



# MADBURY PLANNING BOARD

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## Final

### OFFICIAL BUSINESS

Approved On: 17 July 2019.

Minutes of: June 5, 2019

Meeting Convened: 7:02 p.m.

#### Members in Attendance:

Mark Avery-Chair  
Tom Burbank  
Michael Card  
Wally Dunham  
Fritz Green  
Marcia Goodnow-Vice Chair  
Doug Hoff

#### Support Staff:

Laurie Plantamuro-Recording Secretary  
Elizabeth Durfee-Contract Planner

### Agenda

#### **1. Seating of Alternates:**

Member Dunham seated

#### **2. Approval of Minutes from the May 15, 2019 Meeting:**

The minutes from May 15<sup>th</sup>, 2019 were reviewed. **Motion** made by Member Green to accept the minutes. **Seconded** by Member Burbank. All Aye. Member Goodnow abstained. **Motion Approved.**

#### **3. Correspondence:**

Chair Avery informed the board that *Great Bay Matters* was ready for review if anyone wanted to read it.

#### **4. Conceptual Conversation-Commercial Solar Farm:**

Ned Reynolds, ReVision Energy, Solar Builder and Operator

Mr. Ned Reynolds, of ReVision Energy, addressed the board regarding a possible Solar Farm to be operated by ReVision Energy on land owned by Mr. Anthony Diberto. The prospective property is located at the old Elliot Rose greenhouses property at 320 Knox Marsh Road.

Mr. Reynolds discussed the plans for the farm and what ReVision Energy has already provided to other customers in NH, ME and MA. The proposed solar array would be up to 5 megawatts and built and operated by ReVision Energy under long-term lease of Mr. Diberto's land. Mr. Reynolds stated a variance would be required since the property is in the Residential-Agricultural district. He also explained that the advantages of the site are open land with southern exposure and proximity to the Eversource substation on Miles Lane.

7:16 pm Chair Avery opened the discussion.

Member Green asked what the governor's recent objection was regarding solar farms of more than 1 megawatt. Mr. Reynolds said he thought the governor believed the state would be billed more than they stated. Member Green asked if there was any truth to that comment. Mr. Reynolds responded no and he felt they were wrong.

Member Goodnow asked how many acres of the property would be used to produce solar power. Mr. Reynolds said they were hoping 5 megawatts on 25 acres of leased land. Member Goodnow asked if ReVision Energy had any pictures of solar farms that were closer to 5 megawatts. Mr. Reynolds responded the largest was 1.6 megawatts in Brunswick.

Member Hoff asked how much disturbance to the land would construction cause and what kind of chemicals, which remain from the greenhouses, could be released from the land? Mr. Reynolds said there are several ways to make sure no chemicals would be released. He recommended using a ground screw as it was less intrusive.

Member Card asked how long the lease for the land would be good for. Mr. Reynolds said it was good for 30 years with an option to 40 years. Chair Avery asked what happens if Revision wishes to leave and no longer care for the project. Mr. Reynolds said ReVision Energy would be responsible for the cleanup of the property.

Member Green asked what the advantages for the Town of Madbury would be. Mr. Reynolds stated there were a few:

- Conversion from fossil fuel to solar
  - Stability on the grid and fewer upgrades
  - The Town could become a municipal subscriber and receive pennies on each kwh used.
- Member Burbank asked if the payments were a surplus of revenue. Mr. Reynolds said yes it was. Member Green commented they were selling a service and Mr. Reynolds said not really. Mr. Diberto asked if anyone could be a subscriber. Mr. Reynolds said other large users such as businesses could but individual residences could not.

Member Card asked if Mr. Diberto had the money, why he couldn't just do this himself. Mr. Reynolds said it was the responsibility of ReVision Energy to build it, run it and the owner would care for the land.

Member Burbank commented that peak hours are not just in the summer, they are winter months also.

Member Card recommended the board talk and then ReVision Energy goes to the zoning board with requirements met. Consultant Durfee recommended ReVision Energy find out if they can actually put that product on the land first.

Mr. Reynolds mentioned that legislation allowing an increase in net metered solar arrays from 1 to 5 megawatts was recently vetoed and that it is uncertain if the legislation would pass. Member Card asked if a 5 megawatt array wasn't allowed by the state, why they would they do it. Mr. Reynolds said they would consider the smaller size.

Chair Avery recommended ReVision Energy be ready to address site line considerations beyond the actual abutters.

Member Burbank asked if the roads, buildings, and lines were already on the property. Mr. Reynolds said the site was good with what is there. Member Green asked if the entrances on to the property were off Route 155. Mr. Reynolds said yes, the driveways were already on the property.

Member Hoff asked what the minimum requirement for 1 megawatt was. Mr. Reynolds said the requirement is 5 acres.

Chair Avery closed the discussion at 7:48 pm

The board determined that (1) the lot in question is in the Residential-Agricultural (RA) district, (2) that a commercial solar array is not a permitted use in the RA district, (3) that a variance from the Zoning Board of Adjustment (ZBA) would be required to build the array, and (4) that a Site Plan Review with the Planning Board would also be required.

Chair Avery indicated he would ask the ZBA if it would hear a variance application before a Site Plan Review application was filed with the Planning Board.

#### **5. Review- 2019 OSI Spring Planning and Zoning Conference**

Chair Avery discussed “take aways” from the conference sessions he attended.

- Meeting Mechanics session included, formal motions to deliberate during public hearings, avoiding “negotiating” during deliberations, and applicability of time limits on public speakers.
- Legal Review sessions included SB 247’s prohibition on the introduction of new residential units in pre-1978 structures without lead safe certification, that SB 306’s Housing Appeals Board will not have the power to override local zoning, the need for explicit findings of fact in PB and ZBA hearing records, issues with the use of vague concerns in deliberations, that denials which meet basic zoning must be supported by compelling evidence and analysis, and finally, when board member recusal may not be enough.

#### **6. Other New Business:**

10 Lee Road Apartments Expansion Inquiry. The owners inquired about demolishing the two-unit structure in the rear of their property and the constructing a larger multi-unit structure in its place. A zoning variance and Site Plan review would be required. Chair Avery told the board it didn’t seem the owners were ready to talk to the planning or zoning boards yet.

#### **7. Other Old Business:**

None

**Meeting Adjourned:** 8:07 pm

#### **Meeting Attendees:**

Ned Reynolds ReVision Energy  
Anthony Diberto 314 Route 108  
Peggy Walcott 98 Old Stage Road  
Loraine Morong  
Linda Johnson (San Diego) visitor

Respectfully submitted by Laurie Plantamuro