- Amend the front setback in the Professional/Residential District in the Table of Dimensional Requirements from 100 feet to 20 feet for those parcels that abut residential properties.
- Amend Section 3.8.8 of the Gateway Commercial Business District to establish minimum standards for driveways, sidewalks, and electric car charging stations.
- General amendments to correct minor errors and to insure consistency between the Gateway District section and the Table of Uses.
- Amendments to the definitions section and to Table 3.6, Table of Uses to add "Places of Worship".
- Add subsections to Section 4 to add maximum residential densities in the Commercial District and to clarify that only one primary dwelling shall be permitted on lots in the Residential/Agricultural and Manufactured Housing/Mobile Home Districts.
- Revisions to the Sign Ordinance to incorporate U.S. Supreme Court decisions on regulating sign content. Additional amendments include limitations on size and illumination of signs.

The Board agreed to advance all of the amendments to the next meeting.

b. Source Water Protection Discussion

189 Mr. Connors presented suggestions for amendments to the Aquifer Protection District. The Board
190 determined a two-phase approach to amendments may be necessary.
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192 **c. Stratham Master Plan Recommendations Review**

193 1. Sustaining Our Natural Resources
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195 Mr. Connors presented the Master Plan recommendations on Sustaining Natural Resources and
196 asked that the Board continue to review those applicable to the Planning Board for input and
197 implementation.
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199 **d. Miscellaneous Community Planning Issues**
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201 None discussed.
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203 **5. Adjournment:**
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205 Mr. Canada made a motion to adjourn at 9:24 pm. Mr. Zaremba seconded the motion. All voted in
206 favor and the meeting adjourned.