



TOWN OF DURHAM  
8 Newmarket Road  
Durham, NH 03824-2898  
603.868.8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

Dear Planning Board,

The Durham Energy Committee would like to express its appreciation for the opportunity to work on the initial draft of the solar energy zoning ordinance with the generous guidance of Michael Behrendt, Audrey Cline, and the Planning representative on the Energy Committee, Barbara Dill.

The drafting process consisted of careful research on examples across New England, over a dozen sessions with a smaller group, direct consultation on a nearly final draft with the New Hampshire Sustainable Energy Association's authors of a model solar zoning ordinance released just this winter, and finally four intensive sessions for the Energy Committee.

After a unanimous vote, the Energy Committee is delighted to present to the Planning Board for its consideration a draft solar siting zoning ordinance. The overarching goal of the ordinance is to encourage the adoption of renewable energy by Durham residents, farms, and businesses, while also preserving the town's fertile agricultural lands, scenic viewsapes, and residential neighborhoods.

Specifically, the ordinance supplements the Durham zoning rules, heretofore silent on solar energy systems, with clear standards for single family homes, multiunit and non-residential systems, and larger enterprise systems dedicated to energy production as a primary use.

In regulating solar energy systems for single family residences, every member of the Energy Committee felt strongly that the ordinance should grant rooftop and back yard freestanding systems by right, continuing the current practice of simply requiring permits and code inspections to be completed. Applicants for freestanding systems placed in front of houses, by contrast, are required in the current draft to apply for a special exception, proving that there is no practical location elsewhere on the property and meeting the other conditions for general special exceptions as stated in the zoning ordinance.

There was vigorous debate on this limitation (the requirement for a special exception for front yard systems) on the property rights of homeowners, and while

all the members of the committee voted in favor of the current draft, a substantial minority (three members) would have strongly preferred an ordinance with no such restriction. Public hearings, presentations, and additional documentation is a substantial burden to place on those homeowners whose only practical location is in their front yards, but a majority of the committee concluded that it was better to bring plans for such systems into the public eye, notify abutters in advance, and protect the large investment of the homeowner from becoming a source of legal or neighborhood strife, as much as possible.

To help mitigate this burden and continue Durham's outstanding tradition of encouraging the transition to renewable energy, the Energy Committee pledges to be available to any applicants required to apply for a special exception, reviewing plans, and testifying as needed in writing or in person on the behalf of any application deemed appropriate. We also call upon the boards evaluating renewable energy proposals to join us in fairly and consistently applying the more ambiguous general criteria of the special exception and resist the understandable inclination simply to make peace among neighbors discomfited by relatively new technologies such as solar trackers.

The committee thanks the Planning Board for this opportunity to consult on this draft and unanimously recommends the passage of this ordinance as an important milestone in our master planning efforts (especially the Energy and Land Use chapters), a concrete embodiment of the Town Council's goals to promote sustainability and resiliency, and another fine example of Durham's statewide leadership on energy and land use issues. Indeed, colleagues from Peterborough have already incorporated an earlier version of Durham's draft ordinance into their zoning efforts, and we anticipate many more towns will consult our example in the coming years.

With sincere gratitude for the service of your board members to our community, and optimism that this small addition to our code will encourage renewable energy systems and protect those investments through granting the vast majority of installations by right, and offering a discrete, clear, and decisive process for confirming the necessity and appropriateness of the small handful of potentially controversial placements that may come up in the future.

Charlie Forcey  
Chair, Energy Committee