

**Town of Jackson Planning Board**  
**Minutes – January 12, 2023 – Public Hearing and Regular Meeting**  
**- UNOFFICIAL UNTIL APPROVED**

**Call to Order:** Chairman Bill Terry called the meeting to order at 7:04 P.M. Chairman Terry conducted the roll call of all members. Attending were Members Sarah Kimball (via Zoom), David Campbell, Scott Badger, Kathleen Dougherty (via Zoom), Chris McAleer (via Zoom), and Alternates James Wasco (via Zoom), Deborah Hill and Huntley Allan. Selectmen's Representative John Allen and Alternate Dick Bennett were unable to attend. Public attendees included Andrew Tullis, Kyra Salancy, Hank Benesh (via Zoom) and Andy Fisher from Ammonoosuc Survey Co. (via Zoom). The meeting was recorded through Zoom and will be made available on Jacksonflicks.com.

Chairman Terry introduced Deborah Hill as the new Alternate to the Planning Board.

Chairman Terry conducted the roll call to determine voting members, all members physically present will be voting members along with Members Sarah Kimball and Chris McAleer via Zoom. Chairman Terry moved to have Alternate Allan as a voting member to meet live quorum requirements.

**Approval of Minutes:** Minutes from the meeting on December 8, 2022, were reviewed. Member Badger moved to approve the minutes and Member Campbell seconded. The motion was approved unanimously.

**Public Comment:** No public comment.

**PUBLIC HEARING** – Chairman Terry called the Public Hearing to order at 7:10 P.M. Voting were Chairman Bill Terry, Members David Campbell, Scott Badger, Sarah Kimball, Chris McAleer and Alternate Huntley Allan.

Proposed Amendment to Zoning Ordinance (ZO) - Solar Energy Systems: Chairman Terry opened the discussion indicating changes were made to the draft ordinance to accommodate discussion at our last meeting. Changes included a reduction of acreage for Community Solar Systems from 5 acres to 1 acre, and consolidation to two major components: Roof Top Mounts and Ground Mounts. Roof Top Mounts are limited to accessory use calculated to be no more than 150% of primary usage and are subject to height restrictions. Ground Mounts also have the limitation for accessory use only, and are again limited to 150% of primary usage and height limitations. The acreage for the Ground Mount installation ordinance was structured to limit the possibility of a commercial installation. A Community Scale system is defined as an installation servicing more than one household. Chairman Terry asked the Board for comments. Alternate

Allen questioned if the one acre limitation would be enough area for a community with multiple houses. Member Badger stated that measurement and calculations for one acre were reviewed (roughly enough for 15 to 20 households) and it was determined that one acre would be enough in Jackson due to the size of developments in Jackson. Chairman Terry reminded that this ordinance is designed for today but could change in future with changes in technology. He stated that the most controversial issue in the ordinance is likely to be the screening requirements for Ground Mount installations and the use of the term “reasonable” to allow the Building Inspector to evaluate during the planning stage. Member Badger commented that the term reasonable allows for flexibility in reviewing whether the screening plan is adequate. Andrew Tullis asked about the term commercial and what we define it as, such as if a business in town wanted to add a solar system would that be commercial use or does it mean only if you plan on selling it. Chairman Terry said we did not define commercial use since all installations must be an accessory use as defined in the ordinance. If a business adds a system for accessory use, that is allowed. Andrew Tullis’ other question has to do with current ground mounted systems with regards to screening not meeting the term reasonable - will there be a fine. Member Badger said that determination of all violations and fines/fees are the responsibility of the Board of Selectmen and the Building Inspector. Chairman Terry confirmed that the Board of Selectmen and other Town officials have the right to review. Member Kimball pointed out that in the current ZO there is a section that addresses that any violation of any ordinance in the ZO is subject to enforcement and fines established by the Board of Selectmen. Kyra Salancy questioned where the 150% is referenced in the ordinance and Member Campbell provided the reference. She asked if the 150% usage would take into account cars or only household usage. There was discussion on defining the 150% usage, for calculation purposes we would use the potential usage and factor in all usage within the household; Member Campbell helped define that primary use is whatever the household uses in total. Kyra also questioned the emergency access to a roof mounted system and why additional wording was needed after citing reference to the Federal, State and County fire codes. Chairman Terry stated that this wording was initially added at the request of the Building Inspector and that the wording was also reviewed by the Jackson Fire Chief. Member Kimball added that the Fire Chief asked her to adjust the language in the definition so that the review process of the plans could require an inspection. Kyra questioned the screening and fencing section of the ordinance and that the ordinance has to deal with health and public safety. Chairman Terry stated the ordinance also is dealing with health, public safety and community standards. Andrew also questioned the enforcement of the screening requirement. Member Badger stated that was the reason we are saying reasonable screens. Kyra also raised the financial impact of screening which raises the overall cost. Member Badger pointed out that if someone was trying to install a system and this was an issue they felt created an unreasonable limitation, the party would have the right to go before the ZBA. Member Badger stated that we will continue to monitor the implementation of the ordinance and, if changes are needed to be made, the ordinance can be modified. Chairman Terry stated that the screening section was added to help the passage of the ordinance.

Chairman Terry requested a change to the last sentence in 17.1.1, in that it was not clear whether the one acre reference would only apply to Community Scale or to any Ground Mount system. Chairman Terry questioned if we intended, as the wording could be interpreted, to allow a Ground Mounted system of more than one acre when it is not a Community Scale system. Member Kimball will review the language and rewrite that section to ensure the limitation applies to any installation as intended. Chairman Terry asked the next steps, Member Kimball stated that since we made no substantive changes, and the changing of the wording in section 17.1.1 is not, then we do not need a second public hearing. Chairman Terry asked for a motion to approve the proposed amendment. Member Campbell motioned for approval, Alternate Allan seconded the motion. The motion was approved unanimously by a vote of 6-0. The proposed amendment to add the Solar Energy Ordinance will go to a Town vote in March.

Public Hearing was closed.

**PUBLIC HEARING** – Chairman Terry called the second Public Hearing to order at 8:10 P.M. Voting were Chairman Bill Terry, Members David Campbell, Scott Badger, Sarah Kimball, Chris McAleer and Alternate Huntley Allan.

Boundary Line Adjustment: Owners of the proposed properties for the Boundary Line Adjustment are on Graustien Lane off Thorn Hill Road, between parcel at Map V9, Lots 24 and 17 submitted by Frank Mueller and Darcy/Radic Family Trust. Andy Fisher explained the adjustment is needed to resolve an issue that was created prior to the current land owners. The parties realized that part of a retaining wall used by one of the owners is built on the other parties land. Andy said they want to exchange equal size properties to correct the issue without a cash transaction. Andy explained why the configuration looks strange, due to a garage and a well house that is on the property. Member Badger questioned the configuration and if this would create an issue in the future. Andy had suggested a simpler design but the owners wanted a land exchange since the land swap was easier for both parties. Chairman Terry pointed out that the role of the Planning Board is to ensure the drawings are correct and that all aspects of the Zoning Ordinance are correct. Member Campbell reviewed the checklist with the Board. It was determined that the mylar was missing and the surveyor's signature was missing from the submitted drawings. Chairman Terry asked for a vote of approval pending a signed mylar and copies. Member Badger motioned to approve the boundary line adjustment, Member McAleer seconded the motion. The motion was approved unanimously.

Public Hearing was closed.

**Old Business:**

- 1. Discussion on updates to Zoning Ordinance Section 10.2.2:** Town Counsel Jason Dennis advised that we did not need to make any changes to the section to satisfy recent changes to State law but that any clarifications could be made as “housekeeping”. Discussion was deferred from the December meeting. Chairman Terry asked what the wording change should be for section 10.2.2 to resolve concerns Member Badger had, indicating that the section could not be removed due to a need for the definition to satisfy Federal guidelines regarding a percentage of elderly housing. Member Badger asked if it is a certain percent or no more of percent; Chairman Terry could not cite the specifics. Member Badger wants us to clarify that an Eligible Elderly Household meets the definition with regard to low or moderate income. Member Kimball suggested the change to section 10.2.2 should read as “10.2.2 Eligible Elderly Household: An individual or couple in which the individual or at least one person of the couple is 60 years of age or older and whose household income qualifies as a Low or Moderate Income Household as defined in this Section.” Member McAleer asked if Low or Moderate Income is defined; Member Kimball pointed out that the County defines Low and Moderate Income. The Board agreed to the “housekeeping” change to the language in Section 10.2.2.

**Short-term Rental Applications:**

- Martha Weida – 138 Green Hill Road (new); application was reviewed by the Board. Board had comment regarding the Ad misrepresenting the number of bedrooms. Member Badger motioned to accept the application with comments and Alternate Allan seconded. The motion was accepted unanimously.
- Mark & Chelsea Mackin – 176 Dundee Road (new); application was reviewed by the Board. Board had no comments. Member Badger motioned to accept the application and Alternate Allan seconded. The motion was accepted unanimously.

Member Campbell motioned to adjourn the meeting; Member McAleer seconded. The motion was approved unanimously, and the meeting was adjourned at 8:45P.M.

Next Planning Board meeting is February 9, 2023.

Respectfully submitted by David L. Campbell, Secretary