

**Robert Braile
6 Falls Way
Durham, New Hampshire
03824**

October 10, 2018

Planning Board
Town of Durham
8 Newmarket Road
Durham, New Hampshire 03824

Dear Planning Board Members,

I'm writing to offer my comments on the proposed Solar Energy Systems draft ordinance presently under consideration by the Planning Board as a zoning amendment. I write as a resident who lives around the corner from the recently erected solar tracker at 148 Packers Falls Road, and who's been involved in Durham environmental issues since moving to Durham in 1991, including the designation of the Lamprey River as a National Wild and Scenic River, and the preservation of the 232-acre Lamprey River Preserve by the Nature Conservancy.

I write also as a former environmental correspondent and book critic for *The Boston Globe*, where during my environmental reporting years of 1987 to 2001, I covered international, national, regional, and local environmental issues, including issues related to energy and the environment, where disputes often arose over the development of regulation and the execution of environmental review. Many of the disputes pitted environmentalists against environmentalists, as appears to be the case in this dispute over the proposed Solar Energy Systems ordinance.

My comments in this letter are both detailed and expansive.

Detailed Comments

The development in recent months of the Solar Energy Systems ordinance by the Planning Board and the Energy Committee has been impressive. Durham has evolved from a town with virtually no regulation of an important, emerging venture in solar power, to a town on the verge of enacting a reasonable, effective, and exemplary ordinance on solar power. I'm still evaluating the September 12 draft ordinance and its included comments, and I'd appreciate an opportunity to offer detailed comments in the future. But I'm generally supportive of the ordinance, with further revisions reflecting some of the comments already included, as well as my own detailed comments to come. I can be more specific if given time beyond the October 10 hearing to do so.

Expansive Comments

I wish to offer several observations about the development of this ordinance.

The Call for Little or No Regulation

Several residents have in comments effectively called for abandoning the effort to enact a Solar Energy Systems ordinance, preferring to see solar power develop with little or no regulation. These residents have suggested the absence of rigorous regulation is necessary, as climate change is a threatening environmental problem in Durham and around the world.

I agree that climate change is a local and global environmental threat. The evidence is clear, continuing, and convincing, most recently in an October 8, 2018 report by the Intergovernmental Panel on Climate Change that warned of the dire consequences for humanity and nature if global warming is not significantly and swiftly reduced. But for two reasons, I respectfully disagree with the view that solar power should be developed with little or no regulation.

First, simply because solar power appears to be environmentally preferable to other forms of power generation doesn't mean solar power should be lightly regulated, if regulated at all, no matter climate change's threat. By the same logic, hydropower wouldn't be regulated, because it generates power through the renewable resource of water. Yet we regulate hydropower, because it too has environmental impacts, especially to aquatic life. The same can be said of nuclear power, waste-to-energy incineration, wind power, wave power, and other forms of power generation that arguably have environmental benefits over coal power and oil power, but also have environmental impacts. Solar power's impacts include visual pollution, as well as pollution in the manufacture, transport, operation, and disposal of its trackers, panels, transmission lines, and other equipment. From an environmental perspective, there is no purely benign way to generate power. And so just because solar power seems green, or greener, doesn't mean it should get a pass on regulation.

Second, thoughtfully designed and rigorously executed regulation would *promote*, rather than impede, the development of solar power. Such regulation would specify where and how solar power couldn't be developed, but just as importantly, would specify where and how solar power *could* be developed. In this way, potential disputes over solar power projects would be minimized or possibly even avoided, whereas with little or no regulation, such disputes would be inevitable and impeding. I would encourage Durham to thoughtfully, and rigorously, regulate solar power.

The Dismissiveness Toward Aesthetics

In written and spoken comments, by some residents and board members alike, there's been a discernable dismissiveness toward the aesthetic impacts of solar power projects, apparently again as a response to the dire threat of climate change. As said, I agree with perceptions of the threat of climate change. But I disagree with the dismissiveness toward aesthetic impacts. At every level of environmental review, from local to state to federal, aesthetic impacts has been an established and essential consideration in the evaluation of any project, solar or otherwise. The evidence is ample and clear. It includes the pervasive mention in Durham's own planning documents over the years of the imperative of preserving the town's *rural character*, and other such language that speaks to aesthetic qualities. It also includes the 1969 National Environmental Policy Act, the leading federal law governing federal environmental review of projects in the country, which establishes aesthetic impacts as a parallel consideration

with all other impacts, from air quality to water quality. I would encourage Durham to consider aesthetic impacts, and the visual pollution they cause, as seriously as all other impacts in developing, and eventually in enacting and executing, this ordinance.

The Misnomer of *Pro-Solar*

In written and spoken comments, by some residents and board members alike, residents who favor little or no regulation of solar power have been characterized as *pro-solar*, suggesting other residents who favor moderate or rigorous regulation of solar power are anti-solar. The characterization of both groups of residents is inaccurate, and in that way, unhelpful to developing this ordinance. As mentioned earlier in these comments, the issue here has pitted environmentalists against environmentalists. Everyone on all sides of this issue is pro-solar. The characterization is not a matter of discerning who is pro-solar, and who is anti-solar. Rather, the characterization is a matter of discerning who is pro-solar and favors rigorous regulation, who is pro-solar and favors moderate regulation, who is pro-solar and favors light regulation, and who is pro-solar and favors no regulation. I would encourage Durham to avoid the use of this unhelpful misnomer. As said, I would also encourage Durham to pursue rigorous regulation, thoughtfully conceived and executed to prohibit environmentally poor development and to promote environmentally wise development.

Respectfully,

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