

Town of Jackson Planning Board
Minutes – November 10, 2022 – Regular Meeting
- UNOFFICIAL UNTIL APPROVED

Call To Order: Chairman Bill Terry called the meeting to order at 7:05 P.M. Member Campbell conducted the roll call of all members. Attending were Members Sarah Kimball, David Campbell, Kathleen Dougherty and Scott Badger, Alternates Dick Bennett, and Huntley Allan. Alternate James Wasco attended late via Zoom. Member Chris McAleer and Selectmen's Representative John Allen were unable to attend. Public attendees included Hank Benesh. Audio and video recorded by Hank Benesh will be made available on Jacksonflicks.com. Chairman Terry moved to have Alternate Allan as a voting member.

Approval Of Minutes: Minutes from the meeting on October 13, 2022, were reviewed. Member Badger moved to approve the minutes and Member Dougherty seconded. The motion was approved unanimously.

Public Comment: No public comment.

2022 Initiatives - Solar Ordinance: Member Campbell reminded the Board that there will a "Listening Meeting" next Wednesday November 16th to discuss the draft ordinance. The meeting will be audio/video recorded by Hank Benesh and will be available on Jacksonflicks.com. Chairman Terry commented on the great job Member Kimball did on the initial draft, by shortening the language, and making it understandable. Member Kimball confirmed that all RSAs referenced in the draft were verified and they gave us the authority to draft this ordinance. Chairman Terry mentioned that this ordinance is important and that it was not a high priority in the last Master Plan, but when we begin to think about updating the Master Plan in the next few years that this type of forward thinking needs to be considered. Also we will need to consider the results of the Town's Facility Committee findings and what needs to be included in the Master Plan. Chairman Terry wondered while reading what is "not" in the draft, other members agreed. Chairman Terry questioned whether the ordinance needs to outline what is "permitted" or "not permitted", if not mentioned does it mean it is or is not allowed, especially in referencing Commercial Solar usage in Jackson. Member Kimball stated that the Zoning Ordinance would indicate what is permitted and anything else is not permitted. Member Badger expressed that the difference of what is permitted and not permitted within the language of the ordinance is a grey area and might need to be reviewed with legal counsel. Member Kimball agreed. Alternate Bennett asked the Board what our stance is on the usage of Commercial Solar systems in the town. Member Kimball referenced that in the draft we only mention Community-scale Solar systems limited to five acres, and stated that it is for accessory use only. Alternate Bennett asked if the ordinance addresses compliance with all current electric ordinances/regulations; Member Kimball confirmed it did state that in the draft. Member

Campbell asked how we might handle any current systems that do not meet this ordinance. Member Badger stated that a buffer plan should be included in building applications. Member Dougherty raised the question about large pieces of property that could be used for solar systems, but Member Kimball again reminded everyone that that we define usage as accessory use only. Member Badger said that he had read in another ordinance allowing for a 30-day grace period for abutters to make comments on building applications for ground mounted installations requiring the Building inspector to notify the abutters prior to approval of application. Chairman Terry and Member Badger raised the point around “decommissioning” within the draft. Chairman Terry suggested that it should apply to all systems. He also questioned how we could force compliance when there are no penalties within the ordinance. Chairman Terry again reminded everyone about the Listening Meeting next week. The goal is to get a draft prepared for a public hearing, possibly at our December meeting and then a second public hearing later in the month. Member Campbell will verify with the Town Office the timeline for public hearings prior to the Town Meeting. Member Kimball again raised the issue regarding current systems and are we going to require them to comply or are they “grandfathered”. The concern is on the screening of the systems. Member Kimball will update the draft with our discussion. Chairman Terry will follow up with the Selectmen about speaking with legal counsel.

Old Business: Discussion on updates to Zoning Ordinance Section 10 – Member Badger’s concern is with the definition in 10.2.2 dealing with Eligible Elderly Household. Chairman Terry clarified that the issue concerns the recent change by the State such that our ordinance should not do anything different for an Eligible Elderly Household as we do for a Low/Moderate Income Household. Member Badger stated the change requires us to offer everyone what we offer to an Eligible Elderly Household. He noted that his reading of our current definition for an Eligible Elderly Household allows for only one member of the household to meet the Low/Moderate Income Household definition, and that the new requirement is that we cannot discriminate based on age. Chairman Terry questioned if the necessary changes to eliminate Section 10.2.2 and all references to Eligible Elderly Household (sections 10.4.d and 10.4.3) can be done by housekeeping within the Board or if it would require a public vote. Alternate Bennett stated that he believes it can be done by the Board since we are complying with State Law. Chairman Terry suggested that the Board vote on the housekeeping changes to Section 10 pending legal counsel. Member Badger motioned that we make the changes to Section 10 (delete section 10.2.2, delete the term Eligible Elderly Household from sections 10.4.d and 10.4.3). The motion was seconded by Member Dougherty. The motion was approved unanimously.

Short-term Rental Applications –

- Ryan Sullivan at 41 Presidential Rd, Map V10; Lot 134; application was reviewed by the Board. Board had no comments. Member Kimball motioned to accept the application and Member Badger seconded. The motion was approved unanimously.

- Christopher Trudeau at 15 Maple Bush Rd, Map V07; Lot 59; Sub Lot C; application was reviewed by the Board. Board had no comments. Member Badger motioned to accept the application and Member Dougherty seconded. The motion was approved unanimously.

Member Badge motioned to adjourn the meeting; Member Dougherty seconded. The motion was approved unanimously, and the meeting was adjourned at 8:20 P.M.

Next Planning Board meeting is December 8th.

Respectfully submitted by David L. Campbell, Secretary