

**TOWN OF WILTON PLANNING BOARD**  
**Draft Minutes**

**DATE:** November 6, 2019  
**TIME:** 7:00 PM  
**PLACE:** Town Hall, Courtroom  
**PRESENT:** Karon Walker, Alec MacMartin, Bart Hunter, Matt Fish  
**Absent:** Neil Faiman  
**Staff:** NRPC Representative John Goeman, and Land Use Administrator Michele Decoteau  
**Attendees:** Don Nourse (Deputy Fire Chief), Ron Caswell (Assistant Fire Chief), Ralph Buschman, Andrew Finlayson, Dottie Finlayson, Shannen Coffey, Richard Kahn, Peter Howd, Marilyn Jonas, Chris Balch

**1. Preliminaries A. MacMartin opened the meeting at 7:02 PM.**

Minutes were tabled until next meeting.

**2. Master Plan - transportation**

J. Goeman reviewed the three grammatical changes in Recommendations #20, 21, and 35.

B. Hunter said that we should consider addressing drones. The Board discussed if drones were transportation and discussed that this should be considered but not sure where. This should be saved for future discussion. Consensus of the Board was to have one Public Hearing at the next meeting and another at the beginning of December. M. Decoteau was directed to upload the complete document.

**3. Ordinance changes**

J. Goeman showed the changes that are in the zoning ordinance and are outlined on the agenda. He said that Ordinance changes will be voted on at Town Meeting and the regulations are separate. These will be voted on a continual basis after proper noticing.

Impact Fees

J. Goeman said the first proposed Ordinance change is Section 25.0; this change establishes an interval for review of Impact Fees. This sets it at every three years and will be updated as required. There was no discussion.

Elderly Housing

J. Goeman said that there was very little that was changing: title to Age Restricted Housing and updating some of the language. J. Goeman discussed some of the age restrictions thresholds from governmental organizations. This proposed change moves the age restriction to 62 from 60. A. MacMartin reviewed the discussion about what the different ages require. K. Walker said the Planning Board discussed how a developer could still build and market a cluster development while complying with state and federal laws that give you a safe harbor for age discrimination. This would not receive the density bonus. J. Goeman said this just gets rid of the confusion but won't change much.

44 Wetlands

45 The next proposed change is the Wetlands definition in Section 3.0. The proposed change updates  
46 the definitions of wetlands to be just the state definition and follows with a Wilton specific definition  
47 that is more inclusive and specifically calls out Rivers. This does not modify the 1987 Army Corp  
48 definitions. A. MacMartin asked about seasonal streams and if this will be picked up by the soils. B.  
49 Hunter said seasonal streams are included and he thought it was in another section of the ordinance.  
50 K. Walker said we always have to refer to the definition in the state statute. If we refer to the statute  
51 but we do not have to include the specific words.

52  
53 The Board discussed if they wanted to include wetlands and wetland-related areas. The Board  
54 discussed the need for a terms that are specific to Wilton. J. Goeman was directed to add the  
55 wetlands and wetland related areas definitions in Section 11. The setbacks were moved to the  
56 Performance Standards section to organize this better.

57  
58 Industrial District and Research Park

59 K. Walker presented the changes. In addition, the Industrial District cross references definitions in  
60 other areas of the Ordinance that were not always the same. She proposed starting with Sections 8  
61 and 9A with conforming changes in the Downtown Commercial District and the Commercial  
62 District. The definitions for heavy manufacturing is in the Research Park District 9A 2.1 and cross  
63 referenced in Section 8 and will not be allowed use and in keeping with the nature of the town and  
64 character, respect for the resources and the theme in the ordinance.

65  
66 M. Fish suggested moving the two definitions to the beginning of the districts. K. Walker said this  
67 would entail marking up a lot of different sections. A. MacMartin suggested making substantive  
68 changes this year and organizational changes the following year. The Board agreed.

69  
70 K. Walker continued, 8.5 adding in heavy manufacturing to the prohibited uses list.

71  
72 C. Balch said he thought this flowed beautifully. He asked if the solar power the only power  
73 generation that is allowed. K. Walker said yes, that was her thinking. Hydro power is subject to state  
74 and federal regulations, and any performance standards would be superseded by those. She doesn't  
75 know if the definition for Heavy Manufacturing would preclude other forms. C. Balch said he is  
76 thinking of three possible power generation that might fit in the Industrial District: Natural gas,  
77 hydrogen cells, and battery storage systems. This might be a good thing to have in Wilton. We need  
78 consider those things as a package and what is going to happen in the next five year. K. Walker said  
79 that hydrogen might require a variance as it is explosive and that is prohibited as proposed. A.  
80 MacMartin said that what medium you are using to store power is made somewhere else and that  
81 would certainly be allowed.

82  
83 S. Coffey asked if anything in the proposed Heavy Manufacturing District would exclude something  
84 that had to be lit 24/7? K. Walker that would be a performance standard and with C. Balch's help we  
85 are going to tackle an update of this section in the future. A. MacMartin said this would more  
86 something in site plans and we have a lighting ordinance and would be included.

88 K. Walker said the definition of Heavy Manufacturing gives guidance about the manipulation of  
89 petroleum products and the draft includes any activity that impacts the surrounding land uses. M.  
90 Jonas said she had a question about the production or storage or explosives and could that include  
91 radioactive materials. B. Hunter said it is something we could consider. Unless it happened someone  
92 decided to store radioactive material in the quarry, you'd have to get radioactive material and  
93 transport that. If the Federal government decided to do that we'd have little or no control.

94  
95 K. Walker returned to Light Manufacturing and she read the definition 9A.2.2. She said this is the  
96 type of manufacturing that would be allowed in the Industrial District. There wasn't a lot of overlap  
97 other than in commercial districts and that was altered slightly. There was little change other than the  
98 last sentence. If we trace back to the Commercial District and Downtown Commercial district. Why  
99 not use the same definitions - but the existing Light Manu is defined differently. That seems fine and  
100 changed Light Manufacturing to Light Industry in the Commercial District. A conforming change  
101 was made in the Downtown Commercial District. So we don't have incontinent definitions. M. Fish  
102 said it seemed like offices are not allowed in the Commercial District.

103  
104 C. Balch said that 7.1 - "r" - "any industry that would cause ..." change that to "could" The Board  
105 looked at a few other locations where "may" was use and made it consistent using "could" K.  
106 Walker noted that the changes need to be consistent with 7 and 7A.

107  
108 D. Finlayson said thank you for the meticulous work that the Board has put in on these changes.

#### 109 Solar

110 K. Walker shared the background. There have inquiries about Solar and many residents have  
111 installed photovoltaic systems to defray energy costs. The Planning Board is putting in the  
112 Ordinance to give guidance to the people putting in solar. She said that J. Goeman helped put the  
113 model ordinance for the state but we wanted to put together a clear articulation of guidance for  
114 residents. She reviewed the parts of the new ordinance. There are two axes: to what use is the array  
115 put and the size, and then how it is mounted or installed. The definitions include residential to small  
116 commercial, large commercial, and community size. There are two types of systems: roof and  
117 ground mounted. If you are ground mounted, you have a number of different considerations to  
118 follow and if you will be impacting stormwater and are more likely to impact neighbors. A ground  
119 installed photovoltaic system is abandoned, there are some issues that need to be addressed to deal  
120 with the waste. After the definitions, this lists specific requirements that are in addition to the regular  
121 site plan review. The concept is if you are roof mounted, in limited circumstances, you don't need a  
122 site plan review. If you have a larger ground mounted system, you need to have emergency response,  
123 natural resource buffers, fencing, lighting and glare, and stormwater requirements and there is state  
124 permitting requiring. The end of the ordinance addresses Bonding large systems and abandonment.  
125 Shannon Coffey asked about portable solar panels? The Board discussed adding temporary or  
126 portable. The Board asked S. Coffey for details and she explained how the panels are on wheels but  
127 can be quite large.

128  
129  
130 A. MacMartin explained the process for the next few meetings and how the Public Hearings are  
131 scheduled.

J. Goeman said that we didn't Notice the Cluster Development name change so we want to do this at the next meeting. Changing the name of this section to Open Space will be more in line with other communities.

Regulations:

The Board discussed what regulations need to be updated and that these are ongoing that we can change after public noticing.

Changes for cisterns and active and substantial development.

R. Caswell said he had a draft of a standalone regulation. A. MacMartin said if we have a requirement that has a couple of options, a developer can elect to sprinkle or elect to put in a cistern. The Board discussed this and decided if a developer had a smaller subdivision that is far from a water source, they could make an economic choice. The Board wanted to provide options and make sure the developer knows their options. M. Fish wanted to hear the rational about how fire protection is clearly delineated. He said there is too much ambiguity as it is now. He would like to see some data about costs of sprinkling versus cisterns. A. MacMartin said that historically we have relied on fire ponds.

J. Goeman said when he was drafting ordinances and regulations, he wanted to leave the expertise with the Fire Department but to be suggestive to the developer. He said we should keep the statements general and added materials to the subdivision regulations and allows the applicant to start addressing fire protection. K. Walker said we have to let the applicant know they may have to use independent fire protection and that will depend on the Fire Department to determine what that may be. B. Hunter suggested an appendix to make it clear to anyone building a house or a development. The Board discussed the idea of "a problematic area" which is what the Fire Department uses for determination of fire protection and that it is not well defined. A. MacMartin said we go back to M. Fish's comment that we need to define the threshold. B. Hunter said this appendix could be filled out and becomes part of the record. M. Fish said this is a significant cost to property owners who don't have town water. He said new houses pay Impact Fees that includes funding for the Fire Depart. He would like to see the Appendix map and the standards.

R. Bushman asked about single houses. The Board said that this is for subdivisions.

J. Goeman summarized that we have two options - we can make the incremental step and then give further guidance an appendix or just stop now.

D. Nourse joined the meeting at 8:32 PM

K. Walker said that we need to generalize what might be problematic areas because "problematic areas" is very unclear. J. Goeman said "problem area" is more difficult than usual. She made a few suggestions to make it clearer. Then we to define some parameters. The Board asked the Fire Department how they decide what is a "problematic area?"

175 S. Coffey asked if well water could be used if you have a certain psi? M. Fish said it more about  
176 recharge than psi.

177  
178 The Board suggested creating a subcommittee to identify the threshold for various fire protection  
179 options. This would be done with the Fire Department. B. Hunter suggested including the  
180 Emergency Director in the subcommittee.

181  
182 A few changes were suggested to the subdivision, site plan, and cluster subdivisions.

183  
184 Active and Substantial development

185 J. Goeman reviewed the changes he made. If the development is active at a certain level it has  
186 protections against changes to the regulations and impact fees.

187  
188 Substantial completion: completed a percentage of the project and protected for regulation changes  
189 and this would be for developments that take longer than the five years. This protection is already  
190 provided but this could be further defined by the applicant and agreed upon by the Planning Board.

191  
192 K. Walker asked if it would make sense to provide some guidance? J. Goeman said it could be  
193 percent of cost, or paving of roads. K. Walker asked to add a sentence to give the applicant more  
194 guidance.

195 The Board discussed the definitions in Section 5 which include the preliminary plat standards and  
196 they are reiterated on the check list. Similar to the required note for impact fees, we could add a note  
197 about Active and Substantial. A. MacMartin we can leave it like this unless we have something from  
198 another town. K. Walker said on 5.12 and 5.13 you can probably delete the definition because it was  
199 already defined. Do you want to have this in the conceptual discussion or at the point where the plan  
200 has been submitted?

201  
202 **4. Other Business**

203 **a. Hillside Subdivision**

204 M. Decoteau, Paul Branscombe, and M. Fish met Town Counsel and discussed sending the  
205 developer a notice of violation of a site plan per RSA 676. Town Counsel will provide a  
206 boiler plate.

207  
208 **b. Map and Lot**

209 The Board discussed but no conclusions were reached.

210  
211 **c. 2020 Budget**

212 The Board reviewed the budget in anticipation of the Budget Meeting the following evening.

213  
214 **5. Adjourn**

215 B. Hunter MOVED to adjourn at 9:31 PM. K. Walker SECONDED. All in Favor.

216 *Respectfully submitted by Michele Decoteau, Land Use Administrator*

217 *Approved on XXXXXXXXXXXXXXXXXXXX*