

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

**Call To Order:** Chairman Bill Terry called the meeting to order at 7:07 P.M. Chairman Terry conducted the roll call of all members. Attending were Members Sarah Kimball, David Campbell, Kathleen Dougherty, Chris McAleer, and Scott Badger (late arrival via zoom), Alternates Dick Bennett (via Zoom), James Wasco and Huntley Allan. Selectmen's Representative John Allen was unable to attend. Public attendees included Wes Smith of Horizon Engineering, Jerry Dougherty, and 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 November 10, 2022, were reviewed. Member Kimball moved to approve the minutes and Member Campbell seconded. The motion was approved unanimously.

**Public Comment:** Having obtained an early draft, Jerry Dougherty requested to make comments on the Solar Energy System Ordinance. Initially he stated he was glad we were addressing this topic. Jerry had concerns, and the main one was to ban all Community Solar Energy Systems, and in general he felt the use of terms and definitions in the draft ordinance were not sufficiently well defined such as the use of "reasonable" when referring to noise, or "height requirement" or "lighting requirements", and "screening" rather than specific guidelines. Chairman Terry pointed out that if there is a zoning rule or ordinance such as a noise ordinance in place, we do not have to restate them in this ordinance. Chairman Terry thanked him for his comments and pointed out that we have obtained feedback from Kevin Bennett, the Building Inspector, and this ordinance is filling in the gaps that he already has in the Building Code. He also mentioned that, in addition to the Listening Post (held November 16th), and changes from that we'll be incorporating tonight, we will be holding a public hearing in January to listen to additional feedback before we have a final draft. Chairman Terry pointed out that a Community Solar Energy System would allow, for example, the Wentworth Condominium Association to establish a ground mount System for multiple homeowners if their homes were not suitable for a roof top installation. Chairman Terry reminded him that all usage in the ordinance is for accessory use only. Chairman Terry stated that we are trying to put in place an ordinance that helps effect community standards. Again, he thanked Jerry for his comments and reminded him that we will be holding a public hearing on the same night as our regular meeting on January 12<sup>th</sup> to elicit input on our updated draft and then a follow up two weeks later. If approved by the Planning Board, the ordinance would be on the ballot in March.

On a totally different subject, Member McAleer asked the Board's opinion on an issue presented to him by a homeowner regarding the relocation of a water system. Homeowners need to move a water system (well) due to the location of the water system in East/West Pasture, that crosses over Black Mountain. They are concerned that the water transfer system to storage containers could fail at any time. The cost was going to be very high and they were wondering if there was any financial assistance available. Chairman Terry commented that this issue is outside of the scope of the Planning Board and suggested they talk with the Board of Selectmen.

**New Alternate:** Chairman Terry announced that a new Alternate was joining the Board. At the last Selectmen meeting they approved a new Alternate for one of the vacancies. The new Alternate is Deborah Hill who has been a Jackson resident for five years. However, she was not able to attend the meeting tonight but will be at our next meeting in January.

**Boundary Line drawings – Horizon Engineering:** Wes Smith presented to the Board a set of drawings for a property that was surveyed in 2016. The drawings were never signed by the surveyor, but cannot since the surveyor is now deceased. As directed by the County Registry, Wes Smith asked the Planning Board to “acknowledge” the drawings as a boundary survey. Once signed, they can be filed with the County. The Board reviewed the drawings and Chairman Terry asked if there were any questions. The Board confirmed the location and that it was for a deed survey. Wes said that the filing was to confirm that the survey was completed and reiterated that no new plans were developed but rather the owners wanted a clarification of the boundary line on record. As there was no verification stamp on the drawings, no signature could be applied at the meeting. Chairman Terry asked for a motion to acknowledge the drawings as a boundary survey, and pending the availability of the signature stamp, sign off to be completed on Monday, December 12<sup>th</sup>, 2022. Member Campbell motioned for acknowledgement of the drawings; Member McAleer seconded the motion. The motion was approved unanimously. Member Campbell agreed to meet Wes at the Town Office on Monday morning to sign the acknowledgment.

### **Old Business:**

1. **Discussion on updates to Zoning Ordinance Section 10.2.2:** Chairman Terry informed the Board that Members Kimball, Badger and Terry met with Jason Dennis, Town Counsel regarding the Solar Energy Ordinance and the possibility of a need for a language change for Section 10.2.2 as discussed at the October and November Planning Board meetings. Counsel indicated that we do not need to make a change if we so choose and confirmed that we can clarify the meaning of the section by making some “housekeeping” changes, either by changing the wording or breaking the sentence into two separate sentences. Chairman Terry recommended that we discuss and make those changes at our January meeting.

2. **2022 Initiatives - Solar Energy System Ordinance:** Member Kimball updated the Board on the discussion with Town Counsel regarding the Solar Energy Ordinance. After his review of the document, he had a few questions which they addressed but, otherwise, he said that from a legal standpoint everything appeared to be fine with no legal traps. Member Kimball felt there were two areas we needed to discuss further: the definitions of Community Scale and Accessory Use, and whether they accomplished our intent. Member Kimball clarified that Community Scale could be a group of residents who cannot individually benefit from solar but could join together to benefit as a group. Member Campbell pointed out that the word Community could be confusing to some, that it could mean a larger system, and that the word Accessory is not part of the definition. Member Kimball said that we can add the term Accessory Use to Community Scale. The other question had to do with the 150% usage limit within the ordinance. Alternate Bennett explained that the percentage was a measure to quantify usage. Member Kimball suggested that the wording could change in the future to accommodate changes within technology and additional usage by household. Chairman Terry questioned the wording about past annual usage as it might not work as a valid metric in all circumstances. Member Badger asked about how they would calculate the usage for a new development. Alternate Bennett said there are ways to measure the current and anticipated use in most situations, which is a calculation. Members agreed to change the wording accordingly. Chairman Terry pointed out that the terminology needs to be consistent throughout the document; Member Kimball will update the document. Member Campbell brought up the term “reasonable” associated with glare. Chairman Terry said that he researched this subject, and that the glare factor of new installations is relatively low and glare not an issue in most circumstances but that it needs to be addressed. Chairman Terry suggested that attention to the glare factor be added to the building permit requirement. There was a lot of discussion regarding the glare factor and how to define. Chairman Terry raised the question as to whether the screening requirement should be the same for both Ground Mounted and Community-scale Solar Energy Systems and whether it should be in the general regulations; it was agreed that the language should be the same within each section and not in general regulations. Chairman Terry questioned the section regarding access, is it okay to say only all-season access; the Board agreed wording is appropriate. Member Campbell asked a question regarding abandonment of a system, who will monitor status or is it only to allow for issues to be addressed if a concern is brought to the Selectmen, to allow for enforcement. Member Dougherty raised the issue of what is abandoned, considering the ordinance defines six months as abandoned. There are residents who leave the area for six months, would their system be considered abandoned? Members Kimball and McAleer clarified that abandoned would be addressed only if it was obvious that the home or the system was abandoned. Alternate Allan questioned the height definition on roof-mounted

systems with regards to the limits indicated in the ordinance. Chairman Terry clarified that this section is dealing with flat roofs considering that the panels need to be tilted and on a pitched roof they follow the pitch of the roof. Member Kimball clarified the fire and safety standards, access, and codes. Member Kimball stated that Counsel recommended we add wording that all government facilities are exempted from these regulations based on an RSA. Member Kimball took copious notes and will redraft and edit the Ordinance based on comments and circulate an edited draft for use at the Public Hearing.

**Short-term Rental Applications:**

- Eric Guire 59-2 East Field Road (new); application was reviewed by the Board. Board had no comments. Member McAleer motioned to accept the application and Member Dougherty seconded. The motion was accepted unanimously.
- 15 Adams LLC, at 45 Wildflower Lane (new); application was reviewed by the Board. Board had no comments. Member Campbell motioned to accept the application and Alternate Allan seconded. The motion was accepted unanimously.

Alternate Allan motioned to adjourn the meeting; Member McAleer seconded. The motion was approved unanimously, and the meeting was adjourned at 9:20 P.M.

Next Planning Board meeting is January 12, 2023; the meeting will include a Public Hearing to address the Solar Energy System Ordinance and a Boundary Line Adjustment.

Respectfully submitted by David L. Campbell, Secretary