

**TOWN OF FARMINGTON  
PLANNING BOARD  
Tuesday, October 4, 2011  
356 Main Street, Farmington, NH**

**Board Members Present:** Paul Parker, David Kestner, Glen Demers

**Board Members Absent:** Charlie Doke, Cindy Snowdon

**Selectmen's Representative:** Charlie King

**Town Staff Present:** Director of Planning and Community Development Kathy Menici and Department Secretary Bette Anne Gallagher

**Guest Speaker:** Eric Steltzer, NH Office of Energy and Planning

**Public Present:** Neil Johnson, Jim Horgan, Peter Roy (Newmarket PB), Steve Panish (Milton Conservation & Energy), Linda Adamo (Middleton PB), John Huckins (Barrington PB) and Danielle Curtis (Fosters Daily Democrat)

**At 6:18 pm the meeting was called to order and all present stood for the Pledge of Allegiance.**

**BUSINESS BEFORE THE BOARD:**

- **Review and approve Minutes of September 6, 2011 and September 20, 2011**

Due to a lack of quorum of the Board members in attendance at the September 6<sup>th</sup> meeting the following motion was made:

*Charlie King motioned to table approval of the September 6th minutes until the November 1<sup>st</sup> meeting, 2<sup>nd</sup> David Kestner. Motion carried with all in favor.*

*Charlie King motioned to approve the August 2, 2011 minutes as written; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.*

- **Any other business to come before the Board**

A notice was received from Historic Resources regarding a DOT project on Route 11 near the Route 153 intersection. There was limited information provided on the notice and the follow up call made by Planner Menici did not get anything additional. Charlie King said the project was briefly discussed at a BOS meeting within the past year and the project will entail widening, straightening, regarding and center turn lanes in the area near BBD on Route 11. There is no definite start date, but it will probably be within the next year or so.

## **PRESENTATION BY ERIC STELTZER, NH OFFICE OF ENERGY AND PLANNING ON SMALL WIND TURBINES**

Mr. Steltzer began his presentation by asking if there is a zoning ordinance in Farmington for small wind turbines. Chairman Parker said there was not but he had attended an OEP lecture series on the topic and the Board was working on developing an ordinance. The Chairman said he hoped this presentation would answer questions and help to clear up some of the confusion among Board members.

Mr. Steltzer began his power point presentation. He said for most people wind turbines are thought of as huge installations across a ridge line or small backyard turbines. He said a small residential system would be less than 100 kW with a tower height of 40 to 150 feet such as the 3.7 kW system by Skystream that is popular in the Northeast. The next category is agricultural and these systems are generally around 20 kW and the last category is industrial using 50 to 100 kW usually sited in windy areas such as the seacoast or ridge tops. Large utility systems can have 250 foot towers and offshore towers can be even higher at 450 feet with blade spans of 350 feet. Mr. Steltzer said there is an installation in Lempster of 2 MW and one in Coos County of 3 MW. The smaller capacity systems are designed for personal consumption. Larger capacity commercial systems sell some of the power generated back to the power grid.

A wind resource map was shown that mapped wind speeds. In New Hampshire the windiest areas are in the North Country, the Presidential range and along ridge lines. The seacoast area extending about 1.5 miles inland has strong winds as well. For small systems, ideal wind speed is about 8 to 9 meters per second however Farmington averages a wind speed of 5 meters per second. Parker Mountain has a stronger wind field and there is a portion of Farmington that benefits from that.

Public concerns include visual and sound impacts. Commercial impacts also include these but there are additional concerns for distribution; effect on historic resources, wildlife and tourism; access roads and impact on wetlands; land preservation and shadow flicker. The goal is to achieve a balance between property rights and public impact.

Mr. Steltzer said the demand for energy is growing and diversification is important. This was the driving force behind the legislature passing HB 310 in 2008 which addressed the regulation of small wind energy systems. This bill created RSA 674:63 which states, in part, that municipalities cannot unreasonably limit or hinder small wind energy systems through ordinances or regulations. Municipalities can develop zoning regulations for these systems but in the absence of any regulations, HB 310 provides the process to be followed.

The statute states that municipalities cannot completely prohibit small wind energy systems. Also, a generic building/structure height restriction cannot be applied in order to prohibit these systems. Setback from property lines cannot be more than 150 percent of the tower height and 55 decibels is the lowest noise level.

The bill establishes a 30-day period for public comment which is set by the date abutter notices are mailed. There is no requirement for a public hearing or advertising. The authority for review

rests with the Building Inspector unless an ordinance assigns review authority differently. So as not to burden a building inspector, some communities establish the PB or ZBA as the reviewing authority.

Mr. Steltzer stated a model ordinance developed in 2009 is available to municipalities as a guideline in developing their own. In New Hampshire there are 20 to 30 communities that have zoning ordinances at this time.

The types of wind turbines available are horizontal, vertical axis and roof mounted. Vertical axis wind turbines are not considered as efficient as the horizontal systems although they are more sensitive to wind gusts. Only horizontal are covered under the regulation; the others are covered under typical building codes. Also discussed were size restrictions, measuring height above the tree line and the overall process for approving wind turbines.

Mr. Steltzer said familiarity with turbines reduces public concerns. He recommended visiting different types of wind turbines around the area because that would give a better sense of visual and sound impact. He also recommended using the resources listed in his handout. This handout "Small Wind Energy Systems" published in the fall of 2008 will be made a part of the official record.

Chairman Parker opened the meeting for questions.

Steve Panish asked about changes to net metering. Mr. Steltzer explained that a change to net metering is being considered by the PUC but not yet adopted. This would extend it to 1 MW and would have the user pay for electricity and then receive a credit.

Charlie King and David Kestner both expressed their concern that the review process will be too costly for the small user and thought there should be a level established under which no review was required. Even without a strong wind field in Farmington, the Board felt there would be residents interested in small systems to help with both energy consumption and cost. Mr. Steltzer said that prior to the enactment of HB 310, a property owner had to apply to the ZBA, sometimes at considerable expense, to install a wind turbine system and many were denied. The New Hampshire legislature felt they were streamlining the process for residents. Mr. Steltzer also said Vermont has a specific process for the small user including the elimination of fees to connect to the grid, but at this time the legislature in New Hampshire has not taken that step.

The regulation requires that all applications must be reviewed, but a municipality can set different levels of review and set costs so they are not prohibitive. He said the review does not need to be as in depth as a site plan review for small systems. He also said a town could require removal of a system if a property owner does not go through the process. He suggested that if a town wanted to adopt a zoning ordinance that allowed small systems to skip the full review process, there must still be inspection for adherence to codes especially electrical. Additionally, he recommended consulting Town Counsel prior to taking this step. Planner Menici pointed out that a planning board does not have the authority to waive State statute.

Chairman Parker questioned whether the Town's Minor Site Plan Review Committee could review and approve the smaller systems. After discussion, Mr. Steltzer recommended that Town Counsel be consulted for that determination.

Mr. Steltzer emphasized that regardless of whether a town has a zoning ordinance or not, all systems must be built to code and must be inspected. Planner Menici clarified that sound level is measured at the property line.

The Chairman thanked Mr. Steltzer for his presentation and the public for their questions. He said all of this will assist the Board in developing a zoning ordinance.

*At 7:53 pm David Kestner motioned for a five minute recess; 2<sup>nd</sup> Charlie King. Motion carried with all in favor. At 8:02 the Board reconvened.*

### **PUBLIC HEARINGS:**

#### **Proposed Amendment to the Planning Board's Rules of Procedure**

Planner Menici said the Board's Rules of Procedure should include information on public and abutter notification to state what newspaper of general circulation is used and the three places in the Community used for posting. Foster's Daily Democrat is the newspaper used and the agenda is posted in the glass case outside Town Hall, the board in the Planning Department office, the board at Parks and Rec and on the Town's website. The Planner said language should be added to the Rules of Procedure to identify all the places so that in the event of any changes in Board members or staff posting will be consistent. The change will be reflected as item #7 under applications.

Planner Menici said that currently abutter notifications are sent certified mail return receipt requested. The requirement for return receipts was eliminated in 1985 and only certified mail certificates are required. Staff has found that the return receipt cards are not all coming back prior to the public hearing date and if the notification is not claimed, the returned item is also being received after the hearing date. If the return receipts are used, the hearing should be continued until all notifications are received or the item is returned. Additionally, there is an extra cost to the applicant and substantial staff time is spent in preparation.

After a brief discussion, the Board agreed to the change which will be reflected in the Rules of Procedure and the fee schedule.

*Paul Parker motioned to continue the changes to the Rules of Procedure and Fee Schedule for public notice and abutter notifications to November 1, 2011 for a second public hearing; Charlie King 2<sup>nd</sup>. Motion carried will all in favor.*

#### **Proposed Amendments to the Town of Farmington's Excavation Regulations and Application**

Approved by the Planning Board on October 18, 2011.

After a brief discussion it was agreed to delete renewal from the title in Section 16 Paragraph B; to delete the bulleted paragraph in the body of the application that asks if this is a new application or a renewal and to change the abutter fee from \$9.00 to \$6.00.

***Charlie King motioned to continue the changes to the Excavation Regulations and Application to November 1, 2011 for a second public hearing; Glen Demers 2<sup>nd</sup>. Motion carried will all in favor.***

***At 8:20 pm Glen Demers motioned to adjourn; David Kestner 2<sup>nd</sup>. Motion carried with all in favor.***

Respectfully Submitted,  
Bette Anne Gallagher  
Department Secretary

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Chairman, Paul Parker