

PLANNING BOARD MINUTES

March 22, 2023

APPROVED: April 12, 2023

AGENDA: ELECTION OF OFFICERS
LIZ KELLY, Resilience, Planning & Design – Overview of the NLRA Proposed Project
Draft SOLAR ORDINANCE with Comments from Ben LaRoche
Draft STEEP SLOPES, David Shirley

ATTENDING: Denice DeStefano (Chair) (via Zoom), Randall Kelley (Vice Chair), David Shirley, Elizabeth Seeler, and Shaun Lagueux (Alternate Select Board Representative)

OTHER: Christina Goodwin (Town Administrator) Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant)

Chair DeStefano called the meeting to order at 7:05 pm with a quorum present in person.

NEW BUSINESS:

ELECTION OF OFFICERS

Ms. DeStefano stated that it was time to vote for Officers for 2023 and asked for nominations.

Ms. Seeler motioned for Ms. DeStefano to continue as Chair. Mr. Shirley seconded. Ms. DeStefano asked if there were any other nominations or volunteers. Hearing none, she called for roll call vote. The motion carried 4-0-1 with Ms. DeStefano abstaining.

Mr. Shirley moved for Mr. Kelley to continue as Vice Chair. Mr. Lagueux seconded. The motion carried 4-0-1 with Mr. Kelley abstaining.

Ms. Seeler motioned for Mr. Kelley to continue as the Planning Board representative to the Capital Improvements Program Committee. Mr. Lagueux seconded. The motioned carried 4-0-1 with Mr. Kelley abstaining.

LIZ KELLY, RESILIENCE PLANNING & DESIGN – OVERVIEW OF NLRA PROJECT PARTNERSHIP & ASSISTANCE

Ms. DeStefano introduced Ms. Liz Kelly from Resilience, Planning & Design who was present to talk with the Board about a partnership with the Newfound Lake Region Association (NLRA) to assist Newfound Lake area communities with Land Use planning and policy development that helps to protect the Newfound Watershed. She stated that she was interested in projects whether ongoing or planned that will improve or support efforts to protect the watershed such as ordinances, policy, land use planning or master planning.

She went on to explain that as part of this grant project with NLRA, she is currently working with the Town of Groton with GIS mapping projects and with the new FEMA Floodplain maps. In Hebron, they are working on detailed GIS mapping of Town culverts. She added that they have also worked with Hebron with the Land Use plan as part of its Master Plan, and this might be of interest to Bristol as option while they are working to update its Master Plan.

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LIZ KELLY, RESILIENCE PLANNING & DESIGN - continued

Mr. Shirley asked her to clarify for him GIS Mapping. She explained it is geospatial mapping allowing for better identifying map details such as location of terrain etc. Mr. Lagueux further defined it as mapping that combines layers of maps with databases to help locate things like wetlands, soils, floodplains, terrain etc. Ms. Kelly stated that Bristol uses this layering with its online Assessing maps.

Ms. Kelly stated that with master planning, they could help with brainstorming and other activities to help the Planning Board with Bristol perspective and identify needs. She was at this meeting to present the collaboration opportunity and would be happy to come back and talk in more depth about any specific project. She understood the Board may need time to process and think about what might be a project to collaborate on.

Mr. Kelley stated that he would like more time to determine how best to use this opportunity and get some ideas from the Board and Ms. Goodwin about any priorities or projects that might work well with this collaborative effort.

Mr. Shirley mentioned he was interested in the mapping possibilities with Steep Slopes research that he would be sharing later in the agenda. He asked if she might be staying for that discussion. Ms. Kelly stated that she was here at their invitation and would stay for this. Mr. Kelley suggested that Mr. Shirley give her a copy of his outline so she could also review and come back at a later date for discussion if preferred.

Mr. Lagueux asked Ms. Kelly if the Newfound Watershed included the Newfound River. She stated she thought it might but will double check and let the Board know.

Ms. DeStefano thanked her for the presentation and overview and invited her to participate in the Steep Slopes discussion later in the agenda.

SOLAR ORDINANCE

Ms. DeStefano moved the discussion to the work that has been done to date on drafting the Solar Ordinance. She stated that at the last meeting the Board discussed separating Residential and Commercial; inclusion of second power source and sign location information; including Steep Slopes information once determined; and getting comments from the Fire Chief for pages 3 and 5. She stated that the Fire Chief did provide comments, and these could be viewed in the margins of the Draft which everyone had in hand.

The Fire Chief's comments were read and discussed. Ms. DeStefano stated that it was not decided yet whether a Conditional Use Permit would be required, but the first comment from the Chief was a suggestion on page three (3) where he felt that the language should be added requiring all solar array projects or plans to be reviewed and approved by the Fire Department. The Chief also made suggestions on page five (5) indicating that the item requiring replanting of vegetation disturbed by solar array would be against State Fire Code and that final approval should include sign off by Fire Chief or Fire Department.

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SOLAR ORDINANCE - continued

Mr. Lagueux commented that there is a way to maintain Fire Code and re-establish vegetation with setbacks and use of grasses. Mr. Kelley stated his concern would be for brush fires so the Fire Department setbacks could be a solution. Mr. Lagueux stated stabilization should be the goal and grass, not trees, would be ok but would require ongoing maintenance.

Mr. Shirley brought up a concern for the restriction of solar arrays on farmlands. He suggested clearer language was needed. Mr. Kelley stated that he could not see restricting a farmer's right to use solar power and or to restrict how he chose to use his land.

Ms. DeStefano stated that the Draft would be updated for the April workshop meeting discussion and would include the Fire Chief comments, Steep Slopes language, separation of residential and commercial projects, and all other concerns discussed to date.

STEEP SLOPES – David Shirley

Mr. Shirley presented his outline on research done regarding Steep Slopes ordinances and overlays. He explained that there are a variety of things to be included or excluded in this type of ordinance. He stated that his research compared the State model, the Town's current ordinance, and an ordinance from the Lehigh County of Pennsylvania which had terrain, topography, and geography similar to Bristol. He went on to share information from these three comparisons. These have steep slopes defined as 15% grade or more.

In discussing thresholds, he stated that the State model and the Town's current model only had one (1) threshold while the Lehigh model had two (2) one at 15% and another at 25% as determined by a soil survey. He stated that a Soil Study may be a consideration for the Board for determining thresholds for Bristol.

He went on to state that the percentage of area which was determined to be steep slopes could be excluded from buildable area in the same way as the wetlands are with the Town's Wetlands Overlay. There also could be a minimum lot size such as an acre which is used by the Lehigh model, but the NH model there is mention of a building envelope with enhanced setbacks between the structure and boundary of the envelope.

He stated that vegetation disturbance and erosion can be addressed with the envelope model as well. There was discussion about whether NH Law would allow for the Town to regulate whether the Town can require similar restrictions as the Lehigh model for tree clearing, size etc. Mr. Lagueux stated that depending on the size of the lot, there would be Forestry law that would regulate this. Mr. Shirley stated that if they came in for a Conditional Use Permit, then there could be some restrictions or conditions placed. There was more discussion of comparison of Lehigh and NH model for erosion and sediment. Mr. Lagueux stated that the Lehigh model did not make sense for NH because in NH most vegetation disturbed is re-established within the next year.

Mr. Shirley mentioned the driveway restrictions for Steep Slopes in the NH Model was 10% maximum for residential and 8% for non-residential.

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STEEP SLOPES – David Shirley - continued

He moved on to Steep Slopes implementation suggesting there were three ways to implement Steep Slopes regulations:

1. A stand-alone ordinance, as with current Bristol Ordinance
2. Zoning Overlay with exceptions considered by Zoning Board
3. Zoning Overlay with exceptions through Conditional Use Permit by Planning Board

He noted that the current Town Ordinance requires a Conditional Use Permit from the Planning Board and that the NH model and the Lehigh model use Overlay Districts with conditional use permit.

Mr. Shirley stated that a Steep Slopes Overlay would work similar to the Wetlands Overlay and could apply to all zones or could exclude zones such as industrial. It would need to be defined based on mapping delineation methods and standards. Any development that falls within the district overlay would need to comply with the Overlay District restrictions in addition to the underlying zoning district. Mr. Kelley thought going with an Overlay was more tedious than the stand alone ordinance.

More discussion of the implementation methods followed with Mr. Lagueux favoring it be put before the voters. Mr. Kelley agreed with that. Ms. Goodwin explained the process for the zoning changes and who had authorization to propose and approve the changes with final approval with the voters after public hearings held.

Mr. Shirley stated that there is already Steep Slopes language in the Ordinance and it has been suggested that it needs some revision. Mr. Shirley stated he would prefer going with the Overlay with mapping as it could be handled similarly to the Wetlands Overlay. Ms. DeStefano stated that she agreed about delineation mapping and concerns, but she felt it could be handled by amending the current Ordinance section and these changes would go through the public hearing process and then be voted on by the voters so nothing would go into effect until after March 2024.

Mr. Shirley continued with his outline review stating the reasons for Steep Slopes regulation. He added that the NH model requires structures in Steep Slope areas to be colored to blend in to surrounding area, required to use non-reflective glass, and prohibits use of floodlights and spotlights to protect night sky views.

He went on to say that both the Lehigh and NH models address and prohibit ridgeline construction. He described ridgeline concerns and suggested that Bristol may want to protect its ridgelines, but further research might be needed to define and distinguish ridgelines.

Mr. Shirley stated that this is the research he completed and suggested the next steps could be drafting what the Board would want, whether it be going with a completely new overlay or amending what we

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STEEP SLOPES – David Shirley- continued

have, he suggested looking at these models for guidance and language. Mr. Kelley suggested making incremental changes to amend the current ordinance to address the concerns brought up. Ms. DeStefano stated that with her experience over the years, she found it easier to amend the current document with a strike-out of old language and bolded, italicized new language method for ease of understanding by the public.

She stated it was less confusing and caused less questioning of what has changed. She gave some examples of previous experiences and suggested this would be a better and easier way for the Board as well as the public. Mr. Shirley felt there was a need to address the GIS mapping issue to easily determine where the Steep Slopes are in Town. He felt there could be consequences to certain zoning areas such as commercial and industrial areas that may also need to be addressed.

Ms. DeStefano asked Ms. Liz Kelly what her thoughts were about the Steep Slopes discussion and her program proposal. Ms. Kelly stated that this could be a qualifying project. She added that she could see opportunity with the work already completed by Mr. Shirley and would like to review the current ordinance and his research to see where the ordinance might need improvement and be amended. She offered stating she could take a collaborator role assisting with the workshop process. Ms. DeStefano asked Ms. Kelly to take the outline and information back to determine how Resilience, Planning & Design might be able to help with this process as part of its program. Mr. Shirley asked about overlaying mapping. Ms. Kelly stated that GIS mapping could be provided whether for reference while working on amendments or for overlay. Ms. Kelly will get the answers and proposal back to the Board before the April workshop meeting. Ms. DeStefano thanked her for listening in and looked forward to working with them on this project.

MINUTES:

The meeting minutes of March 8, 2023 were reviewed. Mr. Shirley pointed out that the vote on Page 6 paragraph 1 should be changed from “5-5-0” to **5-0-0**. He then referenced the Select Board report last paragraph, suggesting his memory was that shed was **damaged** by the fire instead of “destroyed shed and truck”. It was determined that the truck and shed were destroyed so no change was warranted. Mr. Kelley moved to accept the minutes as amended with the one change. Mr. Shirley seconded. The motion carried with roll call vote of 3-0-2 with Mr. Lagueux and Ms. Seeler abstaining.

REPORTS:

HISTORIC DISTRICT COMMISSION – Did not meet due to storm.

SELECT BOARD – Mr. Lagueux reported that the Board met last between Election and Town Meeting Day. He stated that the demolition work had begun at the Police Station and that it is now fenced off and asbestos removal was in process with demolition to follow. He stated that the Pemi Trail corridor expansion discussions were ongoing with the Army Corps of Engineers with some issues being addressed for PFAS contamination in a couple of areas along the corridor. The Board is also set to meet on April 6th with new Select Board members Rob Glassett and Scott Sanschagrín. This will be an organizational meeting and they also have the Economic Development Committee coming in to discuss a more

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SELECT BOARD, continued-

collaborative approach to economic development issues or projects. He and Ms. Goodwin added that Town Meeting was quick this year and the budget was passed without any comment.

CIP COMMITTEE – no report

CONSERVATION COMMISSION – Ms. DeStefano stated that as an FYI, the new Conservation Commission Special Use Permit Checklist and Instructions forms were in their folders. She stated that the Conservation Commission wanted to be sure they did not overlook any conservation issues when reviewing a Special Use Permit for any recommendations to the Planning Board. It was suggested that the Instruction sheet will need to be updated with new amendments to the Zoning Ordinance just approved.

LAND USE – Ms. Bailey shared that the office is updating the Zoning Ordinance with recently approved amendments and new copies would be distributed to Boards once the updates are completed. She also shared and encouraged members to participate in the New Hampshire Office of Planning and Development (NHOPD) Spring Conference, which was a free Webinar set for Saturday, April 29th. The tracks and sessions look to be interesting and informative for Planning Board members. She stated that if anyone wanted to register the office could help with this. She stated for those who cannot participate, the sessions will be on NHOPD YouTube channel. She also is working with the Town's Assessors on the property "pick-ups" which are the properties in Town that have had any changes since April 1, 2022. These will be reviewed with site visits and the property assessments will be updated. Ms. Goodwin added that the Lakes Region Planning Commission (LRPC) will be holding a meeting in Ossipee on March 27th which includes a presentation of the Regional Housing Needs Assessment that the Board was interested in seeing for its work on the Land Use Chapter of the Master Plan. Ms. Goodwin stated that the draft was available on the LRPC website now and she could forward copies to those who would like a copy. Ms. DeStefano asked for a copy and suggested that Mr. Miller may also want a copy.

NEXT MEETING: April 12, 2023

ADJOURNMENT: With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Lagueux seconded. The motion carried 5-0-0 and the meeting adjourned at 8:20 pm.

Respectfully submitted,

Janet Cote
Land Use Associate