

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – May 23, 2015

Board Members: Present - Frank Bowles, Rob Titus, Walter Swift

Absent: Alan Creatorex, Bill Malcomb

Alternate Members: Present- Dan Brand

Staff: None present

Public: Geoff Little, Jeanie McIntyre, Richard Vidal, Darryl Hotchkiss

Chairman Frank Bowles called the meeting to order at 8:30 pm. Dan Brand is continued as a regular member from the last hearing.

Continuation of Application #2015-ZB-26, Geoffrey Little (Tax Map 407 Lot 111) 92 Highbridge Road in the Rural District.

The meeting came to order outside of the Little/McIntire residence. Jeanie McIntyre handed out maps showing the property and outlining the area covered by conservation easements. In response to a question from Frank about the terms of the easements, she noted that the Upper Valley Land Trust had turned down previous requests to put solar panels on land covered by such easements. She is president of the Trust.

The group then walked up to the location for the proposed solar panel array, which is located at the northern end of a built-up area that was created to build a riding paddock. The array would be approximately 33' long, 12' deep and would be a ground mount array about 10' high at the back. The back and underside of the array and its mounting hardware would be visible from the neighboring Vidal residence. Jeanne said that the array would be located outside of the side setback of the property. Walter asked about the property boundaries and the party walked about the area somewhat uphill of the proposed location of the array to assess sightlines. Frank noted that the wiring run to get from the array to the meter for the service to the property is quite long and that voltage drop would be a problem unless quite large wires were used.

The party then began to return to the area of the house and barn. The path leads along the steep, built-up edge of the riding area and the party paused to ask about placing an array in this area. Jeannie noted that the power line has a right of way across the field down below the riding area. Frank wondered why, given the site topography, that the solar installer, RGS, had not proposed one or more pole mount arrays in this area, which is much closer to the utility pole that serves the house.

The group then looked at the area near the house and it was noted that the conservation exclusion area runs along the south side of the driveway except for an area in front of the house, where there is a small field on the other side of the driveway. Jeannie indicated that this area was not suitable for a solar array due to shading from the trees along the road and the steep terrain on the east side of the little field.

Frank took the group over to the barn and noted that it would, in theory, be possible to build a shed roof or mounting frame off the south end of the barn and that an array could be put in this location.

The board then went into deliberation on a motion by Frank seconded by Rob. Frank expressed his concern that section 4.64 does not appear to allow a special exception for a structure such as a solar panel array in the Agricultural soils conservation district. Dan noted that it might be possible to allow such an array as an accessory structure to agricultural use, i.e. a horse barn, as permitted under 4.64.A.6. Walter suggested that discussion of this point be deferred until more information is available. Rob expressed concern that there appear to some alternative locations for an array and Frank noted that a pole mount array would allow more installation flexibility. The board agreed that the next step would be for the applicant to have an engineering representative from a solar engineering firm present the board with a full analysis of the options for developing a design for a solar array on other areas of the property. The board also concluded that it might be in the applicant's best interests to have a soil scientist determine if the soils in the proposed array location are, in fact,

agricultural soils because, if they are not, then the board has no interest in the matter. The board left deliberations on a motion by Frank, seconded by Rob.

Frank noted the board's request to have a professional engineer present a discussion of installation alternatives and also the board's suggestion that the soil analysis be done.

Walter noted that it might be possible to shield the array in its proposed location with a barn-like wall and also observed that an agricultural structure such as a barn would be allowable in that location

Darryl Hotchkiss, as attorney for the Vidals, noted that the Attorney General's office might also be taking a revised position on the installation of solar arrays in a conservation easement.

Rob noted that it would be good for the involved parties to talk with each other to help resolve concerns about location of the array and possible shielding if it did have to be put there.

Rob moved to continue the hearing to Thursday, June 18, at the next regular meeting of the Zoning Board. Dan seconded the motion and it passed unanimously.

Meeting adjourned 9:40 am
Minutes written by Frank Bowles

Note added while writing these minutes: Frank found that the materials submitted by the applicant show the correct proposed location of the array, but that they do not show the proper wiring run for the connection to the applicant's service meter. The wiring shown is for a stand-alone meter along the northern property line some 145' from the proposed array location, but the wiring diagram is for a connection to a house panel at that location.