

**SOMERSWORTH SITE REVIEW TECHNICAL COMMITTEE
MINUTES OF MEETING
July 10, 2019**

MEMBERS PRESENT: Shanna B. Saunders, Chair, Mike Bobinsky, Keith Hoyle, Paul Robidas, Scott McGlynn, Tim McLinn, and Tim Metivier

STAFF PRESENT: Dana Crossley, Planning Secretary

The meeting was called to order at 10:31 am.

1) **Approval of the minutes:** Metivier motions to table the approval of the July 2, 2019 minutes. Robidas seconds the motion. Motion carried by a vote of 7-0.

2) **OLD BUSINESS**

A) Any old business that may come before the Committee.

a. No old business discussed.

3) **NEW BUSINESS**

A) **Ian Joseph Campbell LLC, is seeking Minor Site Plan approval, to install 2 solar power arrays on pedestals on a property located at 4 Enterprise Drive, in the Commercial Industrial (CI) District, Assessor's Map 48 Lot 24-C, SITE#11-2019**

Saunders stated she has met with the property owner to review both proposals on the agenda. She informed the board she recommended to the applicant submit the projects as a minor site plan application. She explained if the board felt the proposals did not meet the criteria for minor site plan and if it was the wish of the committee it could be sent to the Planning board for further review.

Applicant Statement: Packy Campbell member of Ian Joseph Campbell LLC and Attorney Jim Shannon attended the meeting.

Attorney Jim Shannon stated the request is to install two pedestal solar arrays to provide electricity for the building. He stated the business has a high electricity use during the high usage time and the solar arrays would offset that cost. He stated it would also reduce their greenhouse gas emissions. Shannon stated it would be two arrays that are on pedestals. The arrays are two sided to catch the light from all sides along with light reflection. He stated they will be connected by an underground conduit. He stated the proposed location for the arrays keeps them within the front and side setbacks of the property.

Saunders asked if there is a separate electric box or panel. Shannon stated the arrays would be tied into the electric box on the building **Campbell** added that this location has solar panels on the roof and the property has an existing solar meter that these arrays would tie into. Campbell explained the conduit design. He stated it is designed into the pedestal, is about 30" in diameter located at the concrete post. Campbell explained that depending on the size of the array the conduit can be 8' below grade.

Campbell noted that the building permit would address the wind and roof loads. He stated he has discussed with the Building Inspector the snow loads and can share that information if the committee requests.

Saunders asked if emergency services equipment would be able to get under the arrays. Campbell stated it would depend on the vehicle height. He stated an ambulance would likely be able but not necessarily a fire truck. Campbell stated that they would not impede fire access to the building.

Fire Department: Hoyle asked what are the controls are for if the unit catches fire. Campbell stated per code there is an emergency disconnect and a pull plug to disconnect.

Public Works Department: Bobinsky stated he reviewed the design and diagrams but would like further explanation on how the arrays work. Campbell stated that there are two pedestals with the arrays on them and they track the sunlight. He stated the arrays spin and tilt up to 45 degrees to catch the best angle of the sun. Campbell stated it they have a light sensitive dual access tracker to catch the brightest spot in the sky.

Bobinsky asked if the arrays will be moving 24hrs a day. Campbell stated they would to pick up street lights. He added that they could be programed to turn certain ways as well.

Saunders noted that when they previously spoke it was stated that 10x6 is the lowest point. Campbell stated that is correct and when the arrays are lying flat would be 16' in height.

Bobinsky asked about the impact for snow loads and maintenance associated with that. Campbell explained that the arrays have a snow dump mode and ability to track the snow.

Water Division: McGlynn had no comments.

Police Department: McLin had no comments.

Planning Board Rep: Robidas asked if the radius of the arrays would be within the travel lane. Campbell stated yes but they are car port solar arrays that are typically found in parking lots. Robidas asked why the applicant has not put them within the grass line. Shannon stated the location of the arrays is to ensure they meet setbacks.

Saunders stated the setback is 50' and they would be just meeting it.

Campbell noted that if they could encroach in the setbacks the arrays would not be in the travel lane.

Saunders stated they could not waive the setback requirements, the applicant would have to get approval from the ZBA to be within the setbacks.

Robidas stated it would be a cleaner look if it was not over the travel way.

Campbell stated he would discuss it with Shannon and would potentially provide information on the panel being within the setback.

Brief discussion on how the solar arrays were interpreted as a structure.

Robidas stated he thought the project was great but could think of some Planning Board members that would want to review the project before approval.

Brief Committee discussion of minor site plan requirements and potential Planning Board review.

Shannon stated the arrays are located as far out of the travel way they could locate them while meeting the setbacks. Campbell explained the benefits of locating the arrays in the proposed spot. He added that he does not want to go before the Planning Board and agrees that it is only a minor site plan review.

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Saunders stated she was unsure what conditions that Planning Board would require that the SRTC could not do as well. You certainly couldn't require screening of the project. And the New England Architectural Regulations simply cannot apply.

Robidas stated he would like to see them more on the lawn and questioned if it would be able to go to the ZBA for review.

Campbell stated he did not think he could make a hardship argument because he can do the project without the variance.

There was a brief discussion of getting a variance for the setbacks.

Building Inspector: Metivier asked about the programming for the arrays, and if it was possible to program the tracker as it approaches the set back to turn to avoid the setback. Campbell stated it would turn to the brightest spot in the sky.

City Planner: Saunders asked if there is going to be a glare that reflects onto Route 108. Campbell stated he has not experienced a glare and that they would also be 10' off the ground and not create an issue. Metivier stated the reflection would go back to the bright spot in the sky.

Saunders stated that the City does have parking lot mitigation rules and regulations that require screening and plantings. She stated she did not see that reflected on the plan and wanted to ensure the landscaping was not being affected. Campbell stated it was not and he has added 3 lilac bushes to the property since purchasing it.

Hoyle asked what the lowest point the array is at. Campbell stated the lowest point is 10ft 6 inches.

Saunders asked if there would be a sign to notice the public of the height restriction. Campbell stated people do not follow height requirements even if it is posted.

Robidas asked if this board could override the ordinance for the setbacks. Saunders stated they could not, only the Zoning Board could grant a variance from the setback requirements. Brief discussion of the variance requirements.

Campbell stated he felt there is a hole in Somersworth's Ordinance because it does not specifically address these type of solar arrays. Metivier stated it is clear by the ordinance that this is a structure.

Robidas suggested bringing up these solar array trackers in a workshop with the Planning Board.

Metivier asked if the applicant could provide photographic appearances of these arrays.

Robidas MOVED to schedule the application for the next SRTC meeting for Minor Site Plan Approval and Public Hearing with the requirement that the applicant seek a variance to allow the arrays within the setback with the support of the SRTC for that variance to be granted.

Hoyle SECONDS the motion.

The MOTION CARRIES by a 7-0 vote.

Metivier MOVED to move the SRTC meeting from August 7th to Thursday August 8th.

Bobinsky SECONDS the motion.

The MOTION CARRIES by a 7-0 vote.

B) Ian Joseph Campbell LLC, is seeking Minor Site Plan approval, to install 4 solar power arrays on pedestals on a property located at 413 High Street, in the Residential/Commercial (R/C) District, Assessor's Map 36 Lot 3A, SITE#12-2019

Applicant Statement: Packy Campbell member of Ian Joseph Campbell LLC and Attorney Jim Shannon attended the meeting. Shannon stated this project will have four arrays as the business has a higher electric usage. Each array will have 30 panels and the underground conduit. He stated for this site they would need to do the electrical installation as there is no existing solar on site. Shannon stated they will need to remove two trees in order to do this install. He stated the information for use and purpose is the same as the first request. Shannon stated the electrical box tie in would be built in the parking lot. He stated the proposed locations for the arrays will not be getting any closer to the easement or drainage ditch.

Saunders noted that they had previously discussed the drainage easement and asked if the proposed location of the arrays was outside of the 100' buffer. Shannon stated the pedestals are but is not sure if the panels overhang it. He stated they do not have an engineer involved to tell them exactly. He stated the actual hole that will be dug is on the pavement side.

Campbell stated these arrays overhang the parking lot so that they do not encroach on the gas line easement or the power line easement. He expressed that it was a not a delineated wetland but a drainage easement and that the State does not consider it a jurisdictional wetland. Saunders disagreed. Shannon stated all of the work is proposed to be within the existing curbing.

Saunders stated there is a 50' front setback from Penny Lane and was concerned their proposal is not meeting that setback. Shannon stated that Penny Lane is a private lane and their property line goes to the middle of the Lane. Saunders stated that setbacks still apply to private roads.

Saunders stated if they are within the pavement they would not need to get a Conditional Use Permit. She added that if it is within the grass of the buffer they would be required to get one.

Metivier asked if the panel that is furthest to the west was moved further south if it would be going uphill. Saunders stated the concern was more about the wetland. She noted it could be further reviewed between meetings.

Police Department: McLin had no comments.

Water Division: McGlynn had no comments.

Department of Public Works: Bobinsky stated he had no additional comments that were not addressed during the first applications review.

Fire Department: Hoyle had no comments.

Building Inspector: Metivier had no comments.

Planning Board Rep: Robidas noted that the radius of the arrays is again potentially in the travel way and asked if there is a way to move them. Shannon explained why they had put the arrays in these locations.

Metivier asked if there is a need for the parking lot to be as big as it is. Shannon stated there was once a plan for vacuums to be installed but that was removed and the only ones that park in the back are employees. Metivier suggested they expand the grass area. Shannon stated they could not because it would impede on the que line for the bays.

Campbell asked if the ZBA would be the ones to review encroaching into the wetland buffer. Saunders replied no, it would be an application for Conditional Use Permit which goes to Conservation and then Planning Board.

City Planner: Saunders stated the two arrays within the pavement area would be not impacting the buffer area and would not require a CUP. She also noted that ZBA approval would be required for the encroachment of the 50' setback of Penny Lane. Brief discussion on where the property line starts for a property on a private road.

Public comment: **Dale Smith-Kenyon Conservation Commission member:** Smith-Kenyon stated she was in support of the solar project concerned with the trees being taken down and if it would be replaced elsewhere. She also expressed concern of how the wetland and its buffer would be protected from construction debris.

Saunders stated that one of the Site Plan Requirements for parking lot perimeter trees. She noted that with the removal two trees they would need to look for a place to replace them.

Robidas noted that there used to be trees on the Penny Lane frontage.

Campbell asked if he could plant lilac bushes instead of trees. Saunders stated that the regulations require shade trees and that the lilac bushes would be reasonable.

Saunders explained construction protection and typical bonding required.

Robidas MOVED Robidas MOVED to schedule the application for the next SRTC meeting for Minor Site Plan Approval and Public Hearing with the requirement that the applicant seek a variance to allow the arrays within the setback with the support of the SRTC for that variance to be granted

Bobinsky SECONDS the motion.

The MOTION CARRIED by a 7-0 vote.

C) Any other new business that may come before the Committee.

Motion: Robidas MOTIONED to adjourn the meeting. Bobinsky SECONDS the motion. The motion CARRIED at 11:53 by a 7-0 vote.

Respectively submitted:

Dana Crossley, Planning Secretary
Site Review Technical Committee