

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

April 10, 2019

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, as revised by the Board on March 13, 2019. 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.

I wish to reiterate at the outset of my comments a point I made to the Board in my October 10, 2018 comments on the draft solar systems ordinance as revised by the Board to that date, which is to praise the Board for its civil, thoughtful, and tireless development of the ordinance. As I wrote then, Durham has evolved from a town with virtually no regulation of an important, emerging venture in solar power, into a town on the verge of enacting a reasonable, effective, and exemplary ordinance on solar power. Your efforts continue to be impressive, and I thank you for them.

### Comments

I've been a long-distance runner since 1969, when as a ninth grader I began competing for my high school cross country and track teams. I competed in all four years of high school, in all four years of college, and for ten years after college, running mile after mile in training every season of the year. I no longer compete as a runner, but I still run to this day, with my runs starting and ending on the corner of Falls Way and Packers Fall Road. Most of the mythologies of runners are true; for instance, that we become intimately attuned to the natural landscape, and that we dwell in solitary silence on what we see as we make our way on the roads we run. Since the erection of the solar tracker at my neighbors' home at 148 Packers Falls Road, a solar tracker I pass twice on

every run, I've had the opportunity to consider deeply the idea of solar power, and its place and purpose in a community, especially a rural, historic community like Durham.

I should say I've not met my neighbors at 148 Packers Falls Road, and I'd welcome doing so. I've read and heard testimony they've given to this Board in defense of their solar tracker, and they strike me as decent, principled people who care deeply about the environment. My comments should in no way suggest any ill will toward them. Quite the contrary, as they've helped spur the effort by Durham to develop and enact this vital ordinance, one that represents at its heart a single town's desire to begin to address the global threat of climate change. The evidence for that threat is clear, continuing, and convincing, as most recently documented in an October 8, 2018 report by the Intergovernmental Panel on Climate Change, which warned of dire consequences for humanity and nature if global warming isn't significantly and swiftly reduced to stabilize the climate. I assume my neighbors erected their solar tracker to do their part in making that reduction, as I assume Durham is seeking to enact this ordinance to do its part in making that reduction. We all must do our parts, and when I pass my neighbors' solar tracker on my runs, part of me is impressed with their commitment to do their part. They have my respect and admiration.

At the same time, and on every run, part of me experiences a poignant sense of loss, borne of the solar tracker's industrialized disruption of an otherwise pastoral landscape, the intrusion of modernity on historicity. When cresting the rise on Packers Falls Road just north of Falls Way, an idyllic vista opens up before me, a farm and a forest, a pond and a meadow, to my right an historic family cemetery along a quiet trail to a vast expanse of land protected by the Nature Conservancy, to my left a stone wall and horses circling a corral—and now, a solar tracker. The visual effect is jarring, the contrast between the natural and the technological dizzying. It's also consuming, the solar tracker's disruption heightened by the contrast, appropriating the idyllic into dissolution, no matter how many Canada geese wade serenely on the pond. It's as if a compact for the common good has been violated, the sensibilities of the many displaced by the sensibilities of the one.

So while I'm impressed with my neighbors' commitment to do their part on climate change, and while they have my respect and admiration, I'm also disheartened by the manner in which they did their part, however earnest and well-intentioned, which I assume it was. After all, at the time they erected their solar tracker, there was no solar energy systems ordinance to comply with.

Falls Way's ten homes have protective covenants homeowners must abide by, governing everything from land use to appearance, reflecting the sensibilities of the many living on that street. The very first covenant states that no lot shall be used except for residential purposes. A solar tracker serves an industrial purpose, perhaps not literally in how *industrial* is defined by the town, but practically in generating electricity. Given that 148 Packers Falls Road is in a residential zone, why were the sensibilities of the many living in Durham not reflected there? I realize 148 Packers Falls Road is not on Falls Way, and so is not subject to Falls Way's protective covenants. And, as said, when the solar tracker was erected, there was no solar energy systems ordinance to comply with. But the point is that covenants and other land use restrictions are a common, longstanding part of zoning, reflecting the sensibilities of the many. There are no other solar trackers near 148 Packers Falls Road. There are a few discreetly-sited solar arrays, but no solar tracker. So how does a solar tracker on the front lawn of 148 Packers Falls Road reflect of the sensibilities of the many?

Some might argue the industrialized disruption of this solar tracker, and of other potential solar trackers and arrays in Durham, are imperative to fight the serious problem of climate change. Some might argue the natural landscape of which I write is by no means Edenic, nor ever was, the industrialized disruption of roadside utility poles and their transmission lines, which I also pass on runs, likely as much of a pastoral intrusion when they were erected many decades ago. Some might

argue such systems are a necessary first step to develop more expansive solar power systems that would enable Durham to transition from oil, coal, and nuclear power. Some might even argue such systems are themselves idyllic, intellectually if not aesthetically, symbols of a community seeking to live in harmony with nature. I've heard the comparison with sunflowers.

All certainly arguable. Still, if solar power is to become a reality in Durham, as it should, then regulation ensuring it occurs in ways respecting the sensibilities of the many is required. Such regulation would promote rather than impede solar power development, by clarifying where and how it can occur, minimizing if not eliminating possible opposition, in reflecting the sensibilities of the many. This solar systems ordinance has the potential to become such regulation. So I support its further refinement and eventual enactment, but only with further refinement.

The Board should revise the current draft to reflect the suggestions offered by residents in recent public hearings, including steps to better define buffers and to enlarge setbacks. It should include steps to address the issues associated with historic homes built near roads, to control the involvement of out-of-state corporate development interests, to regulate solar system development in agricultural zones to help farmers stay in business while preserving open agricultural land, and to individualize solar system installation reviews. It should more tightly regulate individual solar systems in residential zones—solar arrays and solar trackers alike—siting them as discreetly as possible to preserve the natural and historic landscape. It should offset such tighter regulation by encouraging solar systems development in commercial and industrial zones from which residences could draw power; by encouraging residential developments with collective solar systems serving only the developments; and, by encouraging innovation in solar development, such as rooftop solar systems on town and university buildings to serve all of Durham.

Zoning exists for a reason—it reflects the land use desires of the sensibilities of the many. And to the many, residential zones are for residential purposes, not for industrial purposes.

Finally, the Board should continue to do all it can through this solar systems ordinance to protect the pastoral and historic as it develops the industrial and modern, to preserve the farms and forests, the ponds and meadows, we all cherish, while transitioning to a new energy source in solar power that promises to be environmentally healthier than the oil, coal, and nuclear sources we now use. We seek, through the sensibilities of the many, to develop solar power to save nature. What sense does it make, then, to destroy nature in the name of saving nature?

Respectfully,

Robert Braile

6 Falls Way  
Durham, New Hampshire 03824  
603-512-7230  
[rsbraile@gmail.com](mailto:rsbraile@gmail.com)