

**From:** Mike Pazdon  
**To:** [Michael Behrendt](#)  
**Cc:** [Karen Edwards](#); [Durham Town Council](#); [Todd Selig](#)  
**Subject:** Planning Board review of Solar Ordinance  
**Date:** Tuesday, September 11, 2018 1:32:00 PM

---

Michael,

I looked over the most recent proposed ordinance on placement of free standing solar panels that you sent along. I would say that as written the ordinance is contrary to the following sections of RSA 672:1

III. Proper regulations enhance the public health, safety and general welfare and encourage the appropriate and wise use of land;

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. Therefore, the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy shall not be unreasonably limited by use of municipal zoning powers or by the unreasonable interpretation of such powers except where necessary to protect the public health, safety, and welfare;

Aesthetic (as mentioned in the proposed ordinance) does not appear in any of the RSA's that I have read, but keeping with the character of the area does. "Aesthetics" invites a court case; modern structures such as solar panel and cell phone towers are aesthetically pleasing to some and not to others and with the RSA stated above, I would guess there is little defense for "we don't want to see the panels" within the law. In a similar fashion, guarantee of cell tower placements was backed by the law and some citizens that tried to block the placement of one in Durham cost the rest of us up north of \$200,000 in legal fees and we lost.

Also, I may have missed it, but as I read the proposed ordinance, you can place a freestanding panel on the side or back of your lot right up to the setback. I guess that says you neighbor's view doesn't count? This is an inconsistency in the general theme of the ordinance, to put it simply – it is ok for you to have this in your view, but the rest of us don't have to look at it.

As well, Dame Road is also a scenic road and although it seems to be the favorite road to neglect, it should be mentioned in the ordinance under 6 d for consistency.

I have watched this entire process from the first complaint to the Town Council by a citizen; that the process has come this far is troubling. Solar is here and will be utilized more and more. As stated in RSA 672 encouraging the use of solar is a policy for NH. The ordinance that you were good enough to make available for us to view is not ready for primetime. I understand the views of those complaining, but I think it would be better to start with; a conditional use permit for all placements of freestanding panels, period. Then each case can be reviewed in order to gather

enough experience to come up with a reasonable and legal ordinance. Picking a setback or restriction out of the blue – which is where we are now – is not in the interest of landowners, does not have scientific basis (the best locations for panels are facing SW with no interference, the roadside usually being the clearest) and I believe will lead to a lawsuit that we will lose and cost us in legal fees that we do not need.

Thanks for your attention,

Mike Pazdon

163 Dame Road

September 11, 2018

*Mike Pazdon*

**603-770-9414**