

October 10, 2018

Planning Board  
8 Newmarket Road  
Durham, NH 03824

RE: Solar Energy Systems ordinance amendments

Good evening,

In 2014, Tom Johnson, our former Town Director of Zoning, forwarded to me a note consisting of typewritten text for a speech given by UNH campus architect Eric Huddleston to the Town of Durham, probably in 1930. At the time, Durham had no zoning.

On the back of the speech a handwritten note reads: "Talk given by ETH to the Town of Durham that resulted in promoting a planning board and zoning (about 1930)."

Here are a couple of excerpts from that speech:

Just stop for a moment and think of some of the physical attributes that New Hampshire possesses which attract the tourist because they are unique.

- Winding pine and birch bordered roads.
- Stone walls.
- Old farm houses with attached barns and outbuildings all painted white.
- And many others.

Are we safeguarding these values? No — we are wiping them off the face of the earth and at the present rate and unless we intelligently plan our development program and conserve our assets we will soon have a rural section standardized in character to that of other states.

.../ One other phase of zoning I wish to emphasize — that of the roadsides leading into our villages and cities.

[J. Frederick Larson, architect, of Hanover] stated his conviction that the counties and the towns and villages should assume more responsibility for the beautification and preservation of the natural scenery within their boundaries. They should,' he said, 'restrict the spoiling of roadsides between towns...'

.../ In Durham, we are now engaged in the preparation of a zoning ordinance which we hope will serve as a Master Plan in protecting the interests of the Town as a whole. Simple restrictions governing the use of property adjacent to the main roads passing through the Town should prove of lasting benefit in preserving its New England character.

So what has a speech from the 1930s to do with the subject of tonight's public hearing?

The aesthetics of New Hampshire are valued today not only by residents but by tourists important to our economy, by historians, and by experts in a field where visual aesthetics and human psychology intersect—as well as by solar ordinances in other New Hampshire towns, as I will detail later. Protecting the scenic vistas along our gateways is a goal that deserves respect.

Coming back to 2018: We are probably all aware of the report issued this week by the Intergovernmental Panel on Climate Change concluding that the global warming picture is far worse than previously thought. As the *New York Times* reported, “Absent aggressive action, many effects once expected only several decades in the future will arrive by 2040.”

Even those of us who have expressed concern about Durham’s scenic roads “get it.” We ALL want Durham to move forward with meaningful renewable energy initiatives.

But the community does hold two competing values, as do many individual residents. The challenge is taking meaningful action to support one without completely disregarding the other. No regulation is at one extreme, but is objectively clear. Overregulation is at the other but is a subjective perception. The question should not be whether either “side” prevails. We have just witnessed extreme division and backlash on the national political arena. Surely we do not have to succumb to that scenario.

If we knew for certain that setting an “anything goes” policy for solar energy systems would be the silver bullet or the most significant path to managing climate change, many more of us would be willing to sacrifice aesthetics. But that single approach doesn’t come with a guarantee. Other effective steps to combat climate change are more difficult to achieve—and often not given priority—because they require changes in our behavior.

I am as worried as the next person about what we are facing. I applaud the boldness of California’s leadership and think it might be the only truly defensible route—partly because as a society we don’t take the simplest behavioral steps that collectively could make an impact. On the other hand, I am not willing to accept any and all intrusions of industrial structures on the scenic vistas of Durham that make my heart sing if we haven’t also done our best to attack the problem from other angles.

We know that Durham’s actions can have a ripple effect on other communities, both positive and negative. We know that our own community has diverse opinions about the visual impact of solar installations. We must assume that others traveling through Durham will, as well. We have an opportunity to be bold enough to inspire but not too bold to make people shake their heads.

So I would make the following points:

- We already regulate impacts on our neighbors, even for somewhat minor measures including the aesthetics of homeowners’ fences,
- Any property owner who is serious about installing solar panels is likely to: (a) figure out how to do it while complying with a reasonable ordinance, or (b) if required to do so, be willing to make the effort to go through the Zoning Board to obtain a variance just as homeowners do who want to build in out wetlands,
- The amount of solar energy generation derived from unrestricted installation in this small town is unlikely alone to offset our myriad daily energy-squandering practices, and
- Our planet’s ability to stall, let alone reverse, global warming does not depend on the Town of Durham’s allowing unrestricted solar installations.

Widespread solar and other renewable energy generation measures are necessary but not sufficient to mitigate climate change. Consumption is the other side of the equation. The sheer visibility of numerous solar panels might lead to greater energy use awareness and behavioral changes, but perhaps it would be just too attractive and easy for people to leave it there, to ignore the harder work that remains.

The energy chapter of the Master Plan lays out the community's challenge:

“...a balancing act [requiring] collaborative discussion leading to broad agreement as the most effective way of achieving the vision of this Chapter.”

Recently adopted Master Plan chapters, as well as surveys and forums from which the Plan was developed, as well as past Master Plans have continuously and repeatedly reflected the community's deep appreciation for our natural setting, gateways (whether or not defined as such), and scenic vistas. The Planning Board has both the authority and the obligation to protect those scenic vistas. The Master Plan forum held in May 2017 provided reinforcement for the community's commitment to protecting gateways.

Other New Hampshire towns, such as Hollis and Alton, incorporate protection of local aesthetic values, as stated in the goals section of their solar ordinances, adopted in 2017:

#### Alton

1. To allow for the use of Solar Energy Systems in the community while maintaining Alton's scenic vistas and protecting property values.
2. To preserve the community's rural character, particularly as seen from public roads.

#### Hollis

- a. Allow for the use of Solar Energy Systems in the community while maintaining Hollis's scenic vistas.
- b. Preserve the community's rural character, particularly as seen from public roads.
- c. Minimize potential adverse impacts of Solar Energy Systems in the community by ensuring that such facilities are properly screened and are properly sited within existing topographic features of the property.

It is within your purview to regulate for the protection of the fast-vanishing visual features valued by a significant portion of our community, even as you work toward facilitating critical steps to safeguard our future.

Sincerely yours,

*Robin Mower*