

## PLANNING BOARD MINUTES

March 23, 2022

**APPROVED:** 4/27/22

**AGENDA:** ELECTION OF OFFICERS  
SOLAR DISCUSSION  
INCORRECTLY DELINEATED WETLANDS  
MASTER PLAN DISCUSSION  
PROPOSED AMENDMENTS TO SITE PLAN / SUBDIVISION REGULATIONS  
PROPOSED AMENDMENTS TO BY-LAWS

**ATTENDING:** Denice DeStefano (Chair-via Zoom), Don Milbrand (Select Board Representative), David Shirley, Randall Kelley (Vice-Chair), John Miller (Alternate)

**ABSENT:** Elizabeth Seeler, Bruce Beaurivage (Alternate)

**OTHER:** Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant)

Mrs. DeStefano opened the meeting with a quorum in person at 7:00 pm and welcomed John Miller as a newly appointed Alternate to the Board. Mr. Miller was then asked to sit as a regular member in place of Ms. Seeler.

### OLD BUSINESS

None

### NEW BUSINESS

#### *Election of Officers*

Mrs. DeStefano opened nominations. Mr. Kelley nominated Mrs. DeStefano for Chair, seconded by Mr. Milbrand. The motion carried 4-0-1. Mr. Milbrand nominated Mr. Kelley for Vice-Chair, seconded by Mr. Shirley. The motioned carried 4-0-1.

#### *Incorrectly Delineated Wetlands*

The Planning Board heard the first case to dispute the wetlands delineation, approximately three (3) weeks ago. During that meeting, there were comments that the Board should consider changing the requirements for the Incorrectly Delineated Wetlands section of the Zoning Ordinance. The expert for the case, Mr. Sisson, pointed out that the Board was asking for more than the Department of Environmental Services (NHDES) requirements. Mrs. DeStefano incorporated some of those recommendations into the document before the Board. Mr. Shirley raised concerns about relying on Mr. Sisson for information, as he was paid to dispute the delineation. Mrs. DeStefano mentioned that staff could also reach out to Mr. Barnard, another expert, who often presents cases to the Board. She also mentioned using the regulations of the NHDES. Ms. Goodwin will reach out to Mr. Barnard and will review the information from NHDES. Mr. Miller asked about the specific reference to the 1987 Corps of Engineers Wetlands

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### *Incorrectly Delineated Wetlands continued*

Delineation Manual, which Mrs. DeStefano pulled from the NHDES regulations. The Board agreed to refer to the manual in general terms, without a specific date.

### *Solar Ordinance*

Paul Bemis from the Energy Committee joined the Board to discuss a potential Solar Ordinance; if solar should be regulated, and if so, how solar should be regulated, etc. Mr. Bemis felt that it would be healthy for the Town to have an ordinance. He read the Model Solar Ordinance and thought it would be good to start with residential and community solar. He did not feel that the Town is under pressure for a large-scale industrial solar project. He recommends the Board start off with what is necessary now and then move forward with adding any other later and offered to pull language from the Model Ordinance to provide to the Planning Board for consideration. Mr. Bemis feels that the towns are going to see more of this type of energy and not less and it makes sense to get out in front of it. Mr. Shirley asked if the Energy Committee has discussed mandating solar on all new construction. Mr. Bemis felt that the Committee would like to encourage it not mandate and felt there are ways to encourage it through financial means using the taxing structure. Mr. Bemis added that the Energy Committee has discussed resiliency, how communities or properties stay up and running during a major grid outage. Mr. Miller felt it was good to encourage, but he is concerned with the property lots that must cut trees to install solar and cannot because of location, and then also the inspection requirements.

Additional discussions centered around the inspection and taxing requirements and whether the Town should consider an Exemption on solar. Mr. Bemis felt that not offering an Exemption is a disincentive and he would be happy to aid the discussion with the Select Board and Ms. Goodwin. He felt that the discussion should be centered not just around solar but also other types of energy, as well. Mr. Miller added that the Board should also have different regulations for the Historic District.

Ms. Goodwin inquired on the definition of Energy Facility already in the Zoning Ordinance and recommended that the Board also incorporate something into the Solar Ordinance based upon this.

Mrs. DeStefano explained that the Board drafts amendments, they get reviewed, scheduled for a public hearing, and if necessary, a second public hearing, and then the amendments are added to the ballot.

### *Master Plan Discussion*

The first document before the Board is the sequencing of chapters previously discussed. This outlines how the Board should review and update the Master Plan.

The second document before the Board is the Vision Chapter. Mr. Miller and Mr. Shirley both had concerns on the Vision statement and were disappointed in how the chapter was written. Mr. Miller felt that there were two things that struck him; one was the vision of how people talk

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### *Master Plan Discussion continued*

about Bristol and the introduction. He felt that the Town's vision does not get interpreted well and thought that the Board should have the Town Administrator write a paragraph. Ms. Goodwin said that sometimes, the Master Plan is not taken into consideration by other Boards, and it is this Boards purview to write. Mr. Miller felt that the Planning Board should take the Town projects into account. Mr. Kelley felt that the Boards do not talk to each other, and everyone is on their own little agenda, and they do not get together to find a common road. Mr. Milbrand stated that the Select Board has discussed this and there will be a group meeting scheduled to help address this.

Ms. Goodwin asked the Planning Board to consider redoing the survey, as it is 4-years old, and a lot of projects have been completed over the last four (4) years. The Board agreed. Mr. Miller felt that the questions should be updated. Ms. Goodwin will present a survey process for the Board at an upcoming workshop. Further discussion centered around who participated in the past surveys and who should take part in the new survey. In 2018, the survey was sent out to all taxpayers and not just residents. The Board was referred to the Town's website to view the past surveys and this will be part of the discussion on the survey process at the workshop.

Mr. Miller pointed out that Pembroke's Master Plan had a great bullet section summarizing the other chapters. Mrs. DeStefano added that Pembroke's formatting was what the Planning Board was looking to accomplish. Mr. Miller volunteered to edit the Chapter based upon today's discussion.

### *Proposed Amendments to Site Plan / Subdivision Regulations*

Ms. Thompson reviewed all the definitions in the Zoning Ordinance as compared to the Site Plan / Subdivision Regulations (SPSB). All items presented are either missing completely from SPSB or needed minor corrections to the wording to match the Zoning Ordinance. Ms. Thompson also pointed out that the Site Plan definition of Wholesale – Trade Marketing is listed in two different locations. She is recommending the second definition be stricken from the SPSB, as the first definition matches Zoning. Ms. Thompson has also added the brand-new changes from Town Meeting, Short-Term Rental and Temporary Camping Unit. Mr. Shirley motioned to move the proposed amendments to a Public Hearing on April 27, 2022, seconded by Mr. Kelley. The motion carried 5-0-0.

Mr. Miller inquired if there are any definitions that exist in SPSB but not in Zoning Ordinance, and Ms. Thompson will be presenting those at a later workshop.

### *Proposed Amendment to the By-laws*

Ms. Thompson presented the changes to the agenda and the by-laws to the Board. The By-laws can be approved at the annual meeting of the Planning Board or a regularly scheduled meeting. As this was the annual meeting, Mr. Milbrand motioned to approve the amendments to the by-laws regarding the order of business, seconded by Mr. Kelley. The motion carried 5-0-0. Land Use will update the by-laws and supply new copies for the next meeting.

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### MINUTES OF MARCH 9, 2022

The minutes of March 9, 2022 were reviewed. A word on page 2 was corrected. Mr. Kelley motioned to approve the minutes as amended, seconded by Mr. Shirley. The motion carried 4-0-1.

### COMMUNICATIONS

The next section of the Riggins Rules was shared with the Board members.

### REPORTS

*Historic District Commission* – No meeting for February or March.

*Select Board* – Shaun Lagueux is Chair and Anita Avery is Vice Chair. The Select Board is hosting an all-Board's meeting sometime in May and more information will be made available to the Board's soon.

*Capital Improvement Plan Committee* – They will not meet until May.

*Conservation Commission* – The Commission will be sworn in at their April meeting.

*Land Use Department* – Ledge Water Site Plan – Ms. Goodwin inquired on the discrepancies of the Ledge Water Site Plan. During Covid the seating was expanded outside, however the temporary seating approvals are not going to be continued this year. The Notice of Decision shows 54 seats. The Site Plan does not show seating on the deck and notes 70 seats. Ms. Zareas is saying that she has spread out the seating but has not expanded. Mrs. DeStefano added that there was additional seating during Covid. The Board agreed that the property should do an Amended Site Plan to correct the seating. Ms. Goodwin will confirm with the Fire Chief what egress would be needed for the deck, and what is approved for seating on the Assembly permit. Even if increasing the seating, then the Board agreed to Amending the Site Plan still.

Short Term Rental - Ms. Goodwin asked the Board about, their support of or stance against, SB249, which would limit the Town from being able to make rules about the rentals, stripping local government of the authority. After a spirited discussion, Mr. Milbrand motioned to add the Bristol Planning Board on the list, in opposition of SB249, seconded by Mr. Miller. The motion carried 4-1-0.

Interview with the Board – Ms. Goodwin will update the questions and interview at the May workshop.

**NEXT MEETING:** The next meeting is April 13, 2022, at 7:00pm. Currently there is a Continued Special Use Permit, a new Special Use Permit, and a Voluntary Merger.

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With no other business before the Planning Board, Mr. Milbrand made a motion, seconded by Mr. Shirley, to adjourn at 9:03 pm. The motion carried 5-0-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager