

Planning Board Meeting
Draft Minutes

Date: 11.20.19

Location: Wilton Town Hall, Courtroom

Time: 7:00 PM

Board Members present: Bart Hunter, N. Faiman, Matt Fish (Select Board Representative), Alec MacMartin (Chair), Karon Walker

Staff: Michele Decoteau, Land Use Administrator and John Goeman, NRPC

Attendees: Chris Foley (Fieldstone Land Services), Michael Dell’Orto, Tom Quinn, Jim Quinn, Peter Clemens, Peter Howd, Brent Hautanen, Carl Michaud, Maude Rohrbach, Dale Rohrbach, Mary Guild, Curt Guild, Jim McGettigan, Ellie McGettigan, Mark McGettigan, Donna Smith, Peter Smith, Ralph Buschman, Michael McGettigna, Michael Davidson, Marilyn Jonas, Judith Klinghoffer, Stasia Millet, Joseph Broyles, Jeff Stone, Mikey Pieterse

1. Preliminaries

A. MacMartin opened the meeting at 7:04PM.

Minutes from 10.16.19

B. Hunter MOVED to accept the minutes as amended. K. Walker SECONDED. All in Favor.

Minutes from 11.06.19

Tabled until later in the meeting.

2. Continued case: SD07-0818 - Talisman

The Applicant requested the hearing be continued.

N. Faiman MOVED to continue the hearing to December 18, 2019. M. Fish SECONDED. All in Favor.

3. Continued case: SP02-0619 - Clemens

The Applicant requested the hearing be continued.

N. Faiman MOVED to continue the hearing to December 18, 2019. B. Hunter SECONDED. All in Favor, M. Fish abstained.

4. SD08-0919 - Clemens

A. MacMartin read the Public Notice. C. Foley (Fieldstone Land Services) review the lot line adjustment. This would be adjusting the lot lines between two lots of record. Parcel A will become part of C-083. J. Goeman said that there were a few changes in the plat since it was submitted. C. Foley said they added the information about the easement benefiting C-063. Note 7 has changed to reflect a more accurate description of the easement.

42

43 A. MacMartin asked if the deed chain could be clearly stated on the plat? C. Foley said yes, he
44 could make it clearer.

45

46 K. Walker asked for clarification of the location of the leach field. C. Foley provided two
47 photographs of where the concrete basin was location and showed the clay pipes - one exiting
48 and one ending at the concrete box. C. Foley continued saying that there was effluent sitting in
49 the box. If the neighbors at C-063 sold their house, this would mean that the septic system would
50 be considered in failure. However, the system might continue to work for a long time. He said
51 the easement isn't an issue - we know the location of the system even though the neighbor
52 doesn't know where the pipes end. C. Foley put in a 60 x 40 area that would be more than
53 enough space for a septic system that is more current to be located.

54

55 The Board asked about the reason for the lot line adjustment. C. Foley said this would make the
56 two lots more conforming. The Board asked about a driveway. C. Foley said they are not
57 proposing to develop this lot and are not proposing a driveway. A. MacMartin asked to have a
58 note added that access be only through Isaac Frye Highway but only if they come back to the
59 Planning Board for access. J. Goeman asked if there was any concise language the Board like to
60 use for this? A. MacMartin said, "There is no access to this property until the applicant comes
61 back before the Planning Board." C. Foley said regardless, if anyone wants to build on this lot,
62 they will need a septic system approval.

63

64 J. Goeman noted there were two remaining items on his list: impact fees and the road. C. Foley
65 said there was no record of discontinuance of the road noted on the plat. This road has brush
66 growing in it and may be subject to gates and bars. A. MacMartin said to check the 1892
67 Hillsborough County map and the 1858 map of roads. These might be the way to figure out the
68 history of the road. Houses might be noted on the map and the house on C-63 would probably be
69 on those maps. J. Goeman asked if the applicant needed a note about the road. The Board
70 discussed this and suggested a note be added to the plat.

71

72 C. Foley asked about waivers. He requested them in writing - he requested waivers to 6.3.d and
73 6.3.f. The Board discussed these requests but if they wouldn't be needed unless there was further
74 development on the lot.

75

76 Public Input

77 M. Dell'Orto (21 Wilton Center Road) said he was concerned about the use of the front lot and
78 that being used for access. He was also concerned about his septic system. He was concerned
79 that future development, like a driveway, would disturb his leach field. He was also concerned
80 this would open the area to development. He read his letter. He continued, the old septic system
81 works. He thought there was an additional pipe and that one of the pipes that was found, went as

82 far as 90 feet. He said this pipe goes in to the second lot. Would an additional easement be
83 needed? He takes very good care of the septic system. If the septic system remains working,
84 would he have to deal with two owners in the future?
85

86 C. Foley said they did not do an extensive survey of the pipes. He said they showed an area that
87 would be suitable for a replacement septic system, but couldn't survey unless the neighbors had
88 their system drained and cleaned out. If they snake the pipe, they could find out the length. A.
89 MacMartin suggested that C. Foley add to Note #7 that C-079 may be subject to an easement
90 depending on the inspection. This will make sure that people new to process are notified. J.
91 Goeman said this should be recordable. A. MacMartin suggested that the owners of c-62 and the
92 Clemens determine the location of the pipes together. B. Hunter asked about bar-way if there is
93 work on C-79 that could damage the leach field. C. Foley said that Note #7 would address this.
94

95 R. Buschman asked about the purpose of the lot line adjustment. C. Foley said it was to have
96 better access to Wilton Center Road.
97

98 B. Hunter MOVED to accept the plan.

99 The Board discussed this and B. Hunter withdrew his motion.
100

101 K. Walker MOVED to accept the application as requested. M. Fish SECONDED. All in Favor.
102

103 C. Foley requested conditional approval of the application. The Board requested the Notes be
104 updated. J. Goeman reviewed the changes to Note 7 and adding a note on the plan regarding the
105 old road.
106

107 B. Hunter MOVED to continue to December 18, 2019, at 7:00 PM. M. Fish SECONDED. All
108 in Favor.
109

110 **5. Public Hearing**

111 A. MacMartin opened the Public Hearing regarding changes to the Town Ordinance by reading
112 the Public Notice.
113

114 J. Goeman reviewed the process. The wording of some of the proposed ordinances will be
115 finalized at this meeting.
116

117 **Wetlands Definition**

118 J. Goeman reviewed the definition. He said this aligns with the state definition and ads wetland-
119 related-areas for Wilton. RSA 482.A.2X. Rather than updating their exact locations, use the
120 definitions to guide soil scientists. The proposed Ordinance removes the next three definitions as
121 they are included in the first definition. Some small changes will happen to some districts. A.
122 MacMartin asked why? Our Ordinance has a tension between the State and Wilton. The State

123 definitions don't include the wetland-related-areas. M. Fish said this gets back to the
124 classifications of the districts by soil types. It was very confusing. N. Faiman said this should be
125 what we want the wetlands to be. These terms don't tell a certified soil scientist any information
126 they could use. A. MacMartin said we could add "current standards" to the definitions. N.
127 Faiman said it needs to be a list that can be delineated. If we give the list to a soil scientist, could
128 they delineate the wetlands and related areas? M. Fish asked if Jurisdictional wetlands work? K.
129 Walker said we need to ask a soil scientist for help. The Board continued to discuss the
130 definition, if it aligned with the RSAs, matched what they desired to protect, and getting help
131 from a soil scientist.

132
133 M. Decoteau was asked to give the contact information for a soil scientist to J. Goeman.

134
135 **Changes to the Industrial District**

136 8:09PM N. Faiman left the Board and joined the audience.

137
138 K. Walker said if you look the Industrial District, it was written 30 years ago. It was written to
139 provide opportunity but also to protect the rural character of the town. Technology has changed.
140 This may have been written to protect against nuisances industry by proxy since it could
141 undermine property values. We wanted to approach this to look at where were define
142 manufacturing and it is defined in the Research and Office Park, 9A. This needs to be consistent.
143 Heavy manufacturing is not permitted in town. Light manufacturing and light industry are
144 referred to as well. They all need to be updated to be consistent. A. MacMartin asked about the
145 changes in A9. He read the proposed definitions of Heavy and Light manufacturing. K. Walker
146 said that this is just looking at the Industrial District and its permitted uses along with adding in
147 the solar power, providing it is i passed. This clarifies what can and cannot be done. We can be
148 better at communicating what is and is not permitted. A. MacMartin said this is tied to the 7A.O
149 and is a definitional change - light industry and light manufacturing. K. Walker said we could
150 cross reference but this is cleaner.

151
152 J. Smith said she was concerned that no residential uses are permitted but there are many
153 residences in her neighborhood. She proposed that the Industrial District permit residential uses.
154 She said she understood why this might not be a permitted use, but it is hurting Wilton if we
155 don't allow commercial uses in the Industrial District to have an apartment over their store.
156 Wilton needs to be more forgiving. A. MacMartin said we aren't changing the prohibition on
157 residential uses in the Industrial District. This is long-standing. J. Smith explained that there are
158 many houses in the Industrial District. How is her property in danger? Residential use should be
159 an option. A. MacMartin said residential and industrial uses are incompatible. M. Fish said we
160 have always prohibited residential use in the Industrial District. You don't want to see a district
161 fragmented.

162

163 Y. Rohrbach and D. Rohrbach said they were trying to wrap their heads around this change. The
164 biggest issue is that he won't find himself in a place where he cannot sell his house or his home
165 value plummets. A. MacMartin said nothing will change your current use. M. Fish said that the
166 exclusion of residential use was made a long time ago. If enough people want that changed, the
167 Planning Board could entertain that. PH added that these changes don't preclude anyone from
168 asking for a variance. The discussion continued for a few moments about the history of why
169 certain areas were included in the Industrial zone but others were not.

170

171 T. Quinn said that the notices to the owners of the properties in the Industrial District did not
172 have adequate time to prepare. There are some discrepancies. A. MacMartin said that there will
173 be an additional hearing. T. Quinn said that the notice wasn't clear and he wanted to have some
174 input. A. MacMartin said that the next hearing would be at the regular December meeting. What
175 input would you want to have? You haven't missed anything. T. Quinn asked why N. Faiman
176 recused himself. A. MacMartin said that he is also on the ZBA and members of the ZBA often
177 step off the Board.

178

179 B. Hautanen asked about heavy manufacturing. He wanted clarification about chemical
180 processes. K. Walker said chemical processes are processes that apply chemicals in the
181 production process or the reliance on chemicals in the manufacturing process. B. Hautanen asked
182 about chemicals used in a cleaning process. K. Walker said that isn't included.

183

184 C. Michaud, who owns a crematorium, said they make a wee bit of smoke and a little flame.
185 Would this be a nuisance? M. Fish said no and this is a grandfathered business. B. Hunter said
186 that is also true of Kimball Physics.

187

188 J. Stone, speaking as a resident of Wilton only, asked the Board to record their reasons why they
189 were proposing the changes. It will be extremely helpful to the ZBA of 2050!

190

191 J. Quinn asked what prompted the changes? They seem drastic. A. MacMartin said the Planning
192 Board was approached by residents during a work session. K. Walker said this raised a general
193 matter and they looked the age of the Ordinance. The interrelation of the districts and definitions
194 didn't give good guidance. A. MacMartin we have also been through the Master Plan. What is
195 our Vision of the future? We need to take the existing industry and plan for the future.

196

197 **Elderly Housing**

198 8:50PM N. Faiman returned to the Board.

199

200 A. MacMartin said that Elderly housing is a term that was adopted before the HUD (Housing and
201 Urban Development) rules. Maybe now would be a good time to change this to Age-restricted.
202 The Federal and State governments have separate sets of regulations for age-restricted housing at

203 55 years and 62 years old. J. Stone asked why choose 62 and not 55? A. MacMartin said that a
204 change to 55 years old would require a more drastic rewrite of the Ordinance. K. Walker said a
205 developer might want to take advantage of density bonuses in the cluster subdivision regulations
206 and then comply with the state regulations for age-restrictions. A. MacMartin said the state
207 determines who can occupy an age-restricted house but not how something is developed. These
208 changes just get us in sync with the state. J. Stone encouraged the Board to encapsulate their
209 thinking on this.

210

211 **Impact Fees**

212 J. Goeman said this change just gives the Board guidance on a review period but doesn't require
213 a change in fees.

214

215 **Solar (new 15B)**

216 A. MacMartin introduced the proposed ordinance. This addresses primarily ground-mounted
217 solar. K. Walker said this ordinance covers all kinds of solar. It has a few axes:

- 218 ● How systems are mounted (ground, roof, moveable)
- 219 ● What the solar power is used for
- 220 ● Size of the system
- 221 ● Reclamation and bonding

222

223 There was discussion about sizing and what constitutes an industrial system. The numbers from
224 the proposed ordinance were checked against those provided for by the state and they are similar
225 but not exactly the same. Rule of thumb is that 1 MW = 4 acres of land. K. Walker asked if the
226 we wanted to look at power generation or land coverages as way of demarcating different uses?
227 A. MacMartin said that over time, 30 MW power generation will probably take less room than it
228 does presently. The land used is going to have more of an impact than the power generated. K.
229 Walker said that no matter how big, 30 MW is a lot of power. We want the Planning Board to,
230 from time to time, change the numbers used in the Ordinance based on technology changes. J.
231 Goeman said no, that would bypass the Town Meeting. B. Hunter suggested adding a specific
232 time period for review. The Board discussed this and agree to take out 15B.4.7.

233

234 The Board discussed portable solar power systems. K. Walker said that if a portable system had
235 more than 30 panels, it would be considered ground-mounted.

236

237 The Board discussed cell towers and what districts they were allowed in. K. Walker said we
238 should also be mindful that utilities have restrictions on the amount of power generated. She
239 thought the maximum the state allowed is 12KW.

240

241 J. Goeman asked about the size difference in the Downtown Commercial District and the
242 Residential district. The Board discussed the sizes and agreed that 500 sq ft sounded reasonable.

243 They felt that 1000 sq ft was adequate for a residential district. They said that the utility company
244 was more limiting currently than the maximum square feet.

245

246 K. Walker looked at 15B.4.3.1 and discussed height restrictions. The Board thought that 25 feet
247 would be a better maximum height since some systems have trackers that make them taller than
248 20 feet. A. MacMartin said the Board should consider screening.

249

250 The Board discussed if the solar systems should be considered as part of the maximum lot
251 coverage. After a short discussion, the Board agreed that solar SHALL be considered in
252 maximum lot coverage.

253

254 J. Goeman asked about land clearing. K. Walker said this was part of 15B.5.1 as part of a site
255 plan. There is a specific section on land clearing.

256

257 N. Faiman stepped off the Board at 9:56PM.

258 The Board discussed the letter from Daniel D. Mitler. The discussion included how to keep the
259 rural character of the town, how other towns do or do not limit some industrial uses.

260

261 The Planning Board directed M. Decoteau to:

262

- Share the letter with Town Counsel
- Send out a new public notice to the newspaper
- Send out new letters to owners of Industrial zoned properties

263

264

265

266 N. Faiman returned to the Board at 10:15PM.

267

268 **6. Other Business**

269 **Master Plan for 2020**

270 The Board agreed to work on the Vision and the Goals & Objectives chapters of the Master Plan.

271 The Board directed J. Goeman to finalize a contract with his executive director.

272

273 **Circuit Rider Contract 2020**

274 The Board directed J. Goeman to send a contract for \$18,000 to the Select Board to be signed.

275

276 **Select Board Update**

277 The New Reservoir has had its status changed. The dam is not in good condition but we can
278 lower the water by 8 inches.

279

280 **7. Adjourn**

281 K. Walker MOVED to adjourn at 10:38 PM. B. Hunter SECONDED. All in Favor.