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**TOWN OF FREMONT
ZONING BOARD OF ADJUSTMENT
PO BOX 120
FREMONT, NEW HAMPSHIRE 03044**

NOTICE OF DECISION

Case #023-004

You are hereby notified that at a Public Hearing held on November 28, 2023 at the Fremont Town Hall, the attending members of the Fremont Zoning Board of Adjustment did vote to grant a Special Exception in accordance with Article 12, Section 1201.8 of the Fremont Zoning Ordinance to Fremont Land LLC of Fremont NH to permit the construction of a solar panel array within the 100 foot wetland buffer at 44 Iron Horse Drive, identified as tax parcel Map 2, Lot 151-2, as shown on a the plan submitted with the application entitled Solar Panel Conceptual Layout, dated October 4, 2023 with conditions noting restrictions in Watershed areas per the Zoning Ordinance Article 12, Section 1203.8, Item D (Prohibited Uses) including, but not limited to disposal of brush or stumps, use of road salt or other de-icing chemicals, dumping of snow containing de-icing chemicals brought from outside the district.

SIGNED:

Doug Andrew, Zoning Board Chair, Fremont NH

Dated: 28 November 2023

In support of this decision, the Board made the following findings of fact:

Documents provided to the Board included the following:

- Plan Sheet 1, Titled Solar Panel Conceptual Layout, dated October 4, 2023.
- Letter of Intent dated October 24, 2023
- Application for Special Exception received October 24, 2023
- Letter of Denial from Fremont Building Inspector dated November 2, 2023

- Letter permitting William Gregsak, PE of Gregsak and Sons, Inc. and Ryan Lavelle of Lavelle Associates to act as representatives for the applicant.
- Specification Sheet from Sunmodo showing construction of SunTurf® Ground Mount System
- Report by Michael Cuomo, Soil and Wetland Scientist with the Rockingham County Conservation District (RCCD), dated November 21, 2023.

William Gregsak of Gregsak and Sons Inc. presented the case on behalf of the Applicant Fremont Land LLC.

- Mr. Gregsak showed limitations on the parcel which led to the proposed placement of the solar array. Phase 1 of the existing manufacturing development has been built. Placement of the array is limited around the building due to septic (south), shading by the building (west), building roof slopes west, and the panels must face to the south. The wetland buffer is very close to the building area and the parking area covers the front of the building up to the roadway. The land is very flat. There is an earthen berm approximately 50 feet from the wetlands that was found to contain tree stumps. The array is situated outside this berm, approximately 50 feet from the wetland. This site was previously a gravel pit and the berm and stumps were left from clearing during gravel pit operations.
- Member Yokela stated that in his opinion the project did not meet the criteria that the proposed project is “essential to the productive use of land”. He also stated his opinion that this use is benign and does not have a “detrimental impact” to the land.
- The Conservation Commission stated no opposition to the project. The Commission also asked that the decision by the Board include conditions noting restrictions in Watershed areas per the Zoning Ordinance Article 12, Section 1203.8, Item D (Prohibited Uses) including, but not limited to disposal of brush or stumps, use of road salt or other de-icing chemicals, dumping of snow containing de-icing chemicals brought from outside the district.
- The Planning Board viewed the project favorably at a Preliminary Meeting and referred the project to the ZBA for a Special Exception.
- RCCD report related to special exception criteria of “detrimental impact” concluded that the solar array can be constructed and is positioned to minimize any significant detrimental impact of the use upon the wetland.
- The Fremont NH Health Officer commented in favor of the project as long as the recommendations by the Conservation Commission are abided by for this project. This comment was received on December 4, 2023, in accordance with Article 12, Section 1201.8 of the Fremont Zoning Ordinance.

Notes:

Application for rehearing on the above determination may be taken within 30 days of said determination by the Board of Adjustment, any party to the action or any party directly affected thereby according to NH Revised Statutes Annotated, Chapter 677. Said Statutes are available at the Fremont Town Offices.

According to Town of Fremont Zoning Ordinance Article 17 Section 1702.18, special exceptions shall be valid only if exercised within two (2) years of the date of final approval. The Board of Adjustment, at the Applicant’s request, may grant a single, twelve (12) month extension.