

Andrea J. Novotney

From: Karen Edwards
Sent: Tuesday, September 20, 2022 10:21 AM
To: Andrea J. Novotney
Subject: FW: Solar Ordinance Comments

From: Mal <mal.sandberg@comcast.net>
Sent: Tuesday, September 20, 2022 10:16 AM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>; Karen Edwards <kedwards@ci.durham.nh.us>
Cc: Jim Lawson <lawsonje24@comcast.net>
Subject: Solar Ordinance Comments

Dear Planning Board Members,

I write in support of the effort to refine and further develop version 4.6 of the draft solar ordinance. While the current draft of the Solar Energy Systems ordinance is not likely to get your full endorsement, I encourage you to provide positive suggestions for the benefit of the Town Council and the community. It will be worth making every effort to keep this project on track while we have everyone's attention. It's worth making every effort to complete the project. In the spirit of support, I offer the following observations and suggestions to Solar Energy Systems Draft Ordinance, Version 4.6.

Pages 1 and 2:

Article II, Definitions for SOLAR ENERGY SYSTEMS

1. ADD Agriculture, Commercial - An operation may be deemed a commercial farm where at least \$10,000 of agricultural products is produced and sold in a year." The term "commercial agriculture" as used on page 8, paragraph 5, f. needs clarification. Consider including reference within the Solar Ordinance to chapter 175-7. Definitions, AGRICULTURE – "Farm or Farming. Any land, buildings, or structures on or in which agriculture and farming activities are conducted, including the residence(s) of owners, occupants, and employees located on the subject land. This includes all farm outbuildings and any other structures used in the farm operations. **An operation may be deemed a commercial farm where at least \$10,000 of agricultural products is produced and sold in a year."** [Emphasis added]
2. Amend **Group Net Metering Host, Small** and **Group Net Metering Host, Large:** Make more specific the citations within the broad NH PUC 909 regulation in order to clarify the intent.
3. **"Multi-unit Residential or Nonresidential Solar Energy System:** replace "other" with "permitted".
4. Edit chapter citation "175-109.R.4" at the bottom of the page. That chapter does not exist.

5. Edit the definition of “Carport” by inserting the word “permanently”. Read: “...shelter motor vehicles and that is open **permanently** on at least...”

Table of Uses

Pages 3-5:

The use of “SE” (special exception) and “CU” (conditional use) needs to be explained in the text of article XX. In an effort to minimize, to the extent possible, state standards that need to be met that are not otherwise covered in the chapter. Consider replacing “SE” and “CU” with either “P” or “X”, having made clear what conditions must be met.

Page 6:

Delete references to “freestanding solar energy systems” in both the WCOD and the SPOD.

Page 7:

Section 4, a: Energy capacity may be a better metric than square footage.

Section 4, b, (1): This paragraph is vague, subjective and unfairly burdens the code enforcement staff. Consider deleting it.

Section 4, b, (4): Distinguish between static ground-mounted arrays and tracker arrays with respect to height. 24 panel Trackers are 20-25 feet high early and late in the day.

Section 4, b, (5): Use of the word “should” renders the sentence useless. The preceding paragraph (4) states the system “must” adhere to the optional “should” in paragraph (5). Delete the first sentence. Reconsider the rationale for the 40’ limit “beyond the side of the residence”. Property line setbacks may suffice.

Page 8:

Section 5, b: Adjust the reference to the 12-foot height limit to accommodate the height of tracker arrays if necessary.

Section 5, c: Does the word “buffer” mean visually buffered or something else?

Section 5, d: Clarify unique standards to be met for SE approval for solar installations

Section 5, e: Define “ancillary uses” and by whom such uses might be approved

Section 5, f: Establish the definition of “Commercial Agriculture”. Consider reference to the definition of “farm or farming” to include the sentence “An operation may be deemed a commercial farm where at least \$10,000 of agricultural products is produced and sold in a year” as stated in Article II. Further, this section permits Small Utility-Scale Solar Energy Systems in Residential Zones. This is counter to the position that Utility-Scale systems should be restricted to non-residential zones. Delete the phrase “Small Utility Scale Solar Energy System or” from the proposal.

Page 9:

Section 7, b: Delete “... as reasonably determined by the Planning Board”. Set the applicable regulations in the text of the ordinance.

Section 8, e: Delete reference to Utility-Scale Solar Energy Systems. “Utility-scale” systems should not be permitted in residential zones.

Page 10:

Re-evaluate the text of section 9, e. with respect to “special exceptions” cited in the draft.

Thank you for your consideration and service,

Malcolm Sandberg
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