

Present: Dorianne Almann, Selectman Jay Ebbighausen, Chair John Smith, and Lewis Major. Absent: Vice-Chair Todd Page. Four members of the public were present.

Mr. Smith called the meeting to order at 7 pm. He said the committee had several pieces of business to address including a letter of resignation from committee member Bruce Bellville effective October 26, 2014. He said he appreciates Mr. Bellville's efforts and asked for a motion to accept Mr. Bellville's resignation. Mr. Major made such a motion, was seconded by Mr. Ebbighausen, and the motion passed unanimously. Mr. Smith told the committee he would be circulating a letter after the meeting thanking Mr. Bellville for his services for committee members to sign.

Mr. Smith said the committee had minutes of the October 20, 2014 meeting to accept. Mr. Ebbighausen made a motion to accept the minutes as written, was seconded by Mr. Major. The motion passed unanimously.

Mr. Smith read the Application for a Variance submitted by Scott and Stephanie Dalton, 342 Monument Road:

A variance is requested from article IV section I of the zoning ordinance to permit a community solar garden array.

1. Granting the variance would not be contrary to the public **interest** because: The community solar garden concept does not create any harm to the public health, safety &/or welfare and only supports local, renewable energy production for the future safety of our power system & NH community.
2. If the variance were granted, the **spirit** of the ordinance would be observed because: Harvesting the sun is a new form of agriculture that the State has support [sic] through the newly passed "Group Net Metering" law, also known as SB-98. Allowing this use will support a new type of farming for the NH farming community.
3. Granting the variance would do substantial **justice** because: With the support of locally generated renewable energy, our grid stability would otherwise be at risk as older power plants continue to be retired. Similar uses are radio equipment, public utilities and cell towers that provide methods of communicate [sic] and generate [sic] energy for the good of the communities.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: The use of small-scale generation [sic] of power utilizing solar energy, which creates no defect to a view shed or area property because there is no glare, sound, smell or traffic issues that otherwise might affect local property values. Solar is like a pool, some buyers would see it as a benefit to the property buyer and others may discount it because they prefer the beach or have small children. The economic value of saving money on your electric bill or receiving a lease payment on a piece of land has a direct impact on the valuation of a property, so, therefore, the addition of solar on a property is [sic] more than likely increase property value versus decrease it.

5. **Unnecessary Hardship**

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:
- i. No fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because: The State of NH would continue to lag behind its 2025 goal of receiving 20% of its power from renewable energy sources and not allowing this land to be utilized to harvest the sun along with vegetables.
- and:
- ii. The proposed use is a reasonable one because: It would limit the opportunity for the New Hampshire community to reduce its need for overseas [sic] fossil fuels.
- B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. We request that because there is no provision for solar in the zoning ordinance, we are granted approval to install community solar gardens in the zone.

After reading the application Mr. Smith invited members of the public to speak.

A member of the public asked to permission to speak. After introducing himself, Andrew Keller with NH Solar Garden, gave the committee a quick background on the regulatory environment, the company and the project.

About a year ago New Hampshire's governor signed Group Net Metering into law. It took about six months after that for projects to be developed. Following development of interim rules in January 2014 people associated with solar farm projects began to talk to towns around the state.

Mr. Keller told the committee that community solar gardens are built at one central location and the energy is shared with community participants. The concept is similar to that of a club--you have to join. Participants get a discount. Unlike projects in other states, the projects in New Hampshire are meant to be small--three or four acres. However, "that's not the size we're asking for" in this project. New Hampshire will see "smaller scale projects dispersed around the state."

Mr. Smith asked if anyone in the audience wanted to speak either in favor or against the project. When no member of the public had comments or questions, Mr. Smith summarized the proceedings: A variance is being requested to proceed with planning a community solar garden on a portion of 10.15 acres. The variance is requested because the plan "could be seen as a utility, a use not permitted under the property's current zoning. The array is to be located behind a house on a slope under SB 98 and the Group Net Metering law.

Mr. Smith then asked the committee if they had questions for Mr. Keller.

Ms. Almann asked for details on how net metering works, how much land solar arrays will occupy, and the size of the Monument Road project.

Mr. Keller said that in New Hampshire solar gardens will be 1/2 - 1 acre in size. The Hinsdale project is 1/2 acre in size.

He explained that the way the law is written to develop a community solar garden, power generated by the solar arrays is sent back to the grid. There's an application process. Club members get a solar rebate, saving one cent per kWh off his or her electric bill. This works out to a check of about \$100/year for members as the average home uses about 10,000 kWh annually. Members of the club must buy power from Public Service of New Hampshire' "you can't be getting power from a competitor."

To leave the club, you must give three months notice. This gives owners of the solar garden ability to find another member.

Mr. Keller said that the net metering law was written to protect consumers. "True up" is a fee the owners of solar arrays must pay if they can't get enough members. To off set risk, Mr. Keller said owners of arrays "look for an anchor customer to off set their risk." An anchor customer is one who uses alot of energy, say, a school or large company. Since a club member's name is attached to his or her electric meter, if a member sells his or her house, the new owners are under no obligation to belong to the group.

Mr. Smith said the project is "not looking for more than 10,000 kWh" and asked how many solar panels are involved. Mr. Keller said "600 panels per half acre."

Mr. Ebbighausen asked about community outreach and how owners go about securing members. Mr. Keller replied that while this varies from community to community, "friends and family" usually generate about 30% of the members while the anchor member provides 70%. Mr. Ebbighausen asked about project penetration in town. Mr. Keller said there are about 22 projects underway in New Hampshire. He said that "alot of municipalities have competitive contracts" meaning they are ineligible to become a member for the life of their contracts. In one town, for instance, all the town's accounts will be joining a program with the exception of the school.

Mr. Keller explained that members can live anywhere in the state as long as they get power from PSNH and that customers can be shifted to other solar gardens without their knowing they are being shifted.

With no more questions from Board members Mr. Smith closed the public portion of the meeting at 7:27 pm and the Board worked on the Finding of Facts.

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because:
 - Will granting the variance alter the essential character of the neighborhood? *It won't. The project is a passive use of the property. Energy will be generated passively--no smoke will be produced as nothing will be burned to generate energy. The arrays will not be visible from the road. There is no need for traffic lights or stop signs.*
 - Will granting the variance threaten public health, safety or welfare? *It won't. The character of the neighborhood would remain the same. The proposal is a unique use of the property but it will not threaten the public's health, safety or welfare.*

2. The **spirit** of the ordinance (**would** - ~~would not~~) be observed because:
 - Will granting the variance alter the essential character of the neighborhood?
It won't. The purpose of the ordinance is to control inappropriate use. The project is a farm; "it's not corn or hay, but it's a renewable resource."
 - Will granting the variance threaten public health, safety or welfare?
It won't. The spirit of the ordinance is to give townspeople peace of mind that property is being used for intended purposes, Mr. Ebbighausen observed.
 - What is the purpose of the ordinance? Its spirit?
The purpose of the ordinance is to control inappropriate use.
3. Granting the variance (**would** - ~~would not~~) do substantial **justice** because:
 - Is there a loss to the individual that is not outweighed by a gain to the general public?
Mr. C the public will gain because the project offers an opportunity to reduce energy costs. Mr. Major said access is given to cheaper power.
 - Is the proposed development consistent with the area's present use?
Yes. It's a renewable resource. You can't touch the asset, but it's renewable. It's a different use but it is consistent with the area's use. Mr. Mr. Ebbighausen said the project is not detrimental to the area's current use.
4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished:
The array will not be visible from the street. There is nothing to draw attention to its presence. The project doesn't affect the public's health or safety.
5. **Unnecessary Hardship**
 - A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - What are the special conditions of the property that are different from others in the area?
The property is close to utility lines and solar arrays need to be 1,000' or closer to utility lines. The property has a southwest exposure.
 1. There (**is** - ~~is not~~) a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that

provision to the property because:

- What are the general purposes of the ordinance (Article I)?
Mr. Smith read the Purpose and Authority of the town's Zoning Ordinance, "In pursuance of authority conferred...and for the purpose of promoting the health, safety and general welfare of the...Town of Hinsdale, to protect the value of property, to prevent the overcrowding of land, to avoid undue congestion in the streets, to avoid undue concentration of population, provide adequate light and air, to facilitate the adequate provisions for transportation, water, sewage disposal, schools, child day care and other public requirements, the following ordinance is hereby enacted by the voters of the Town of Hinsdale...".

2. The proposed use (**is - is not**) a reasonable one because:
Because of the points raised and discussed..

- B. The criteria in subparagraph (A) having not been established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property (~~can~~ - **cannot**) be used in strict conformance with the ordinance because:
The solar array is not allowed in that zone making a variance necessary.

Mr. Smith asked for a motion to adopt the findings of fact. Mr. Major made the motion, was seconded by Mr. Ebbighausen, and the motion carried unanimously.

Mr. Smith asked for a motion to approve the statement of reason. Mr. Ebbighausen made the motion, was seconded by Mr. Major, and the motion passed unanimously.

Mr. Smith asked for a motion to grant the variance. Mr. Major made the motion, was seconded by Mr. Ebbighausen, and the motion passed unanimously.

As there was no more business before the Board, Mr. Smith asked for a motion to adjourn. Mr. Major made the motion, was seconded by Mr. Ebbighausen, and the motion passed unanimously.

The meeting ended at 7:50 pm.