

# **SOMERSWORTH SITE REVIEW TECHNICAL COMMITTEE**

## **Minor Site Plan**

### **MINUTES OF MEETING**

**May 12, 2021**

**MEMBERS PRESENT:** Michelle Mears, Michael Bobinsky, George Kramlinger, Tim Metivier,  
Tim McLin and Scott McGlynn

**Excused Members:** Paul Robidas

**STAFF PRESENT:** Dana Crossley Planning Secretary

The meeting was called to order at 2:01 pm.

Mears stated due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Committee is authorized to meet electronically. Although this is a public meeting, the public is encouraged not to attend and instead to leave comments or concerns at the following phone number # 1-603-692-9519, or by emailing [planning@somersworth.com](mailto:planning@somersworth.com) or by sending written comment to the Planning Board/SRTC, either through the drive up window or by postal mail to 1 Government Way, Somersworth NH 03878. The public can access the meeting and listen live by telephone.

Roll call attendance was taken, Mears, Kramlinger, Bobinsky, Metivier, McLin and McGlynn were in attendance remotely.

The Planning Secretary, Dana Crossley was also in attendance remotely.

1) **Approval of the minutes:** No minutes for approval.

2) **OLD BUSINESS**

- A) **Ian Joseph Campbell, LLC, is seeking minor site plan approval to install one (1) solar power array on pedestal and remove the requirement to have stone under the arrays on a property located at 4 Enterprise Drive, in the Commercial Industrial (CI) District, Assessor's Map 48 Lot 24C, SITE#07-2021 PUBLIC HEARING**

**Packy Campbell of Ian Joseph Campbell LLC** was in attendance to represent the application.

Campbell requested to first address his request to remove the requirement from the 2019 approval to have stone installed under the array. He stated there is grass grown under the array and there have been no erosion issues.

Metivier stated he recalls from the original approval that the applicant was the one that brought up the stone under the array. He stated he would be in support of the request to remove the stone requirement.

Bobinsky stated he believes the grass would function appropriately for drainage.

Mears opened the public hearing for public comment.

She stated there have been no comments received via mail, email or phone.

Mears closed the public hearing.

MOTION: Bobinsky stated, I move that the request of Ian Joseph Campbell LLC, to remove the requirement from SITE#11-2019 to install stone under the array to help with runoff and stormwater infiltration and allow grass as a substitute be **APPROVED**.

The MOTION is SECONDED by Metivier

The MOTION CARRIES by a 6-0 roll call vote. .

Request to install one (1) new solar power array on pedestal:

Campbell explained to the Board the request for the solar tracker and inquired if the Board agreed it was an accessory structure to the use of the car wash. He stated he feels they are incidental and subordinate to the principal structure. He stated if the Board agrees with him on that matter then there would be different setbacks that would govern the solar tracker. He stated the pedestal that the tracker is on is less than 5 sf.

Metivier asked how large the entire tracker structure is.

Campbell stated it is about 700 sf. but accessory structures have a specific setback.

Metivier stated he would concur that the solar tracker is accessory to the primary use. He stated in Table 4.A.3 for Accessory Uses, Note 2. Allows for structures no larger than 120 sf. do not need to meet setbacks.

Campbell stated the impervious surface of the structure is less than 5 sf. he stated the structure is unique because people can walk under it, lawn can grow under it and is a unique accessory use.

Metivier stated he is bound by what the Ordinance says and cannot put his feelings into it.

Mears stated if it was 120sf or less it would not need to comply with setbacks.

Campbell stated he feels the impervious surface needs to be considered. He stated it would just be the post and the solar trackers are a unique accessory structure.

Bobinsky inquired with the current zoning language what is the Board allowed to approve.

Mears stated the issue regarding impervious surface is that there is nothing in the ordinance that states to only consider the impervious surface but rather having to consider the entire structure.

There was a brief discussion of a variance or zoning amendment.

Campbell stated he has the materials to start work as soon as possible. He stated if the Board was to find in his favor he does not think anyone would object. He stated because the tracker spins and sits at an angle can be defined as pervious surface. He provided suggestions to how he would like to see the Ordinance change.

Bobinsky asked what the setback the applicant is required to meet.

Campbell stated he submitted his application with the tracker 20' from Enterprise Drive and 50' from Route 108.

Mears stated she does not feel that enough information has been provided to make the determination that the trackers are completely impervious or not.

Campbell stated he could provide that information. He stated there is nothing besides the 5sf. post that prevents water from going in the ground.

Metivier stated if he was to receive a building permit application for a solar tracker that was to be closer than 50' from Enterprise Dr. or Route 108 he would have to deny it based on the 2019 ZBA decision for this property where the tracker array was not allowed relief to be within the front setbacks. He stated his position stands that if the entire structure is no greater than 120sf then it would not need to meet setbacks and would not be able to approve a building permit for the trackers to be within the setbacks.

Mears inquired if the applicant could place the structure somewhere else on the lot and meet the setback requirements.

Campbell explained potential locations and restrictions.

Mears noted that the overhang also must be compliant with setbacks.

Metivier added further clarification that when the array lays flat it cannot be less than 50' from Enterprise Dr. or Route 108, no overhang within the setback and they cannot go against the ZBA denial. He stated a plot plan would need to be provided to indicate the location of the solar array ensuring that it meets the current setbacks.

MOTION: Bobinsky stated, I move that the request of Ian Joseph Campbell LLC, for minor site plan approval to install one (1) solar tracker array be APPROVED WITH THE FOLLOWING CONDITION:

1. The array shall be compliant with the 50' setbacks of Enterprise Dr. and Route 108.

The MOTION is SECONDED by McGlynn.

Discussion: McLin asked for clarification on the motion.

Mears stated the motion is an approval to install one solar array tracker that must meet all setbacks of the zone, specifically calling out the 50' setbacks of Enterprise and Route 108 and to provide a plot plan.

The MOTION CARRIES by a 5-1 roll call vote (Kramlinger voted in the negative)

Discussion to why Kramlinger voted in the negative.

Discussion of proposed zoning changes regarding solar trackers.

B) Any old business that may come before the Committee. – No other old business.

### 3) **NEW BUSINESS**

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

No other business.

MOTION: Metivier MOTION to ADJOURN at 2:53 pm.

The MOTION is SECONDED by McGlynn

The MOTION CARRIES by a 6-0 roll call vote.

Respectively submitted:

Dana Crossley, Planning Secretary  
Site Review Technical Committee