APPROVED

ANDOVER ZONING BOARD OF ADJUSTMENT

August 16, 2022

Members present: Jon Warzocha, Co-Chair; Jeffrey Dickinson, Co-Chair; Jeff Newcomb; and Katherine Stearns

Also present for duration of appropriate items: Alan McIntyre; Susan Chase; Steven Darling; Donna Crisp Duclos; Ken Wells; Andy Guptill; Greg Stetson; Wendy McLeod; Myles McLeod; Jeffrey Christenson from C. W & Bass; Andrew Keller from NH Solar Garden; and Lisa Meier, Secretary

The meeting was opened by Co-Chair Jon Warzocha at 7:09 p.m.

Roll call was completed.

Public hearing: A request from Overlook Drive Solar, LLC for a Variance from Article V, Section B.1, B.3 of the Andover Zoning Ordinance to permit a ground based solar array and to permit a change in use where 50’ of frontage on a street is required. The property is Tax Map 11, Lot 554,572 and is in the Agricultural & Residential Zone

Warzocha continued the public hearing at 7:10 p.m. Andrew Keller and Christensen presented a brief overview of the project. This is an old gravel pit with infrastructure at the end of Overlook Avenue. A satellite image indicating the proposed location of the solar panels was presented along with boundary and wetland surveys. It was indicated that PHASE 1 ESA has been done and the only concern is due to previously being a landfill, there may be potential water issues; however, there is no effect on this project. NHEC needs to do their full engineering study and it was asked if they can connect to NHEC lines. The response was it has not been discussed. It was asked what benefit at a community level there would be and the response was they would do this if the Zoning Board approves the application as this is group metering. Christensen stated that this is in the AR Zone Section B-1, B-2; however, this is not a permitted use anywhere in the Zoning Ordinance. The backlot is surrounded by trees; it is below grade; and there would be no noise, pollution or impact on traffic due to the location. It was also noted that there is a transformer already on site. A concern was raised about the possibility of the panels catching fire and the response was it would be more of a concern if they were attached to a structure as the structure would catch fire. It was also noted that this is a safer alternative to anything that could be allowed on site and a much lower risk than anything permitted by the Zoning Ordinance i.e., a barn constructed with solar panels on its roof. It was indicated that the property is already cleared and there would be no view concerns as the structure would be below grade. Warzocha asked if there is groundwater contamination on site and the response was it is in the vicinity and has been identified as a concern for this location. Warzocha stated that even though items 4 & 5 in the criteria is not germane to the subject, they are the most difficult to answer. Warzocha asked what the elevation of the panels are in relation to the abutters and the response was the residents would be looking over them as the bottom of the panels are 3’ and the tops are between 10 – 12’. Warzocha stated a vegetative buffer needs to be left on the east side of the property and the response was they would keep 25 – 30’ of what is currently there. Dickinson asked where the access is for the commercial pit and the response was on the south side. Dickinson asked when they would receive the interconnection study and the response was it is complete; however, an internal review needs to be done and they are hoping to receive it on or before August 26, 2022. Stearns asked if this would be small, average or large array and the response was average, but the largest that can be done under state law. Warzocha asked if 20 mw was still PUC and the response was it is now 30 mw. Warzocha stated he would like more detail as far as interrupting the view per the prior hearing. Photos were brought comparing the site with the house. The elevation change is approximately 8 – 10’. The residents would be looking at the edge of the panels rather than straight on and the vegetation will obscure some of the top of the panels. Duclos stated she is concerned with disposal of the panels. Keller responded that they have a 25-year lifespan and there are some out there that are 40 years old. The new ones do not degrade as quickly. The decommission process is triggered when the project is over or shut down and is approximately $25,000 per mw to dispose of. There are also recycle companies that remove the panels, sanitize them and they are taken to a facility for recycling. Keller stated they would provide more information to the Planning Board regarding this should the ZBA approve the application. Warzocha stated a bond would be needed which would include money for decommissioning. Wells asked why this is commercial power rather than a competitive power and the response was this would have no restrictions on who can benefit from it. There being no further discussion, the public hearing was closed at 7:50 p.m. and brought back to the board for deliberation. Stearns stated that under the Zoning Ordinance this should actually be Article IX, Section E. The five criteria were reviewed and Newcomb stated he is concerned with not having a plan indicating elevation and would like any approval to include a condition of the panels being no higher than 2’ above ground level. Keller stated they have an elevation diagram; however, that would be for presentation to the Planning Board. Dickinson stated he would like an additional consideration for any approval to include addressing emergency service access. Warzocha responded this is on the Planning Board level; however, he has no objection to it. Warzocha made a motion to grant the Variance based on the five criteria conditional upon adequate screens on the east side and adequate fire access as determined on the Planning Board level. Stearns seconded the motion and the board voted unanimously in favor of granting the Variance with the two conditions.

Public Hearing: A request from George & Trudy French for a Special Exception as specified in Article V Section A:2(a) to allow construction of a single-family dwelling on property located on Currier Road, Tax Map 3, Lot 709,580 in the Forest / Agricultural Zone

Warzocha opened the public hearing at 8:20 p.m. French stated the property is 6 acres with 500’ of road frontage on a Class V Road. This would be a single-family dwelling with a loft. The driveway is already in and is approximately 750’ long. All the setbacks can be / are met and they have previously received a building permit for an accessory building. There being no concerns or further discussion, the public hearing was closed at 8:23 p.m. The board reviewed the criteria and with no concerns, Dickinson made a motion to grant the Special Exception. Newcomb seconded the motion and the board voted unanimously in favor of granting the Special Exception.

Approval of July 19, 2022 minutes

Warzocha – motion to approve as amended

Dickinson – Second

Unanimous – vote to approve as amended

There being no further discussion, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Lisa Meier, Secretary

Andover Zoning Board of Adjustment