

Karen Edwards

From: Beth Olshansky <Beth.Olshansky@comcast.net>
Sent: Sunday, September 10, 2017 5:40 AM
To: Michael Behrendt; Karen Edwards
Cc: David Williams
Subject: A Lapse in our ZO Re: Freestanding Solar Arrays

September 10, 2017

Dear Members of the Durham Planning Board,

After traveling around the country for work and observing how other communities do and do not regulate themselves through zoning, I have always been grateful to return home to Durham, a town that has given much thought to how we want to shape our community. The benefits of this to residents is that when someone chooses to move to a certain neighborhood, it comes with a certain set of expectations about what that person or family can expect to occur within their neighborhood (both in terms of uses and structures).

That confidence in expectations was shattered this summer when I returned to my pastoral Packers Falls neighborhood to discover that the Town had permitted a 21' x 20' solar tracker to be installed in a neighbor's front yard along a particularly scenic stretch of our Designated Scenic Road. I soon discovered that I was not the only one distressed to find this large industrial-looking piece of equipment plunked down in the middle of a favorite scenic viewshed. Many neighbors have contacted me, deeply dismayed.

This has been a difficult issue for me and my neighbors. We are all well aware of the devastating impacts of climate change. We all support solar; in fact, several neighbors have chosen to install roof-top solar panels on their homes. We understand property rights. (That is why my neighbors, The Williams and I, purchased the Allen Field, the other end of that scenic stretch, in order to preserve the other end of the meadow.) Yet we are also heartbroken at the loss of yet another cherished scenic vista, one enjoyed not only by those in the immediate neighborhood who walk, run, bike, or drive by many times a day, but also by those who travel back and forth between Newmarket, Lee, and Durham on a regular or irregular basis.

What is clear is that the drafters of our Zoning Ordinance never intended for a large, industrial-looking piece of equipment to be placed along one of our town's well-traveled scenic roadways into town. Solar trackers did not exist, nor were they even imagined, when our ordinance

was written. This is particularly disconcerting when the Purpose Statement for the Rural Zone includes, “all development will be carried out with the objective of preserving the natural and scenic environment...” Yet our Code Enforcement Officer made a determination that a solar tracker falls under the definition of “Accessory Structure” (as does a garage, a wood shop, etc.) *which is permitted by right in all zones across Durham except CB, no matter the location as long as it meets setbacks.*

In my despair, I reached out to Charlie Forcey, Chair of the Durham Energy Committee, to discuss the need for some changes to our ZO; I also mentioned the distress my neighbors and I are experiencing as we wrestle with the realities of what has happened to our neighborhood. Charlie has been a wonderful resource. He reached out to the owners of the solar array and met with them to discuss other possible locations. (By the way, it turns out that Granite State Solar installed the array within the front yard setback and thus it has to be moved anyway—on their dime, at least far enough back to meet Town setbacks, which does not solve our problem.) I understand that Charlie’s input has been welcomed by the owners who perhaps had not realized themselves the visual impact of such a placement. Several sites are currently being considered by the owners and abutting neighbors David and Joyce Williams, who agreed to drop their Appeal of Administrative Decision in exchange for the promise of working out a mutually agreeable relocation of the tracker. However, I should mention that only one of several options promises to restore our scenic vista, i.e. creating a pollinator meadow in the back (Charlie’s idea) which is far more expensive than moving the tracker to another (still highly visible) location in the front yard.

While a viable solution to restore our scenic viewshed has not yet been reached, with a heavy heart, I look to the future. I believe Durham needs to address this lapse in our ZO expediently before we have more unexpected surprises popping up elsewhere in town. I realize that the Energy Committee just formed a committee last week to begin the process of drafting some amendments, with their initial intent aimed more at encouraging and regulating commercial uses. My meeting with Todd last week confirmed that it would be wise to adopt a simple stop-gap measure now that would serve to protect other favorite Durham special places and other neighborhoods from experiencing a similar fate. I have also been in conversation with Michael and Audrey about this. I see that the Planning Board will have an initial discussion this Wednesday night about whether you are interested in sponsoring a simple stop-gap measure while the Energy Committee flushes out a more comprehensive document.

My neighbors and I would very much appreciate your support as you consider the need for further regulations. For those who have not driven out this way, I am attaching 4 photos. Two photos (front and back views, both potentially seen from the Packers Falls Road in the tracker’s current location) were taken in Nancy and Mal Sandberg’s back field. Their solar tracker was carefully placed out of the view of the road, their neighbors, and themselves as they drive up their driveway. Their tracker has an additional set of panels so you can deduct a row of panels from the

top of this tracker to get a sense of the scale we are dealing with along Packers Falls Road. The third photo is a picture of the Packers Falls Road tracker during installation. Because the tracker is not in compliance with town regulations, it is currently in a tabletop resting position, which does not convey the full visual impact of what it will look like when it is operational. Photo 4 was taken yesterday from the road.

Thank you for your consideration of this timely matter.

Beth Olshansky

122 Packers Falls Road







