

DRAFT

**Minutes of Lisbon Zoning Board of Adjustment
Dec.19,2017 6:00 PM Town Hall**

Board Members Present: Chairperson Jan Marshall (JM), Tucker Clarke (TC), Deborah de Santos (DD), Stanley Sudol (SS), Steve Toutant (ST), Louis Desrosier (LD)-alternate

Others Present: Chad Blackiston, Giuseppe Perniciaro, Jay Myrto and Chris Nadeau (Nobis Engineering) on behalf of Clean Energy Collective. Michael Shores, Tom Morgan, Brian Morgan, Jenifer Trelfa, Regan Pride, Scott Champagne and Justin Roshak also in attendance.

Meeting called to order at 6:00 PM by JM. Notice that meeting was being recorded to be available on town website given by JM.

Proceedings:

- 1. Acceptance of minutes of 10/24/17 meeting:** Moved: SS Seconded: DD Carried
- 2. Budget request for the ZBA for fiscal 2018:** JM announced that budget request was submitted to the selectboard and provided copy of same to board members. Expenses of \$2900 were anticipated based on processing of four applications, improving ZBA member knowledge level through workshops, conferences and handbooks and assisting with updating zoning regulations. Income of \$1200 was anticipated based on fee of \$150 per application and reimbursement for cost of meeting notices and certified letters.
- 3. Hearing of applications by Clean Energy Collective, LLC (CEC) for a special exception and a variance to construct an approximately one megawatt solar array on Tax Map R36 Lot 3 Northey Road, Lisbon.** The array will consist of approximately 4000 fixed solar panels placed on an approximately 7.5 acre clearing in the 170 +/- acre parcel owned by the Wheeler Trust. The developed area will be leased for 25 years, with possible extension to 45 years, from the Wheeler Trust to a LLC owned by CEC. See applications for further details.

JM reviewed the Town's compliance with notice requirements and the order of proceedings for the hearing based on the Board's procedures.

JM informed attendants that she and ST had individually viewed the site, other members not having been able to do so at this time but DD is very familiar with the site. Motion was made by SS, seconded by TC and passed to accept individual viewings.

Presentation was then made by those representing CEC with questions asked by board members during and after the presentation. Following is a summary of proceedings, please refer to taped minutes for exact details.

Some Key Points:

- The exact size of the panel array itself was not known but will be provided. Each panel measures 6½ ft tall x 3½ ft wide. Racks will hold 5 panels high and 6 panels wide. Photos of a similar sized array were provided. The panels are blue in color, 5% reflective and contain no fluid or other hazardous materials. The only noise associated with the array is from the transformer and 8 inverters which developers feel will not be heard outside the boundaries of the site.
- The panels are anchored to the ground by a screw like fastener drilled into the ground. Fact that this area has a lot of ledge was discussed and felt not to be problematic by the developers. Five days of drilling was anticipated followed by 6-8 weeks of construction. Clearing of the site is needed before construction begins.
- Panels would be brought to the site on semi-trucks. Concern whether Northey Road can accommodate this traffic was raised. The board will be asking the Planning Board which is responsible for site review to determine what needs done and expects that the Planning Board will be getting input from the town road department. CEC is willing to set work hours per request of abutters (8-5, M-F discussed as acceptable)
- The ground under the panels will be seeded and a storm water runoff/collection area will be constructed per state and local requirements. Concern was raised about ability of collection area to handle heavy rain and protect the road and land below from damage. Developer replied that strict environmental standards apply and will be met. Since this is another site plan issue the board will be asking the Planning Board to determine whether the plan is adequate.
- The array will be surrounded by a 7 foot chain link fence anchored on cement supports. The bottom of the fence will be elevated off the ground to allow for passage of small animals.

- There will be an underground connection of the array to the nearby power lines of Eversource. Eversource customers will be allowed to join this facility and receive credits on their electric bill for power produced by the panels. No specific details regarding this arrangement were discussed.
- Location of the array is between 1270-1310 elevation, south facing. A *treeline buffer will surround the clearing and CEC representatives did not feel by looking from the site that the array would be visible from surrounding properties/areas/ridgelines.* Much discussion centered around how this might be more accurately established. The applicant agreed to pay for a survey identifying what properties could see the array when completed. The applicant stated that the Planning Board was already engaging Horizons Engineering (at the applicants expense) to represent the Town's interests in evaluating technical aspects. JM will contact the Planning Board chair to ask that such a survey be included in the work.
- An upgrade to the panels is not anticipated during the lease period. At present a "decommissioning" plan is not in place but CEC is willing to establish one and has prior experience with same.

Public Input was then accepted.

- Letters of opposition received from Rebecca S. Lockwood and Rosemary Hall Evans, both direct abutters, and Brian Morgan with Michael Shores, both of Breezy Hill Rd were introduced by JM. Mr Morgan also submitted "Proposed findings to support the denial of a Variance". All letters are available for public viewing, in the Town offices.
- Jennifer Trelfa, Northey Rd resident, spoke and is concerned about use of residentially zoned land for commercial use, the ability of Northey Rd to handle the construction traffic and runoff from the site, impact of the site on wildlife, construction related noise and wondered what benefit the project had for the town. In response to the benefit to the town question Mr. Blackiston responded that "payment in lieu of taxes on a per megawatt basis" will be established due to the relatively low tax payment expected. The acreage will also be removed from current use.

Brian Morgan spoke and reiterated points made in his letter. Mr. Morgan, representing himself, his father Tom Morgan and Michael Shores, opposes commercial development on residentially zoned land, emphasizing concern that this may create "leapfrog effect" or "slippery slope" leading to additional

commercial ventures on residentially zoned properties and as such degrade property values and the overall beauty of the area. (CEC acknowledged interest in placing two additional arrays on the property). The group feels the panels will be unsightly to those who pass by on Northey Rd and from surrounding lands, disagreeing that they will not be visible, again decreasing property values by their presence. Photos of a solar array in a Massachusetts community were presented showing signs by an adjacent neighbor stating "thanks for the view". They too are concerned about the impact of the site on wildlife, water runoff, construction noise, and noise from the transformer. Additional concern is that the array will eliminate future residential development on this property and surrounding properties diminishing potential tax revenue.

JM ended the evening's testimony and it will be taken up at the next meeting starting with time for additional testimony from parties in opposition to the proposal.

As result of concerns the board requested:

1. A "decommissioning plan"
 2. A proposal from the applicant on a limitation on subdivision to ensure that adequate land beyond the 7.5 acres remained with the array to serve as a form of "guarantee" that the decommissioning plan be carried out.
 3. Adequate information to enable a survey addressing visibility of the array from adjacent lands.
4. Based on guidance from North Country Council on what constitutes "regional impact" a **vote was taken on whether this project has regional impact**. Motion: TC Seconded: SS That the towns of Lyman, Landaff and Sugar Hill receive notice of this application. Motion carried.

5. **Adjournment:** Moved: ST Seconded: DD Meeting adjourned at 8:20 PM

6. **Next Meeting:** Jan 4, 2018 at 6:00PM at Railroad Station

Minutes submitted by: Steve Toutant 12/21/2017

