



Stratham Planning Board Meeting Minutes

March 20, 2024

Stratham Municipal Center

Time: 7:00 pm

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

Members Absent: Chris Zaremba, Regular Member

Staff Present: Mark Connors, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:02 pm and took roll call. Mr. House appointed Mr. Allison as a voting member for this meeting in place of Mr. Zaremba.

2. Approval of Minutes

a. March 6, 2024

Mr. Kunowski made a motion to approve the March 6, 2024 meeting minutes. Mr. Allison seconded the motion. All voted in favor and the motion passed.

3. Public Hearing:

a. Greg Gavutis (Applicant and Owner) - Request for approval of a Conditional Use Permit to permit a small-scale ground-mounted solar array at 62 College Road, Tax Map 21, Lot 154, Zoned Residential-Agricultural.

Mr. Connors introduced the application. The project is a ground mounted solar array proposed to be installed in the side yard of the 7-acre property that currently contains a single family home. A tidal brook runs along the back of the property and the array is proposed to be approximately 123 feet from the tidal brook where the Town requires a 150-foot setback. As such the use requires a variance from the Zoning Board of Adjustment which was granted. The Conservation Commission requested that the wetlands location be delineated by a wetlands scientist which was completed. The CUP is the last step in the process. Mr. Connors stated that at Town Meeting this month, voters approved allowing small scale solar arrays by right but this project requires a CUP because it is taller than 12 feet which is maximum height allowed by right.

Mr. House asked the applicant to present. Mr. Gavutis reiterated that the solar array location is

challenged by the tidal brook. The location was chosen to preserve as many trees as possible and a solar study was completed. Mr. Gavutis stated that the Conservation Commission and the wetlands scientist agreed that the array would not adversely affect the wetlands. He stated there is a hedgerow screen by the road that won't be touched in the immediate future. The array will not be that visible from the road.

Mr. Connors stated that Mr. Gavutis prepared a video for the Zoning Board and Conservation Commission that shows where the panels will be located and he played the video for the Planning Board. Mr. Gavutis described the video as it played. He explained that if the array was sited 150 feet from the brook then it would have been very close to the road and trees would need to be removed. He added that the 125-foot setback is more suitable per the solar study. Mr. Gavutis noted during the video presentation the location of some additional plantings of blue spruce and other varieties for screening.

Mr. House asked if the Board has any questions.

Mr. Canada asked if he read correctly that the array needs to be higher than what is generally allowed. Mr. Arslanian replied that during the winter the array will be at its highest tilt which is 17 feet. Mr. Connors added that under the recent zoning change in order for a small scale ground mounted solar array to be allowed by right, the maximum height is 12 feet. A taller array can be installed with approval of a Conditional Use Permit. Mr. House stated the plans show 21 feet. Mr. Canada asked why it needs to be that high. Mr. Arslanian replied there's a chance that the array could get shaded by heavy snow in winter so they are trying to keep the edge of the array at least 2 ½ to 3 feet off the ground, so that plus the size of the panels and the angle results in a taller height. He added that they could install them closer to the ground, but there would be more of a chance that snow would build up on the panels. Mr. Canada asked that the basic answer is this is a big array with big panels. Mr. Arslanian replied that it is 24 panels and is a normal size ground mount array for a house. Mr. Canada asked Mr. Arslanian if this is his business. Mr. Arslanian replied yes, that he works for Harmony Energy Works. Mr. Canada asked if Mr. Arslanian thinks Stratham's height standard is too low. Mr. Arslanian replied that it is better than Hampton's and he explained snow load loss.

Mr. House asked for confirmation that the array will be at a height of 17 feet in the winter and 11 feet during the rest of the year. Mr. Arslanian replied yes. Mr. House stated that the Zoning regulations allow a ground mounted solar array up to 21 feet above normal grade.

Mr. Allison stated there is a technicality that should be mentioned, that it appears about half of the panels are in the front yard. Mr. Arslanian replied that they picked the spot that is furthest from the wetlands. Mr. Allison understands and just wanted to correct the location for the record. Mr. Connors stated that Mr. Allison is correct. Mr. Allison stated he believes they did a great job of siting the array and that driving down the street he does not think it will be visible. He added that technically speaking if there were no trees in the front, the array would be visible from one direction. Mr. House asked Mr. Connors if that requires a variance. Mr. Connors replied yes, and that was part of the rationale for the variance. Mr. House stated that he does not see a discussion from the Zoning Board about the front yard. Mr. Connors corrected that the front yard location does not need Zoning Board approval.

Mr. House asked for the Applicant to clarify for the record which plan in front of the Board is correct. Mr. Arslanian is replied it is the one with 123 feet to the pole.

Mr. House asked what kind of vegetation is at the street. Mr. Gavutis replied scotch pines with blue spruce and hemlocks that were recently under-planted. Mr. House explained that he asked to insure there is screening from the street during the winter months.

Mr. House asked when the project went to the Zoning Board. Mr. Connors replied February 6th. Mr. House noted that the CUP application was dated October 2023. Mr. Connors explained that the Conservation Commission needed to review the project and the Applicant also requested a postponement of one Zoning Board meeting in order to seek review by more Zoning Board members. Mr. House sought to clarify for the record that the CUP application states there are no known violations of the zoning ordinance. Mr. Arslanian explained that they thought the setback to wetlands was 100 feet and were unaware that the tidal waters had a 150 foot setback when they submitted the application.

Mr. Canada reviewed the ordinance and stated that he does not believe the location needs a variance with regards to the front yard. Mr. Connors agreed. Mr. House asked if they need a waiver. Mr. Connors replied he does not think so.

Mr. House questioned if large scale drawings with signatures are required to be submitted. Mr. Connors replied no. Mr. Arslanian stated that documents were submitted as 11 x 17. Mr. House noted there are no plans with a signature.

Mr. Allison asked if it is true that arrays can sometime make noise and is that dependent on the size. Mr. Arslanian replied that depends on the type of installation and a lot of people are installing microinverters. He stated that Harmony does not install microinverters, that they use an optimizer. He presumes that the reason they don't use microinverters is because it's changing DC to AC at the module and under heat those fail a lot.

Mr. House reviewed the Zoning Board decision and noted a few typos for correction for the Planning Board decision.

Mr. House asked for confirmation from the applicant that no trees will be removed. Mr. Gavutis confirmed.

Mr. Houghton made a motion to accept the application as complete. Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. Arslanian reviewed the CUP criteria.

Criteria 1 - The proposed development will be constructed in a manner compatible with the spirit and intent of the Stratham Master Plan and Zoning Ordinance.

Mr. Arslanian stated that the Stratham Master Plan encourages the development of renewable energy systems and that Harmony Energy will keep the clearing of vegetation limited to what is necessary for the construction, operation and maintenance of the ground mounted system.

Criteria 2 - Describe any existing violations of the Stratham Zoning Ordinance on the subject property.

Mr. Arslanian corrected the application which states there are no violations and stated that Zoning

Board approval was obtained to construct within the 150-foot setback. Mr. Connors stated that it is not installed yet.

Criteria 3 - Describe how the site is suitable for the proposed use.

Mr. Arslanian stated that the array will be located on the owner's private property easily accessible to authorized people; the owner will be responsible for the operation and maintenance of the system; the array will not be located on a steep slope nor in the flood zones or wetlands area; and the system will be interconnected with Unitol's grid, which is currently already on the property.

Criteria 4 - Describe how the external impacts of the proposed use, including those related to building height and scale, site design, traffic, noise, odors, lighting, and other features will be no greater than impacts of adjacent uses or other uses permitted in the District.

Mr. Arslanian stated that the system does not create any noticeable noise odors, vibration, dust, or fumes. He added that the system operates when there is sunlight and there will be no lighting installed for the system. Glare will not be an issue because the modules are designed to absorb sunlight.

Criteria 5 - Describe if the proposed layout and design of the site will be incompatible with the established character of the neighborhood and how the Applicant will mitigate any external impacts of the use on the neighborhood.

Mr. Arslanian stated that the complete system is located on private property and once installed will have no adverse effects on the surrounding environment or impact neighboring properties because the array will mostly be obscured from view by trees and shrubs.

Criteria 6 - Describe if the design of any new buildings or structures or the modification of existing buildings or structures on the site will be incompatible with the established character of the neighborhood.

Mr. Gavutis stated that the view of the array is obstructed by trees and vegetation on the property and adjacent properties from anyone not authorized to be on the property. Conduits and cables will be installed underground and tied into the existing utility already on the property.

Criteria 7 - Describe if the proposed use of the site, including all related development activities, will preserve the identified natural, cultural, historic, and scenic resources on the site and if the use will degrade such identified resources on abutting properties.

Mr. Gavutis stated the system will be located on private property and there are no cultural, historic or scenic resources on site and the solar array will harvest some of the otherwise wasted natural resource sunlight, thus reducing our carbon footprint. Mr. House stated that the tidal river is a scenic resource but he believes the project meets the criteria.

Criteria 8 – Describe if the project will result in a greater diminution of neighboring property values than would be created under any other use or development permitted in the underlying zone.

Mr. Arslanian stated that photovoltaic solar panels generally increase property values.

Criteria 9 – Describe how the project provides adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and if other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation.

Mr. Gavutis stated the only access that will be required is for utilities and the system will be interconnected to the utility grid currently located on the property.

Criteria 10 – Describe if the proposed use will have a fiscal impact on the Town.

Mr. Arslanian stated that all electricity generated, but not consumed on site, will be metered and sent back to the grid.

Criteria 11 – Describe how the permit is in compliance with the ordinance and in the public interest.

Mr. Gavutis stated there are no health or safety issues associated with this type of generator when installed and used properly and reducing carbon footprint is in the best interest of the public.

Mr. Canada commented that there is some minor non-compliance with the ordinance, but that was satisfied by the Zoning Board decision.

Mr. Gavutis continued with the application criteria specific to solar arrays. He stated that the utility connections will be underground and that it will be placed in the rear or side yard. Mr. House corrected that it is partially within the front yard but that was previously discussed and requested that be added to the record. Mr. Gavutis reviewed potential visual impacts and clearing of natural vegetation and the Board agreed that has been previously discussed and answered. It was noted that the road is higher than the property and there will be screening by existing vegetation.

Mr. Kunowski made a motion to open the public hearing. Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. House noted that no members of the public were present.

Mr. Canada made a motion to close the public hearing. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

There were no further questions from the Board and Mr. House requested a motion.

Mr. Kunowski made a motion that the Planning Board grant the Conditional Use Permit application, consistent with the materials submitted by Gregory Gavutis to allow the siting of a ground-mounted solar energy array at 62 College Road, Zoned Residential-Agricultural, as the Planning Board has determined that the application meets all of the Conditional Use Permit criteria consistent with the Board's deliberations, subject to the following binding conditions:

- 1.) The solar energy system shall be installed in accordance with the application materials. Any deviations from the approved plans shall be reviewed by the Town Planner and may**

require additional Planning Board approval.

2.) All conditions of the February 6, 2024 Zoning Board of Adjustment shall remain binding on the application.

Mr. Canada seconded the motion. All voted in favor and the motion passed.

4. Public Meeting:

a. Other Business:

1. Legislative Updates

Mr. Connors provided an update on some pending legislative bills. These bills have passed through some preliminary paths to move forward.

HB 1361 relates to a state RSA that requires towns to provide reasonable opportunities for mobile homes that would expand to mobile home parks. Mr. Connors stated that if this were to pass, the Board might have to review the regulations to insure that they do not discourage mobile home parks.

HB 1124 proposes that no board or committee member serving on any municipal body shall serve simultaneously on more than two municipal boards or committees. Stratham has many examples of people serving on more than two committees or boards. It also states that no full time municipal employee or department head can serve on a budget, finance, Planning Board, Zoning Board or committee.

HB 1400 states that the legislative body of a town may regulate accessory parking for vehicles, but shall not set the maximum residential parking space per unit to greater than one parking space per residential unit.

HB 1567 relates to family and group family childcare uses. It would add a section permitting the use in residential districts without the site plan review process. Mr. Connors stated that daycares currently are approved through the Special Exception process with the Zoning Board and he'd have to research if that would still be allowed.

Senate Bill 538 proposes that no ordinance can require lot sizes for single family residences that are larger than are required by the Department of Environmental Services for individual sewage disposal systems. The Board discussed concerns with this Bill and the potential to provide written comments against it.

b. Discussion of Potential Subdivision Regulations amendments

Mr. Connors provided examples of updates needed including:

- removing outdated language regarding pork chop lots,
- the stormwater regulations required under the Town's MS4 Permit,
- the permit process and fees,
- the driveway regulations,
- requirements related to open space subdivisions,
- changes requested by the fire department, and
- updates to definitions to insure they are consistent with the zoning ordinance.

290 Mr. Connors stated that all of the 2024 proposed Zoning Amendments passed.

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292 **5. Adjournment**

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294 **Mr. Canada made a motion to adjourn the meeting at 8:12 pm. Mr. Kunowski seconded the**
295 **motion. All voted in favor and the motion passed.**