

Town of Jackson Planning Board
Minutes – September 8, 2022 – Regular Meeting
- UNOFFICIAL UNTIL APPROVED

Call To Order: Chairman Bill Terry called the meeting to order at 7:15 P.M. Attending were Members David Campbell, Sarah Kimball, Chris McAleer, Alternates James Wasco (via Zoom), and Huntley Allan. Members Kathleen Dougherty and Scott Badger, and Alternate Dick Bennett and Selectman's Representative John Allen were unable to attend. Public attendees included Hank Benesh and Kevin Bennett, Jackson Building Inspector. Audio and video recorded by Hank Benesh will be made available on Jacksonflicks.com. Chairman Terry moved to have Alternates Wasco and Allan as voting members. Secretary Campbell called the roll of all members.

Approval Of Minutes: Minutes from the meeting on August 11, 2022, were reviewed. Member McAleer moved to approve the minutes and Member Kimball seconded. The motion was approved unanimously.

Public Comment: No public Comment

Recommended changes to Planning Board and Zoning Ordinance: Chairman Terry stated that the recommended changes were to bring in line both elderly housing and affordable/workforce housing rules. Chairman Terry pointed out that in Section 10 2.2 of the Zoning Ordinance we address elderly housing definitions in the same manner as the affordable/workforce housing rules. Jackson's ZO is in line, so no change is required. Member Campbell raised the second issue and that is about disclosure of denials. Member Kimball stated that it is required to document all reasons for the denial and questioned if the minutes that are posted are enough to meet this requirement. Currently the decisions are in the minutes, which are posted on the Town's website and eNews. Chairman Terry stated this appears to be a no change to the ZO but we would verify with Counsel regarding the adequacy of current notifications.

2022 Initiatives - Solar Ordinance: Chairman Terry proposed the question to the Board on what is stalling us on making decisions. Member Kimball stated that we focused on the draft ordinance which is both a draft ordinance and information. Member Kimball expressed the availability of additional data for consideration she found on a website from the U.S. Department of Energy Technologies that was very informative. She also found many other examples of adopted ordinances. The documents said examples of some restrictions deal with height of ground mounted systems and some of the lessons learned by other ordinance. Chairman Terry suggested we focus on what we want to allow as compared to what we do not want to allow. He suggested work with information from Kevin Bennett. Chairman Terry asked the Board what

kinds of things we are trying to accomplish with the ordinance like should there be a difference between what is allowed for homeowners vs. commercial properties in town. Member Campbell felt the goal was to avoid placing restrictions on residential property owners who install solar systems so that they can obtain the benefit of these systems. Member Kimball stated that you can define it for residential use as an “accessory” use. This would fall within the building permit requirements. She pointed out that this could cover commercial properties who add this to their structure. The other type is “primary” use which focuses on the use for income only and not for use within the property. Member Campbell questioned if a resident wanted to add panels to roof that is not capable of holding the weight, what controls this from happening. Kevin Bennett explained that this would fall under the building code. Kevin explained that the installer is required to bring in an engineer to determine the structure can handle the installation. He stated that there have been a lot of enhancements to the systems. Chairman Terry asked Kevin what rules do not exist in the Building Code or ZO that would help him. He stated he does not see a lot of issues with the roof mount systems. Chairman Terry asked about the issues with ground mounted systems. Kevin said with those systems you worry about set-back and landscaping coverage. Kevin said that most residents cooperate with set-back and landscaping. Member McAleer asked Kevin if there is any danger with a roof mounting system blowing off; Kevin said he has not seen that happen. Chairman Terry clarified that the Buildings Code and ZO already cover the basic installation and set-back. Kevin said there is nothing about kilowatts limits. Chairman Terry pointed out that we have no rules that address panel reflection glare or landscaping. Alternate Allan expressed the concern of reflections from these systems if installed on the mountain, and this not something we would want to happen. Member Campbell asked Kevin is there something that would need to be done regarding limiting wattage. Kevin explained that the solar installers typically base the size of the unit on the homeowner’s usage. Chairman Terry clarified there is no limit within the building code. Member Kimball questioned about disposal of panels; Kevin stated there are no rules. Member Kimball read that it is important not to focus on wattage but on physical size since technology is changing. Chairman Terry proposed that we draft some rules to limit what is or is not allowed and focus on important elements such as landscaping, reflection, and placement, and allow for the other parts of installation to be addressed in the building code. He asked Kevin to keep the Board informed of the changes he is seeing considering the technology is quickly changing.

Chairman Terry then moved for the Board to discuss what we do want to allow or not allow under “primary use” areas. Member Kimball asked what limitation to set like lot size. Member McAleer said that it is too early to set size limits as we are just learning about these systems. Chairman Terry asked Kevin if there are any rules on where these structures can be placed, Kevin said there are no current rules. Member Campbell asked Kevin if there are any rules limiting a landowner setting aside a part of their land for a solar farm. Kevin said there are no rules from preventing that to happen. Discussion ensued regarding what limits, if any, should be set and if they should vary for residential and commercial zones. Member Campbell asked if a

business installed a solar farm with proper landscaping, set-back and proper installation why would be wanting to stop them. Then there was discussion on what is appropriate, and Member Kimball mentioned not visible from the roadway. Members Campbell and McAleer raised the concern of abutters having a voice regarding any installation, and should that be considered in the ordinance. Member Kimball summarized that we allow for residential install (roof or ground mounted) as an accessory use and the difficulty is how do we regulate when it will be primary use. The Zoning Ordinance could be written to allow for accessory use. Member Kimball will send a link of the examples of current regulations and Member Campbell shared examples for other States and what they have developed; this will be of use for members to educate themselves on current ordinances for the next meeting. Alternate Allan then raised concern about an association wanting to install a large solar array and since this would be an accessory, would that be allowed. Member McAleer stated that in many associations there are limits that include rules that all members must approve, so this might create barriers to those types of installations.

Chairman Terry summarized that what the Board needs to be working on is implementing some type of ordinance that includes things we either want or do not want in residential use as an accessory use and limits or restrictions on primary use. The Board needs to define these limits/rules that inform the community on how to use the property as long as it complies with standards. The ordinance needs to help the Building Inspector do their job. Kevin asked if we are considering addressing wind turbine power which may have similar concerns.

Member McAleer motioned to adjourn the meeting. Alternate Allan seconded. The motion was approved unanimously, and the meeting was adjourned at 8:20 P.M.

Next Planning Board meeting is October 13th.

Respectfully submitted by David L. Campbell, Secretary