



Town of Sharon, New Hampshire

432 NH Route 123 • Sharon, NH 03458-7114

603-924-9250 • FAX 603-924-3103 www.sharonnh.org

Joint Meeting: Planning Board & Zoning Board of Adjustment

ZBA Case Number (2022-01) Date: 3/19/2022

Present:

Planning Board: Gerald DeBonis, Diane Callahan, Jeff Osgood, Mitch Call, Sara Tobias

ZBA: Chet Bowles, Rich Dufresne, Chris Hartman, Stephen Gapp

Chet Bowles reconvened the meeting at 10:00 AM. He stated that the site visit to the Nichols property of 51 Route 123 was a continuation of the Joint Meeting of 2/3/2022. The site visit was requested by the Nichols family to re-examine the issue of Unnecessary Hardship. The ZBA had voted against Unnecessary Hardship on 2/3/2022 with a vote of 0 in favor and 5 opposed. The Nichols family was represented by Jud Crawford, Bruce Nichols, and Greg Blake of South Pack Solar. On March 13, 2022, Jud Crawford had submitted a 9-page document to the ZBA further detailing the issues of the solar panel placement. All members of the ZBA and Planning Board received copies of this document.

Chet Bowles informed the Nichols family that there would only be 3 members of the ZBA that would be voting on the Unnecessary Hardship issue. Bowles recused himself from voting due to a working relationship with Greg Blake of South Pack Solar. When the date of the continuance was set, one ZBA member wasn't available, but that still left 4 voting members, so the date was approved. However, another ZBA member had had a medical emergency and couldn't be present on the day of the site visit. Chet Bowles inquired if the family wanted to postpone the visit for another day when more ZBA members could be present. Jud Crawford stated that the Nichols family was fine to proceed with only 3 voting members of the ZBA present.

Jud Crawford and Greg Blake led the members of the Boards around the property, starting with the original solar panels on the roof, continuing to the possible site to the West of the barn, and ending with the proposed site on the Road side of the barn. The Boards were shown how the solar panels would need to be placed, and which trees would need to be cut, in both locations for maximum solar benefit. On the road side of the barn, which would require the variance, the Boards were shown how the 11-foot high panels would look from the road with a 7-foot screening of shrubs. The ZBA has the authority to require a screening as part of the variance. At 11:00 AM, it was decided to move the meeting to the Meeting House.

At the Meeting House, Chet Bowles opened up the discussion to questions from members of the Boards. Board members asked about possible impact to the septic system if the panels were mounted to the West of the barn, and it was determined there would be no impact. The issue of possible glare or reflection from the panels from the Road side of the barn was discussed. Greg Blake felt like there would not be a problem due to the coating on the panels and the angle of the sun. The issue of the additional expense of cutting and removal of a greater number trees if the panels were placed on the West side of the barn was discussed. Jud Crawford had submitted documentation showing that it would cost over \$10,000 more if the panels were installed on the West side of the barn versus the Road side of the barn. The panels on the Road side would be within the 100-foot front set-back requiring the variance, and this additional cost was the Unnecessary Hardship proposed by the Nichols family.

Chet Bowles stated that the ZBA looks at the issue of Unnecessary Hardship from the point of view of the land. Do the physical limitations of the land itself create an Unnecessary Hardship? He said that the need for additional tree removal and the associated expense is an issue, not a hardship. Expense is not relevant to the ZBA criteria for granting a variance. Chet Bowles inquired of the 3 voting ZBA members if any of them wanted to change their votes on the first 4 criteria to grant the variance. All 3 members kept their original votes in favor. On the question of Unnecessary Hardship, the vote was 0 in favor, 3 opposed.

The variance was not granted.

Chet Bowles said that the ZBA will send formal notification to the Nichols family within 5 days. The Nichols family has the right to ask the ZBA to reconsider within 30 days, but that reconsideration must be based on technical or legal issues of the proceedings, not on the decision of the ZBA. Jud Crawford stated that it was highly unlikely that the Nichols would ask for a reconsideration.

If the Nichols family decides to proceed with installation of the solar panels to the West of the barn, no variance would be required as placement would be outside the setbacks. A plan would have to be brought before the Planning Board for approval.

Chet Bowles closed the ZBA portion of the joint meeting at 11:40. The Planning Board portion of the meeting will reconvene on Tuesday, April 12, 2022 at 6:00 PM at the Sharon Meeting House.

Respectfully submitted,

Jeff Osgood

Date Approved: _____

Gerry DeBonis Diane Callahan Jeff Osgood

Mitchell Call Sara Tobias