**Zoning Board of Adjustment**

**27 School Street**

**HILLSBOROUGH, NH**

**March 12, 2018**

**DATE APPROVED**: 04/16/18 As Amended

**TIME:** 7:00 p.m. –8:15 p.m.

**CHAIRMAN:** Roger Racette

**VICE CHAIRMAN:** David Rogers

**MEMBERS:** Russell Galpin, Dana Brien and Nancy Torres

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Larry Baker and John Segedy

**ABSENT:** Larry Baker

**Present:** Dave Rogers, Roger Racette, Dana Brien, Nancy Torres, Robyn Payson, Russell Galpin, and John Segedy

Also present: Ian Donovan, Roger & Susan Shamel, Pam Pascal, Kristopher Demmons & Brett Cherrington

 **CALL TO ORDER:**

Chairman Roger Racette called the meeting to order at 7:00 p.m.

**MINUTES:**

Motion made by Nancy Torres and seconded by Russell Galpin to discuss meeting minutes from December 11, 2017 until after the public hearing. This passed unanimously

**PUBLIC HEARING:**

**Special Exception – Solar Farm (light Industrial Use) in the Rural Zone**

**Applicants: Michael & Pamela Pascal, Map 11D, Lot 266 192 Barden Hill Road**

Chairman Racette explained to the Board that he knows the applicant and asked the Board if he should recuse himself from voting. Mr. Segedy mentioned, he also knows the applicants. The Board had no objections to Mr. Racette voting.

Mr. Racette continued the hearing. Describing the nature of the application. Mr. Racette asked the applicant present his application. Mr. Pascal stated they are looking to put in an approximately five acres 1 megawatt solar field It would have the capability to supply power for approximately 150-200 homes. Anything larger and Eversouce will consider it a utility source. The applicant stated the reasoning behind this project is to have a source of income for retirement and using some of their land to do so. The land is in current use today, but will have to be removed for the project to move forward. Mr. Racette inquired about the location of the solar field. The Board referred to the map included in the application. The Applicant stated they are trying to use a triangle shaped field to fit the property lines better. Also, the placement of the field will not be visible to the abutters. A tree line buffer will remain in place. The applicant stated he has reached out to many of the abutters to try to address any concerns they had. The Applicant also stated that this is the first of many steps before proceeding with the solar field.

Mrs. Payson stated that this would be considered a home because the home is the primary use of the property and solar field would be subordinate to the primary use. She also stated that this is light industrial even though Solar isn’t specifically mentioned in the zoning. There is a provision in the Zoning Use Standards that states if a use is substantially similar to a described use which is not inconsistent with the purpose of statement of the zoning district. When they appear before the Planning Board it will be for a home business, full site plan review. Also, they will require third party review on drainage and other issues.

Mr. Racette explained the differences between a variance and a special exception before proceeding to the special conditions.

2a. The use requested is specifically authorized by Special Exception in the Ordinance. This has been addressed by Table 4 as light industry. This would not create a safety hazard or cause undo traffic.

2b. The requested use will not overload any public or private water, drainage or sewer system or any other municipal system nor will there be any significant increase in storm water runoff onto adjacent property or streets. The applicant stated this would be addressed by an engineer. Mrs. Payson stated that would be part of the site plan.

2c. The requested use will not create excessive demand of municipal Police, Fire protection, schools or solid waste disposal services. The applicants addressed this issue in a general statement under 2d of their submittal stating that none of the town’s natural resources or public municipal services will be impacted by the proposed project. Also, stated there is no hazard or nuisance created.

2e. Any requirements for standards for this specific use as set forth in the zoning ordinance are fulfilled. Mr. Racette inquired about setbacks for the panels. Mrs. Payson stated that setbacks would be required. Also mentioned was lot coverage, which should not be an issue.

2f. Requested use would not create hazards to the health, safety or general welfare of the public nor be detrimental to or out of character with the adjacent neighborhood. The applicant stated the neighbors would not be able to see the field and the rural atmosphere would be maintained with tree spans and other things that occur naturally on the property.

2g. The requested use is consistent with the spirit and intent of this ordinance and the master plan. The applicants felt that this use is in keeping with the spirit and intent of the rural zone.

At this time, Mr. Racette opened the meeting for public comments. Mr. Ian Donovan inquired about negative impacts on abutters with a solar farm. The applicant stated that it could if it were visible., but in this case the abutters cannot see the field. Roger Shamel from East Washington Road and his wife Susan stated they were very concerned about climate change and stated that solar is one of the waves of the future and this is wonderful thing making Hillsborough a more progressive town. Mrs. Shamel stated this was good news – clean energy is the way to go.

Mr. Kristopher Demmons is concerned about the value of house. He is about ten feet below and gets water freezing on his driveway. He is also concerned about the lack of knowledge about the solar field and how you can say it won’t negative impact the abutters when we don’t know enough about it. Mr. Demmons also stated he did not have an issue with approving this but others might. He also stated that he was happy an engineer would address drainage issues. Mr. Shamel thought drainage would be improved. Mr. Racette inquired about humming noises from the solar panels. The applicant stated there are no noises. Brett Cherrington stated he felt that all the special conditions were met and he is in favor of the project.

Having no more public comments, Mr. Racette closed the public hearing.

The Board discussed the project. Mrs. Brien stated she felt all the conditions have been met to the extent that they are able to be met at this stage of the project. Dave Rogers stated he would vote to approve it. Mr. Segedy agreed with Mrs. Brien statement. Russ Galpin felt that the conditions have been met as far as this Board and felt it was good for the town. Mrs. Torres stated she was satisfied the conditions have been met and would vote in favor. Mr, Racette also felt the conditions have been met. Dave Rogers made a motion to grant the special exception, seconded by Nancy Torres. With no further discussion the Board unanimously approved.

**MINUTES:**

Approval of our minutes from the December 11, 2017 meeting. Mr. Racette asked if there were any corrections. Mrs. Brien made a motion to accept the minutes of December 11, seconded by Nancy Torres. With no discussion the Board approved the minutes with Russ Galpin abstaining.

**OTHER BUSINESS:**

Mrs. Payson spoke about the upcoming training and recommended that everyone attend. Mr. Racette spoke on the process of appointing new or renew board members. This process will remain the same.The Board also discussed the amount of variances granted and some of the responsibilities of the Planning Board and the Zoning Board. The Board would also like to meet with the Planning Board once or twice a year. Having no further business, Mr. Racette mad a motion to adjourn seconded by Mr. Rogers.

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Dianne Rutherford

Administration/Land Use Secretary