

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 16-03
Public Hearing
October 10, 2016**

The Cornish Zoning Board of Adjustment met on Monday, October 10, 2016, at 6:30 pm in the Cornish Town Offices. Voting members present were Caroline Storrs, Chair, Jason Bourne, Jim Brown, and Bruce Tracy.

Jack Bingham and David Russel of Barrington Power, Andy Barraby, Larry Dingee, Gwyn Gallagher, Doug Miller, Dale Rook, Judy Rook, and Michael White also attended the meeting.

Caroline Storrs called the meeting to order at 6:35 pm.

Approval of Minutes

Caroline Storrs asked that a language be added regarding the Federal NAICS Code. Jim Brown made a motion to approve the September 26, 2016, minutes as amended. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

Case 16-03

Doug and Betty Miller have applied for a Special Exception under Article IV, Section B, Utility Structure, of the Cornish Zoning Ordinance to install a commercial 100 KW solar installation on property located at 719 Town House Road, Map 6, Lot 22, in Cornish, New Hampshire. Jason Bourne read the notice for Bill Balch, Clerk, who was not able to attend the meeting.

Background

Mr. Bingham presented to plan for the proposed 100KW solar installation. The 160 panels will be arrayed in four rows. The arrays will be surrounded by a locked security fence. A small structure will hold equipment. Topsoil will be spread on the area after construction and a pasture for seeded. It is the plan of the applicant to have sheep grazing the area. Overhead wires will run from the road to the site.

Jim Brown asked about the overhead wires. Mr. Bingham stated that overhead wires would preclude the need for (3) three-phase cans on the road. Mr. Bingham said that the installation would be very hard to see from the street due to the drop in grade and the predominantly pine forest cover. Jason Bourne asked what the clearing for the power would expose. Mr. Bingham stated that the grade would serve to screen the installation. Doug Miller stated that the land is a bowl due to the excavation of gravel in years past from the site. Caroline Storrs asked the Board to turn to IV.C.9 and to focus in particular on the requirement of a security fence and a landscaped area surrounding the front, rear, and side yards. Mr. Bingham pointed out the areas where mowing was planned. Mr. Tracy asked regarding the setback from the boundary lines. Mr. Bingham pointed out the setback line as indicated on the plan. Bruce Tracy asked regarding the Class VI road through the property. Mr. Bingham pointed it out on the plan. The Class VI status of the road was clarified.

Public Discussion

Andy Barraby, abutter, stated that he did not mind two more transformers on the pole. Judy Rook, also an abutter, stated that she did not mind more transformers on the pole.

Caroline Storrs asked Mr. Bingham how comment from abutters affected the plan. Mr. Bingham stated that the wires could go underground from the pole on the road. This would require the removal of a large pine. Caroline Storrs, Jim Brown, and Bruce Tracy were in favor of the underground line.

Bruce Tracy asked about traffic. Mr. Bingham stated that once installed, projects require minimal on-site visits. No new roads are to be built.

The Board reviewed the conditions required of a special exception.

1. *The capacity of existing or planned community facilities:*

Jim Brown stated that he saw no adverse effect. Jason Bourne concurred.

2. *The character of the area affected*

Jason Bourne felt that due to the topography, the character of the area would not be affected.

3. *Traffic on roads and highways in the immediate vicinity*

The Board did not find an adverse effect.

4. *Town services and facilities*

Jim Brown asked if the assessors would take a look at the facility. No adverse effect was found.

5. *Neighboring land uses present and prospective*

Jason Bourne said that he was concerned that there may be a potential impact of glare. Mr. Bingham stated that the stippled glass did not produce glare. The Board found no adverse effect on neighboring land uses.

6. *Significant wildlife habitat, trails, natural, scenic or historic features.*

Comment was made regarding the proposed flock of sheep. No adverse effect was found.

Jason Bourne stated that the use of the former gravel pit was appropriate. Given the statement by Mr. Bingham, the Board found that there would be no impact regarding glare. Nor did the Board find that noise of fumes would be produced as described in Article X.F.1.e of the Zoning Ordinance.

Save for a safety sign on the fence, there will be no signage. No lighting is planned. Mr. Bingham stated that construction is intended to commence upon Planning Board approval barring weather complications. It was noted that any expansion of the site would necessitate Zoning Board Review. Jim Brown suggested that the Zoning Board include a recommendation to the Planning Board that the wires be underground under. Judy Rook stated that the installation of underground wires might be onerous. However, Mr. Bingham stated that maintenance going forward was simpler if the wires were underground.

Dale Rook stated that the decision to place the wires above or below ground should be left to the discretion of the applicant.

Closed Discussion

There was no further comment from the Board. Jim Brown moved to grant a special exception per the application with the following conditions:

1. Any expansion of the facility will require the applicant to return to the Zoning Board.
2. With regard to the connection between the solar array and the utility pole on Town House Road, it is the preference of the Zoning Board that wires be underground; however, if terrain requires, or if the opinion of the Planning Board or Eversource is such that the wires should be overhead, that overhead wire option would be allowed.

Bruce Tracy seconded the motion. Jason Bourne said that the second condition did not seem definite. Jim Brown said that he felt the opinion of the Zoning Board should be expressed in the decision. Several Board members spoke in favor of solar power as a renewable energy source. The vote of the Board was in the affirmative, 4-0.

Approval of Minutes

The Board reviewed the June 6, 2016, minutes. Jim Brown moved to approve the minutes. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

Bruce Tracy asked about a decision regarding the requirement that a porch be removed from a residence on NH Route 120.

Larry Dingee asked regarding the September 26, 2016, Zoning Board Minutes. Mr. Dingee stated that the Selectboard had determined that the use was a utility structure. He questioned the need to meet informally to discuss the use. Pursuant RSA 676 the Board has 30 days to act on an application. He underscored the fact that applicants are entitled to a hearing within 30 days. Ms. Storrs stated that the application had not been filed in a reasonable amount of time. Ms. Storrs stated that Mr. Balch did not know where the application fit within the Zoning Ordinance. She decided at that point to hold the informal public hearing. Larry Dingee stated that the conversation needs to begin with the Selectboard.

Gwyn Gallagher stated that the Planning Board has preliminary discussions. The Zoning Board may not, and the 9/26/16 meeting of the Zoning Board was a preliminary discussion.

Jason Bourne made a motion to adjourn. Jim Brown seconded the motion, and the vote of the Board was in affirmative.

Respectfully submitted,
Heidi M. Jaarsma, Recording Secretary