

City of Concord Planning Board
February 20, 2019
Minutes

The regular monthly meeting of the City Planning Board was held on February 20, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist).

2. Roll Call

Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin and Acting Vice-Chair, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Matthew Hicks, and Erle Pierce.

Absent: 5 – Carol Foss, David Fox, John Regan, Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of January 16, 2019 Planning Board Meeting Minutes

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to approve the minutes for January 16, 2019, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that the applicant for Item 8C submitted a request to postpone the hearing until February 20, 2019.

5. Determination of Completeness Items by Consent

5A. TF Moran, on behalf of Harold J. Lassonde III, requesting Major Site Plan approval to construct a new 5,960 sf structure and associated site improvements for a wedding venue, and two Conditional Use Permits for impacts to wetlands buffer and for the proposed cupola to exceed the maximum height, at 63 Bog Road in the Residential Open Space (RO) and Medium Density (RM) Districts.

Mr. Pierce recused himself for this application and left the table.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and set the public hearing for March 20, 2019.

Mr. Pierce returned to the Board.

6. Design Review Applications by Consent

Chairman Woodfin announced that items 6B, and 6D were pulled from the Consent Agenda.

The Board voted unanimously to approve the sign applications for Items 6A, 6C, and 6E by consent, subject to the recommendations of the Architectural Design Review Committee (ADR) as noted below.

6A. Boost Mobile, on behalf of 154 Profile, LLC, requests ADR approval to install a new wall sign, consisting of channel letters, at 6 North Main Street in the Central Business Performance (CBP) District.

On a motion made by Mr. Pierce, and seconded by Ms. Smith Meyer, the Board voted unanimously to approve the design as submitted by consent.

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- 6C. Blood Oath Tattoo, LLC, on behalf of State Pleasant St. LLC, requests ADR approval to install a new wall sign at 15 Pleasant Street in the Central Business Performance (CBP) District.

On a motion made by Mr. Pierce, and seconded by Ms. Smith Meyer, the Board voted unanimously to approve the design, as submitted, by consent, subject to the conditions that the applicant clarifies how the sign will be illuminated and if not externally illuminated, the existing light fixtures be removed and that the sign be located above the window symmetrical to the White Mountain Coffee sign.

- 6E. Cedar Surgical Veterinary Hospital, on behalf of PFP Assoc. LTD Partnership, requests ADR approval to install two new internally illuminated projecting signs at 22 Bridge Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Mr. Pierce, and seconded by Ms. Smith Meyer, the Board voted unanimously to approve the design as submitted by consent.

Public Hearings

6. Design Review Applications

- 6B. Splendid Sushi, on behalf of State Pleasant St. LLC, requests ADR approval to install a new internally illuminated projecting sign at 26 Pleasant Street in the Central Business Performance (CBP) District.

Glenn Shadlick of NEOPCO Signs was present along with business owner Aung Lwin.

Mr. Shadlick provided a revised graphic of the proposed sign.

Ms. Shank explained that the Architectural Design Review Committee (ADRC) expressed concern with the sign glow at night and other options of background colors. She stated that the sign needs to be opaque or a darker color as signs are not allowed to have a white lit background in the CDP district. It was also unclear if the sign was to be internally illuminated.

Mr. Shadlick stated that he was not aware of the change to the ordinance. The revision now meets the ordinance.

On a motion made by Councilor Champlin, and seconded by Ms. Smith Meyer, the Board voted unanimously to approve the design, as submitted at the February 20, 2019 Planning Board meeting, based on the ADR recommendations of using an opaque background for the sign, and the condition that a nighttime rendering be provided.

- 6D. Waypoint, on behalf of Child & Family Services Realty Corp., requests ADR approval to install a replacement sign on existing granite posts at 103 North State Street in the Civic Performance (CVP) District.

Ms. Shank stated that revisions to the sign were provided based on the conditions from ADRC that the white space would be reduced so that it is equal on all sides.

On a motion made by Councilor Champlin, and seconded by Ms. Smith Meyer, the Board voted unanimously to approve the design, as revised, based on the ADRC recommendations.

7. Design Review Applications

- 7A. Concord Antiques Gallery, on behalf of Granite Center, LLC, requests ADR approval to install a new roof mounted/wall sign, at 137 Storrs Street (14 Dixon Ave.) in the Central Business Performance (CBP) District.

Chairman Woodfin opened the public hearing.

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Ms. Shank explained that ADRC requested that the proposed sign be mounted over the entrance of the business as opposed to mounted over the building and attached by brackets, to avoid breaking the roof line. They also asked for a redesigned sign with a slightly muted tone of white. She added that the vote was 4/1, one ADRC member approved of the design as submitted.

Tom Balon, explained that the current Concord Antiques Gallery, a 120 dealer co-op ran antique shop, that will be relocating as a part of the redevelopment project, to 97 Storrs Street. He gave a brief presentation and provided a packet with renderings showing the location and visibility of the sign from the area. He stated that the area is very unique on a very tight corner. This sign design will work for this location. The majority of the building is below the grade of the adjacent Loudon Road bridge. He also stated that it is not a walking destination as much as the existing location, so he feels that it is more difficult to find.

Mr. Balon stated that the ADRC had an issue with the height of the sign; however, a variance was granted for the height, for 40 feet where such signs are not permitted above the sills of the second floor windows or greater than 25 feet above grade.. He provided a rendering showing various signs throughout Concord. He stated that the proposed materials and fonts are similar to other signs in Concord. Additional discussion was held regarding the materials being used for the sign bracket and how it is attached.

Councilor Champlin stated that he understands the concerns from the ADRC. He asked if the regulations needed to be reviewed. He commented that he does not believe that anyone wants a plethora of lit signs on the backs of buildings off of Main St.

Ms. Shank stated that the recommendations of ADR are for the sign to be smaller, and be located on the first floor of the building over the entrance to the business.

Ms. Smith-Meyer stated that she agrees with the ADRC. A sign is to show where the business is located and placing the sign closer to the doors is better; signs should not be along the roofline. She added that the proposal extends above the roof line and is not a bracket; it should be placed on the building as there is ample room.

Additional discussion was held regarding the sign's visibility from the highway and Loudon Road. Mr. Balon stated that the sign is not visible from the highway or Loudon Road. Ms. Shank disagreed, stating that it could be seen from the Loudon Road bridge according to Google street views.

Mr. Hicks asked about other tenants in buildings and noted that they will want signs. He asked how many signs can be added onto a building.

Mr. Woodfin stated that there is a reason we do not have signs on rooflines, and expressed concern with setting a precedent. He added that there is a very large amount of space between the business and the sign.

Councilor Champlin asked if the sign could be mounted in a way so that it does not go above the roofline. Mr. Balon replied that the signs could be placed side by side, not on top of each other.

Ms. Shank stated that the Concord Hotel originally wanted three signs with one on the roofline and they were told to reduce it to one sign and to not place the sign above the roofline.

Mr. Woodfin asked about the interior of the building. Mr. Balon stated that the building is three floors. The entire first floor is for the antique shop with the entrance on Storrs Street.

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Ms. Shank asked how many businesses are in the building at this time. Mr. Balon replied the antique shop and an office.

There being no further comments from staff or members of the public, the Chair closed the public hearing.

Councilor Champlin made a motion to approve the sign as submitted. No second was provided. The motion failed.

Ms. Smith-Meyer made a motion, and seconded by Mr. Peirce, to deny the application as submitted, based on the recommendations from the ADRC. The motion passed; 5/1. Councilor Champlin was opposed.

- 7B. Ron King, on behalf of Ciborowski Jacob S. Family Trust, requests ADR approval for a new storage structure at 90 Low Ave. in the Central Business Performance (CBP) District.

The applicant was not present.

Ms. Shank explained that this is a project for a storage shed. The applicant agreed to return to ADR to continue discussions on the exterior finish, colors, and a fence being provided between the shed and building to hide the air conditioning units. Mr. Woodfin stated that the project should have been before the Board prior to installation. Ms. Shank noted that the applicant was under the impression that they did not need permits. They are now correcting the situation prior to receiving a CO.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to have the applicant return to the ADRC as recommended by the Committee.

8. Site Plan & Subdivision Applications

- 8A. RNL Properties requesting revocation of the previously approved Major Site Plan and Conditional Use Permit for the Club 55 residential development located at 61 Borough Road in the Medium Density (RM) District.

Ms. Smith-Meyer recused herself from this application and left the table.

Ms. Fenstermacher explained to the Board that the applicant has requested to revoke all approvals for the Major Site Plan and the Conditional Use Permit approvals relative to the project located at 61 Borough Road, previously granted by the Board on July 15, 2015. At this time, Mr. Richter has indicated that the project is not financially feasible to proceed with construction. Under RSA 676:4-a, an approved Site Plan may be revoked by the Planning Board at the request of, or by agreement with, the applicant if no portion of the proposed site plan has been constructed.

On a motion made by Mr. Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant the revocation** of the Major Site Plan and Conditional Use Permit for the Club 55 residential development located at 61 Borough Road.

Ms. Smith-Meyer returned to the Board.

- 8B. Richard D. Bartlett & Associates, on behalf of 94 Manchester Street LLC, requesting Comprehensive Development Plan and Minor Subdivision approval for a 3 unit land condominium at 94 Manchester Street in the Highway Commercial (CH) and Office Park Performance (OFP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to determine the application complete and open the public hearing.

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Mark Sergeant of Richard D. Bartlett & Associates represented the application. He explained the proposal is to convert the existing 482,778 sf commercial property into 3 condominium land units. The property is 11.08 acres with 237.68 sf of frontage and 88 paved parking spaces. City water and sewer exist on the site. This is the existing Key Collision site, which will be Unit 1 and consist of the building and parking spaces. Unit 2 will be 1.46 acres and Unit 3 will be 1.27 acres. There will be common areas for shared driveway access and stormwater improvements. Site plan approval will be required for future businesses on land Units 2 and 3.

There being no further comments from staff or members of the public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Comprehensive Development Plan approval** for the condominium conversion of 3 condominium land units with common areas.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision approval** for the land condominium conversion at 94 Manchester Street, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

1. Per Section 12.06(5) of the Subdivision Regulations, include “Site Plan Set for Key Auto Group, 94 Manchester Street, Concord, New Hampshire, prepared by Nobis, dated April 2014, revised October 27, 2016, on file at the City of Concord Engineering Division” under Plan References.
2. Address Engineering Review Comments to the satisfaction of the Engineering Division.
3. Condominium documents, including declaration of condominium and by-laws, to be reviewed and approved by the City Solicitor, City Assessor, and Clerk of the Board.
4. The Licensed Land Surveyor shall sign and seal final plans and mylars.
5. The Applicant shall deliver to Planning, two plan sets and one mylar(s) of the site plan for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
6. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
7. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds

8C. Greg Steverson, on behalf of Ledyard Financial Group, requesting Minor Site Plan approval for a change of use, associated building renovation and site improvements at 74 South Main Street in the Urban Commercial (UC) District. Addressed earlier, postponed to March 20, 2019.

9. Amendments

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- 9A. Zoning ordinance amendments to address solar collection systems: amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-4, Development Design Standards, Article 28-5, Supplemental Standards and Glossary

Ms. Fenstermacher gave a presentation explaining the proposed amendments to the ordinance to address solar collection systems, and explained the public process to date. Ms. Fenstermacher stated that in July 2018, the City Council adopted a community-wide commitment of 100% renewable energy by 2030 for electricity and 2050 for thermal energy and transportation. Concord's Energy and Environment Advisory Committee (CEEC) has been working to develop a strategic plan to meet this commitment, and identified a need to revise the Zoning Ordinance and Site Plan Regulations to provide clarity in the solar development process. A draft of the plan is forthcoming.

She stated that model ordinances from the NH Sustainable Energy Association and other municipalities in the region were reviewed to establish this draft. She gave an overview of the Master Plan and presented what is allowed under the existing ordinance and gave examples of existing building mounted and accessory use installations that would not be impacted by the ordinance revisions. She stated that the amendment proposes adding Solar Collection Systems as a new use category, and reviewed the proposed principal and accessory uses permitted for each district through the Conditional Use Permit application process. She gave an overview of the proposed amendments to the Zoning Ordinance including setbacks and buffer requirements, and allowable solar land coverage for each district. She stated that the goal of the amendments is to provide the Planning Board with discretion and flexibility when reviewing the CUP applications. She indicated that the draft Site Plan Regulations address stormwater best management practices and provide environmental considerations that shall be addressed with each proposed solar development to protect natural resources. She provided graphic examples of how solar land coverage will be calculated. She also discussed how the proposal incentivizes community solar development, or group net metering, which benefits residential and commercial properties in the City that may not be able to produce energy on their own properties, helping the City reach 100% renewable energy goals.

Chairman Woodfin referenced a letter received at the meeting from the Conservation Commission which spoke to the important role of solar energy in increasing renewable energy sources, but we need to balance the protection of natural assets, and minimize the impacts of future solar development within the RO district, specifically. The letter highlighted the importance of reflecting the goals of the Master Plan and Open Space Plan.

Chairman Woodfin opened the public hearing.

Jeff Lewis, Conservation Commission member, stated that the feeling of the Conservation Commission (CC), as a whole, is they are pleased to see the City moving forward with zoning amendments to address solar as well as the updates to the site plan and stormwater regulations. He explained that the crux is the Residential Open Space (RO) zone of Concord, which is the focus of the CC and the City. This is also referenced in the Master Plan, which he reminded the Board to take into consideration. He explained that for cluster developments in the RO district, the ordinance now requires 60% of a parcel be preserved in open space. The ordinance also includes a 100 foot perimeter buffer for cluster developments. The CC recommends that the proposed setback for solar development be increased from 50 feet to 100 feet to coincide with the cluster development requirement. Further, the Commission agrees that 40% solar land coverage should be the maximum allowed in the RO district since it is consistent with the current requirements to protect 60% of the land as open space. Increasing the buffers and allowing only

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40% solar land coverage will allow for adequate buffers, ensure preservation to large tracts of land, reduce impacts to established habitat and agricultural corridors, protect the City's natural resources, and protect the character of the RO zone and expectations of the people that live in the area right now. He further stated that the Commission is not overly concerned with the increase to 50% for Community solar development since it is unlikely those installations will reach the scale of commercial development that would impact large tracts of land. Mr. Lewis stated that the Commission is very appreciative to be included with the process for this very important issue.

Bob Carey, from Orr and Reno, stated that his firm represented the developer of the proposed West Portsmouth Street solar development project. He gave a presentation explaining their perspective of the proposed ordinance, as well as other solar farm developers, in terms of incentives and disincentives. He added that when referencing solar farms, he is referencing a farm in a 5-10 megawatt grid range.

Mr. Carey stated that overlaid on the project are two things; a state law stating that the use of solar energy needs to be encouraged and the installation of renewable energy cannot be reasonably limited by municipal laws and ordinances. He noted that on the local level there is a goal for renewable energy by 2030.

Mr. Carey spoke to impacts to the community. He stated that the aerial view is a different perspective than what is seen at the ground level when someone is driving by and what the actual ground cover is for a ground mounted solar project. It is pervious surface; things can be grown there, there are pastures, and is a very different impact.

Mr. Carey stated that from a solar farm developer perspective, the draft ordinance discourages solar development in three ways: how it calculates lot coverage, limits of lot coverage, and the locations for a 10 MW project.

With regards to lot coverage, Mr. Carey stated that there are three ways to look at lot coverage, what touches the ground, the area that is covered by the panel, and what touches everything in between. He referred to his client's prior proposal and explained the lot coverage limits in the RO District. He stated that his client's project, at 42 acres, a 10 MW project would not be able to be in the RO zone under the proposed ordinance, which is another way solar is being discouraged as this is a limitation. They would then need to go to the Industrial Zone (IN), the last way solar is discouraged. However, based on the Master Plan, the ideal use in the industrial zone is businesses that the City wants to promote. Access to the highway is needed, access to roads, employees, and city services are necessary; these are not needed for solar farms. There is no noise, no need for any roadways or accesses for traffic, no need for city services or employees. He noted that the IN is the smallest of zones in the City and this use would be crowding the industrial zone.

Mr. Carey referred to the Planning Board meeting on December 19, 2018; lot coverage was mentioned along with aesthetics. He stated that the danger with aesthetics is you can codify a subjected with a bias. He added that he feels that this ordinance is aggressive and is codifying a subjected bias, which is not the actual view of what people see as there not in an airplane over the area. The calculation is a judgment being codified in an ordinance.

Mr. Carey stated that another concern is open space. He stated that the ordinance limits lot coverage to 25 acres; it creates an incentive for a work around. Developers will aggregate to use what they can to create that solar farm and now this is incentivizing the land owner to use more space than they would with a more reasonable calculation. This incentive uses up more space.

Mr. Carey stated that Staff talked about the different approaches with other towns, their character and characteristics, the industry or lack thereof. He stated that Concord is a City that leads,

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Concord should not follow. Concord has goals and should be sending a message of support for renewable energy. The ordinance undermines what the City is saying about renewable energy; it is about balance and a diverse portfolio of uses. He believes that this ordinance would discourage solar farm developers from coming to Concord and helping Concord with its energy goals.

Mr. Carey stated that Staff should be commended on the work they have done; there is a lot of great information. However, he believes that the ordinance can be changed to be made friendlier to solar farm developers.

Mr. Pierce asked about aesthetics. He stated that he concurs that the view from above is different than what will be seen from the street level and asked Mr. Carey to provide a number for the visual lot coverage is what the Brochu Farm project would be. Mr. Carey replied that it would be hard to quantify a percentage of the visual impacts; solar panels are different as compared to a greenhouse.

Chairman Woodfin stated that aesthetics portion is an important issue, and once it is set, this can happen anywhere in the City. He explained that it is the entire City that could be impacted by various viewpoints and that is what the Planning Board must consider, not just one location or one project.

Councilor Champlin commented that Mr. Carey presented a fine case. He stated that he supports solar and the goal of becoming renewable energy dependent and fossil fuel independent. He stated that he is sensitive to the comments relative to industrial capacity, which is small district for a large city. He stated that he's looking at the "straight face test" of the lot coverage argument, traditionally the Board looks at permeable surface, and he agrees the panels don't fully cover the ground. He stated that his goal is predictability, to make sure that the people are aware of what is going on around their properties, and by saying something is only 2.5% coverage when just looking at the footprint, but in reality takes up 60% of the property may be perceived as misleading the community. He also expressed concerns over industrial/commercial projects that do not benefit the City of Concord other than the developer and/or property owner. He added that he is not fond of exporting energy that is generated here. He applauds staff for trying to create a balance of residential solar and commercial solar. However, it articulates his problems and conflicts. Mr. Carey replied that it may not have been his client's project, but it may be the next project that comes to Concord or there is an adjoining town that also adopts a similar approach. There are a lot of products and businesses that go over the boundaries.

Ms. Smith-Meyer commented that when the conversations began she expressed concern with the fact that there must be respect for the Master Plan. Staff has worked hard and come up with this proposal which has addressed the Master Plan. She does not feel that the proposed ordinance is restrictive; it is allowing for solar to come into the community. She mentioned the Conservation Commission's concern with development of large swaths of land that could impact habitat and habitat corridor impacts. She mentioned land values in the IN and RO districts. Mr. Pierce added that he agrees and added that from a developer's perspective, if there is not a right balance found then the City will not have the solar farms and the goal will not be met.

Ms. Fenstermacher stated that City Council is submitting a Request for Proposal (RFP) for solar development on City owned parcels that are not within the RO district so that we may be able to meet the goals of renewable energy with those developments. She added that allowing the 10-15 MW commercial projects that export energy may not help the City meet their goals.

In regards to Mr. Carey's comments, Ms. Shank reiterated that the methodology for calculating lot coverage is not relevant. The methodology cannot be aggressive. What is or is not aggressive is the number. She explained that it is not about aesthetics at all; it is about land use. She

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continued and stated that it is a balance of the goals of the Master Plan with the goals of the industry to maximize the impacts to the property. The consideration is that there is a certain amount of land in the open space must be protected due to natural resources. These goals are about forest land, farm land, meadow land and how the land is used. The balance is of the amount of land that is not encumbered with how much the community will allow to be encumbered. The recommendations and requirements about buffers address aesthetics. She stated that the Conservation Commission wanted 100 ft buffers and 50 ft was recommended. There is an option for the Planning Board to increase setbacks if there seems to be a need at a particular site. Ms. Shank stated that the community needs to decide how they want to address the land uses. Everything that Staff has done has been in an effort to balance the industry and Master Plan. Staff understands that there needs to be a change made to allow for some instances to occur. She stated that the number can be changed if the community deems it necessary.

Mr. Carey stated that visual impacts are aesthetics and aesthetics was previously addressed at a prior meeting by staff. Lot coverage considers visual impacts which are aesthetics. He stated that he understands that it will be adjusted. Ms. Shank stated that the industrial district is the most permissive district of the City which is exactly the area where it is appropriate. If there is a desire to limit solar in the IN, then it could be considered as well as the percentage proposed for a cap. She stated that there should be a cap to avoid having large acreages of solar farms. She added that a number was also chosen based on the parcels location, how many parcels exist, and the size.

Madeline Mineau, Executive Director of Clean Energy NH, spoke to represent the interests of the 125 business members that are solar developers. She stated that this organization developed a model solar ordinance. She stated that adding solar to the ordinance should provide clarity without being discriminative or restrictive. She expressed concerns that the 25 acre maximum caps the capacity of project under current technology, currently at 1 acre per 5 MW. She added that if the project can meet all other site criteria and the site is an appropriate size there should not be a set maximum of area of a project. She stated that solar land coverage and the associated percentage will be viewed as overly restrictive. If the impervious cover is the largest concern, then the concern is the footings. If the concern is visual then the panels are the issue. She stated that the space in between the panels is not occupied; it is open and serves an ecological function. Aesthetics are subjective and are not the real concern. If the land use is the concern then the space is open and can have other co-uses. She referenced calculations used by other states. She stated that she agrees that a solar array is not an industrial use. Setbacks should not be any stricter with solar than with any other setbacks applied to any other structure that could be put in the specific place. Buffers should not have a different standard for solar array than for any other visual screening. AOT guidance is in development and should not be looked at this time. With export power, the power grid is like a bathtub we would all draw from and solar power would make the power cleaner. She stated that solar development is not a permanent structure. Typically solar farms are on land that is leased and are planned to be moved from the land when the lease expires.

Ms. Smith-Meyer referenced the Conservation Commission's suggestion of having a buffer of not less than 100 ft. Ms. Mineau stated that would be for aesthetic purposes. Ms. Smith-Meyer stated that the Master Plan is used when making changes and is very important. This is happening right now because there is a need. This process is happening very fast and there is not a lot of time. She stated that she does not agree with Ms. Mineau's premise. She added that there will be a change and it will benefit the solar industry. Ms. Mineau stated that the benefit will be for everyone.

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Percentage was further discussed. Ms. Mineau stated that she believes that the percentage is still restrictive. She added that it is not the methodology but is the combination of the percentage and methodology that are overly restrictive. She presented a letter from Attorney Clay Mitchell, who worked with the organization to develop the ordinance.

Jennifer Galbraith and Chuck Willing, members of Concord's Energy and Environment Committee, both thanked Staff for their efforts to develop the draft amendment. Ms. Galbraith stated that the Concord's Energy and Environment Committee believe that by pursuing and achieving the renewable energy goals will help fight climate change and will also bring economic and other benefits to the City. She stated that solar energy will help to achieve this goal. The proposed amendment will address the siting of solar projects and requirements that inhibit solar development. She stated that the Committee is pleased with the strength of the proposed amendment. There are some concerns about the solar land coverage relative to the larger projects and how it will apply to ground-mounted solar projects. However, the Committee recognizes staffs work and respects the amendment drafted. The Committee feels that it is a fair compromise among differing perspectives.

Councilor Champlin asked where commercial projects fit. Mr. Willing replied that goal is a community wide goal and is very likely relying on commercial solar to meet that goal. He stated that they are hoping to maximize commercial and rooftop solar. Discussion ensued as to how to determine how much energy is renewable, and how will the private use be measured. Mr. Willing commented that the definitions for how to measure the goal will be looked at in the future. He added that the Committee is in the process of developing a strategic plan and what should be prioritized and what forms should be accessible.

Chairman Woodfin asked Mr. Willing where the Committee falls with the ordinance as presented. Mr. Willing stated that Staff did a great job; the Committee supports the large solar, however, feels it is restrictive as previously stated by other members of the public. He added that the Committee also recognizes that there are different constituents in the City.

James Meinecke, Lewis Farm 192 Silk Farm Road, gave an overview of his property describing it as fields, pasture, and scrub brush. He could either let it continue as such; however, he would like to have 13 acres of solar panels on his farm and have them be tall enough for a tractor to pass underneath them. He expressed concerns with caps for coverage and how solar is being viewed. He explained that the farm is his primary source of income. Although he understands the need for buffers for screening, he expressed concern with the size proposed as the 100 ft buffer would reduce the acreage available for solar development.

Allowing solar would collect sunlight and keep his farm farming. He encouraged the Board to allow agricultural properties to have a separate category and explained that agricultural use is very different than the other uses.

Ms. Shank replied that there is no specific buffer requirement through the CUP process, and the 100 ft buffer is recommended by the Conservation Commission, not in the proposed ordinance.

Mr. Hicks stated that we need to determine if a solar device is a structure. Mr. Meinecke stated that he is trying to use the area as agriculture and use the solar panels as a non-permanent structure, which is what he feels the panels are. He wants to make sure that farmers can use solar panels and added that agricultural uses occur in the RO district.

Rebeca McWilliams, 192 Silk Farm Rd., spoke to the definition of solar collections systems. She stated that the max project size is too small and restrictive. She suggested taking 1.5 times the

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area coverage of the panel shadow and fit in to the percentage. This is reasonable and would be a good starting point.

Ms. McWilliams mentioned technology and the future use of micro grids that are in the pipeline. She stated that the City is not accounting for batteries. She challenged the Board to remove the verbiage of battery and other storage uses from the definitions of solar collection systems as it needs to be treated separately.

Ms. Fenstermacher replied that the perimeter panels and all associated equipment have been included in the 40%. If the batteries were in a separate structure, it would be counted towards the standard lot coverage requirement, not the solar land coverage.

Ms. McWilliams commented that was reasonable. Chairman Woodfin noted that not all installations will include batteries. Ms. Fenstermacher added that the City has been working really hard to continue to be aware of the continuing changes to technology. She added that the ordinance may need to be changed within a year.

Bill Cyr, 49 West Portsmouth Street, asked what the district included represent and how they were bundled together. Ms. Shank provided an explanation of the RO and RM districts and the solar percentage for each. They are larger lots because they are outside the urban growth boundaries. Mr. Cyr stated that he thought that the coverage of a solar complex could be simply surrounded by a fence. As far as the aesthetics, the perspective of the residents on Portsmouth Street will be looking at the back side of the panels. He asked about clustering houses. Ms. Shank explained that 60% of the acreage would need to be put aside in permanent easement of whatever size the lot is and then the amount remaining can be utilized for homes in a cluster development. Ms. Fenstermacher added that a solar array could be part of the open space does not need to be under an easement. It could also be an accessory use if in the development and used only for the residents. Mr. Cyr stated that there are areas like the airport that are industrial areas where this would be more appropriate. Chairman Woodfin replied that other areas are being looked into such as the wastewater treatment plant, airport, etc. Ms. Shank added that there is also a restricted area at the airport for a butterfly habitat which makes solar development difficult at the airport.

A discussion ensued regarding the lack of industrial area in Concord. Mr. Cyr asked if there has been any consideration regarding a change in the zoning to identify specific properties where solar could be allowed. Chairman Woodfin replied that the City would not want to restrict residents. Ms. Shank stated that this is creating a new use. Mr. Durfee stated that solar is market driven market and is already limited by 3 phase power. Ms. Fenstermacher added that an overlay district was looked into as an option; however, would it be seen that the properties would be more valuable and taxed higher as a commercial property.

Mr. Cyr asked if there are any harmful effects from solar power. Ms. Shank replied that she did not find research showing conclusive proof that there are any harmful effects from solar. She added that the research she has seen has indicated that there is no significant issue. She added that there it's unclear if there has been sufficient research, but that the research that exists indicates no danger.

Kaitlyn Sapack stated that she supports renewable energy; however, expressed concern regarding the large scale solar fields and for neighborhoods. She also thanked the Board for their time.

Chairman Woodfin closed the public hearing at 9:58 p.m.

Councilor Champlin stated that there are many conflicting interests, which makes it very difficult to sort through. He understands the desire of commercial interest to create solar farming an economic viable project, and impacts on health property values and trying to sort through it all.

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Ms. Smith-Meyer stated Staff has done a fabulous job with the solar amendment and making sure that the Master Plan is still being used as a guide and not compromised or changed. She added that by doing this process and moving into the RO District, there are certain requirements and it is important for the resident to have an expectation of what could happen.

A discussion was held regarding the timeline, if more information was needed or if the Board wanted to modify anything. Ms. Smith-Meyer stated that she would support a 100 ft buffer. Councilor Champlin stated that he would like to see some accommodation for the farming concepts introduced. Mr. Hicks stated that he would be reluctant to make a recommendation to City Council at this time without more thought. Mr. Peirce commented that he is concerned with a balance of agriculture and commercial.

On a motion made by Ms. Rosenberger, and seconded by Mr. Hicks. The Board voted unanimously to table making a decision until next month based on the comments received at the public hearing.

Adjournment

At the request of Chair Woodfin, Councilor Champlin made a motion to adjourn at 10:22 p.m., seconded by Ms. Rosenberger. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist