

April 10, 2019

Dear Members of the Durham Planning Board,

First I would like to say that I fully support the wishes of the Agricultural Commission to replace the **CU<sup>2</sup>** from the Enterprise System for freestanding arrays in R and RC with a **CU** on the Table of Uses. This would also mean adjusting the language on Table 175-109 R accordingly. With the strong recommendation made by Councilor Jim Lawson, Ag Com members unanimously agreed that allowing Enterprise Systems BY RIGHT under any circumstances had too many possible unintended consequences. They also requested that any proposal for an Enterprise System on agricultural land be reviewed by the commission before being voted on by the Planning Board. Such a note could be appropriately placed under **Other Provisions**.

Secondly, I have read through Mal Sandberg's revised draft of the Solar Ordinance. I would encourage the PB to read through it carefully. It is a document that is well thought out and incorporates a lot of citizen commentary over the last many months.

Thirdly, if you choose not to move to the Accessory Use vs. Principal Use model, as Mal suggests, I would like to call out a number of items in his draft that could easily be adopted in the current 3 tier model to improve upon the current draft:

**Purpose**. The purpose of this ordinance is to:

- a. encourage, facilitate and regulate the installation of solar energy systems in accordance with the recommendations stated in the Energy Chapter of the 2015 Durham Master Plan;
- b. promote environmental sustainability while respecting aesthetics, rural character and scenic landscapes of Durham and protecting the of productive agricultural land; and

Under definitions:

**Buffering**: The use of landscaping to create a natural-looking vegetative buffer to mitigate the visual impact of freestanding solar systems from roadways and neighboring properties

**Carport** - A roofed structure for parking motor vehicles that is open on at least two sides.

- a. A solar energy system installed on a freestanding carport shall be considered a free-standing solar energy system.
- b. A solar energy system installed on an attached carport shall be considered a building-mounted solar energy system.

Under placement for Freestanding systems (for either single family or multi-unit/commercial)

- a. Placement of Freestanding Accessory Solar Systems.
- i. No part of a freestanding solar energy system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the building closest to the street.
  - ii. a freestanding solar energy system that exceeds 12 feet in height (any part of the system), may not be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the building furthest from the street.
  - iii. In no case shall a freestanding system be less than 50 feet from a property boundary.
  - iv. In no case shall a freestanding system that exceeds 12 feet in height be less than 100 feet from a property boundary abutting a designated scenic road. *(Should this also be the case for gateways which can easily be defined as main entryways into town or specifically listed out if that were simpler?)*
  - v. Visual buffering shall be required
  - vi. Site plan review required for systems other than single/duplex family systems
  - vii. Special Exception: A proposed system that can not conform with i. to iv. above may be approved by a Special Exception

Note: please include 5c of current draft as well: In cases where there is no building or no distinct principal building on the lot or where there are multiple lots, the system shall be set back at least 100 feet from the front property line and buffered from the road.

Finally, in thinking about the big picture of how the PB reaches a compromise position between two competing interests within the community, I think the approach you have taken of stating what would be preferable as far as placement of freestanding systems in concerned and then allowing for Special Exception is the best approach. That way, the town establishes desirable guidelines with options for relief. Will either group be happy with this approach? No, but that is what compromise is all about.

Sincerely,

Beth Olshansky  
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