

48 100 ft. work pad that helps crews and equipment. The 4,080 sq. ft. will be timber matted to
49 additionally minimize impact to the wetland. As soon as the work is completed the timber mats
50 will be removed and they will not be in place for more than one growing season.

51
52 Access to the ROW will occur from an off-ROW access road off New Boston Road. No additional
53 tree clearing will be required for this project.

54
55 Mr. Yando added that BMP's (Best Management Practices) will be implemented throughout the
56 project, through NH's BMP manual. They will have VHP doing weekly inspection monitoring with
57 reports so they will be keeping eyes on the projects as it proceeds.

58
59 Mr. Mahoney explained that it involves one utility structure replacement in the Town of Kingston
60 due to previous damage to this structure.

61
62 **Town Planner comment(s):**

63 Mr. Greenwood gave his review. "This application is being submitted in accordance with Section
64 202.8 of the Town's zoning ordinance and is required for the proposed work to allow impacts
65 within wetlands and their associated buffer areas protected under the Wetlands Conservation
66 District. This is the first public hearing for this proposal to complete a structure replacement within
67 the Eversource public utility easement in central Kingston. The Planning Board needs to consider
68 invoking jurisdiction upon the application to begin the 65-day time clock for rendering a decision.
69 From my perspective the application is complete. The proposed maintenance work and structure
70 replacement all occurs within the existing easement. There are four thousand square feet of
71 wetland impacts and 11,000 square feet of wetland buffer impacts. Nearly all of this is temporary,
72 and the utility has a stringent work plan vetted by NHDES for these activities. The Planning Board
73 needs to consider the applicant's request for a Conditional Use permit. The ordinance requires
74 that we solicit input from the Conservation Commission, which we do with every application. The
75 Conservation Commission has provided their comments, and these should be considered during
76 the public hearing. The applicant has provided written responses to the three criteria addressed
77 in the conditional use permit. I have no issue with their responses."

78 Mr. Greenwood mentioned that they do a very good job in minimizing the impact that they create
79 to wetlands. NHDES does watch them closely, but the consultants they have in-house are very
80 good at what they do.

81 **Town Conservation Commission comment(s):**
82 Ms. Duguay read the comment letter from the Kingston Conservation Commission dated January
83 6, 2024.

84
85 "Eversource Utility Structure Replacement Project
86 Travis Yandow of Eversource and Sherry Trefry of VHB appeared before
87 the Conservation Commission on December 7, 2023, to present a plan to
88 replace a single transmission tower located on the Eversource easement
89 adjacent to the Kingston Powwow River Conservation Area.
90 The tower will be accessed from the New Boston Road power easement
91 gate through the portion of the Blue trail leading to ET's Landing, which
92 runs through the Eversource easement, and will temporarily impact the
93 wetland area along the trail. This is the same area where we have
94 submitted a Permit by Notification to construct a culvert to facilitate
95 crossing a wet area on the trail. NH DES has referred both KCC's and
96 VHB's permit applications to NH Fish & Game's Nongame and
97 Endangered Wildlife program, as they are concerned about impacts to a
98 wetland that is a *potential* habitat for (endangered) Blanding's turtles or

99 (threatened) spotted turtles. Both applications are currently under review
100 by NHF&G.
101 The Conservation Commission understands the necessity of this project,
102 but any construction activity in that area will need to be carefully
103 monitored and timed to minimize impact on wildlife. The best time of year
104 to do the project would be in winter when the ground is frozen and less
105 easily disturbed, and when there will be less impact to seasonal wildlife
106 activity and migration. We also understand that any work in this area will
107 be dependent on NHF&G's response.
108 Additionally, Conservation recommends that to ensure public safety, the
109 Town temporarily close the Powwow River Conservation Area trails
110 (Sargent) when work by Eversource/VHB is in progress."

111
112 **Town Engineer comment(s):**

113 Ms. Duguay read the comment letter provided by Dennis Quintal, Town Engineer dated January
114 12, 2024.

115
116 "After brief review of this Application, I believe they must comply with a NHDES Wetlands Permit.
117 I have no engineering comments at this time."
118

119 **MOTION** made by Mr. Bakie to invoke jurisdiction. **Seconded** by, Mr. Coffin.
120 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

121
122 **Public comment(s):**

123 Public comment opened and closed at 6:55 PM. There was no public comment.
124

125 Mr. Mahoney mentioned that Eversource and the Town did receive Fish and Game's (F&G) BMPs
126 since the letter was written.
127

128 Mr. Coffin asked if they received the necessary permits from F&G and NH DES. Mr. Mahoney
129 responded that the BMP's that F&G provides is part of the permit they receive. Also, from DES
130 they have received all of their SPN's (Statutory Permits-by-Notification) for this project as well.
131 Mr. Greenwood brought up that he believes we received the AOT (Alteration of Terrain) permit
132 within the last week. Mr. Mahoney said yes.
133

134 Mr. Bashaw read the information found under the **Conditional Use Permit** section (pgs. 4-6) of
135 the letter prepared by Sherrie Trefry, CCA, Energy Market Lead of VHB dated November 13,
136 2023. (Application/letter is available in the Planning Board office).
137

138 **MOTION** made by Mr. Bashaw to grant a **Conditional Use Permit based off of the satisfactory**
139 **answers provided by the applicant regarding the Conditional Use Permit requirements in**
140 **Article 202 section 8.B. Seconded** by, Mr. Coffin.
141 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

142
143 There was no further discussion.

144 <Board note: this hearing ended at 7:04 PM>
145

146 *Rescheduled from January 16, 2024 due to inclement weather.*

147 **Cellco Partnership, d/b/a Verizon Wireless'**

148 **Off Hunt Road**

149 **Map R1 Lot 1**

150 *<Board note: this hearing began at 7:05 PM>*

151
152 Cellco Partnership, d/b/a Verizon Wireless' application for the necessary **Conditional Use Permit**
153 and **Site Plan** approval to construct and operate a 140' wireless telecommunications facility off
154 Hunt Road.

155
156 **Applicant:** Present on behalf of the applicant were, Mark Beaudoin of the law firm Nixon
157 Peabody, Chip Fredette on behalf of Verizon Wireless, Site Acquisition Agent, and Keith Vellante,
158 Director-RF Services with C Squared Systems, LLC consultant for Verizon Wireless.

159
160 Mr. Beaudoin explained that they are there to talk about fixing a service inadequacy in and around
161 the Town of Kingston. Proposing to construct a new ground mount 140-foot-tall wireless
162 telecommunication facility off of Hunt Road. The projects consists of a 50' x 50' fence compound
163 within which the pole will be constructed, together with some other equipment on cement pads as
164 well as an ice stamp. The project is located within the rural residential zoning district, pursuant to
165 Article 410 of the zoning ordinance these facilities are permitted within the Town upon the
166 issuance of a Conditional Use Permit as well as a Site Plan approval from the Planning Board.
167 They submitted the applications to the Planning Board on November 28, 2023.

168
169 Mr. Fredette went over the existing coverage map. He referenced Mr. Valente's report titled C²
170 RF report, the propagation maps-Exhibit F of the application map, attachment A. He went on to
171 say there is high demand in need of more capacity or more service. Mr. Fredette described
172 coverage area map, attachment A and noted that they generally start the search with this map.
173 Top left is Hampstead East – this is a 167-foot monopole SBA, it's on Colonial Drive (behind East
174 Coast Lumber), built by Nextel in 1999, owned by a tower company. Verizon co-located on this
175 site at the 125' elevation. Top right, they call this Kingston, this is a 190' lattice tower off RT. 125
176 about 1^{1/2} miles north of this proposed site-this is owned by Crown Castle. Verizon co-located on
177 an existing tower and is at the 178' center line on this tower. Bottom right-hand side of the map,
178 called Kingston 3, that's also another 190' lattice style tower. This is at Granite Road, also owned
179 by Crown Castle. Verizon Wireless is at the 135' center line on this tower. The coverage footprints
180 at each location projects is noted on the map. Bottom left of the map is the site called Atkinson
181 NH. This is a 160' monopole, now owned by SBA Towers-Verizon Wireless is at 120' elevation.
182 Hampstead location, 45 Gigante Drive, co-located and Verizon is at 143' center line on this tower.

183
184 Mr. Fredette said that they are here today to solve the gap to provide the additional coverage.
185 They have identified Mr. Kimball's property, which is 50+ acres in size as a good location. With
186 people working from home the demand for cell phone coverage is greater and greater. The only
187 way to accomplish this is to build a site within this area, within this gap in coverage. It cannot be
188 achieved by optimizing or adding carriers to the existing sites they are already serving the areas
189 they are designed to serve.

190
191 Mr. Coffin brought up that it was noted in Mr. Greenwood's comments for the hearing that the
192 Board should take care of the determining if there is DRI (Development of Regional Impact) for
193 this proposal and possibly invoke jurisdiction and have Mr. Greenwood give a recommendation
194 on completeness.

195

196 Mr. Greenwood read from his review comments dated January 15, 2024. "This is the first public
197 hearing for the construction of a new wireless communications tower for land located in the Rural
198 Residential zone in south Kingston. The Planning Board needs to consider invoking jurisdiction
199 upon the application to begin the 65-day time clock for rendering a decision. From my perspective
200 the application is complete. The Board should consider if this application is one that rises to the
201 level of a project of regional impact. From my perspective it does not but that is a decision for the
202 Planning board to make. The application includes a very thorough review of both the Town's
203 Zoning ordinance regarding Telecommunications Facilities and the Town's site plan review
204 regulations both of which apply to this application. There should be a waiver request offered by
205 the applicant because they are requesting no preliminary meeting with the Planning Board."

206 Mr. Greenwood explained that because the state requires that we notify abutting communities it
207 is his perspective that this project does not rise to a project of regional impact because the
208 communities that are affected by it get direct notification from the Planning Board. The Towns of
209 Plaistow and Hampstead, and abutters to the property even if they were in a town other than
210 Kingston also received this notification.

211
212 Mr. Coffin also mentioned that this notification was in the Carriage Towne News, and this is sent
213 to Hampstead, Plaistow and other towns that could possibly be affected so the notice for 12-K:7
214 was done. Mr. Coffin said that this is not really a development and the requirements for the
215 notification for affected communities outside the Town of Kingston is of NH Statute RSA 12-K:7
216 is more stringent and is applicable to cell towers and this solves the regional impact notification
217 requirements.
218

219 **MOTION made by Mr. Coffin that the Board does not deem this to be a Development of**
220 **Regional Impact, with the primary reason that the requirements under RSA 12-K:7 have**
221 **been done and they are more stringent than the DRI's.**

222 *Mr. Coffin explained to the audience that there is the requirement that all developments that come*
223 *before the Planning Board, Zoning Board and Conservation Commission be decided whether they*
224 *have regional impact. There is a regional impact to cell towers especially when it is only 75' from*
225 *the town line. There is a state law notification that governs regional impact notification for cell*
226 *towers specifically and it has more stringent requirements than the development of regional*
227 *impact rules. This requirement is that any town within a 20-mile radius that could see the tower*
228 *would be impacted. Those towns would be Plaistow and Hampstead. Abutters to the property*
229 *would have received notification by mail. Mr. Bashaw clarified for the audience that the Board is*
230 *not making a declaration of regional impact because the requirements for this project don't*
231 *necessitate it for this project. The rationale for this is that a cell tower project is held to a much*
232 *more stringent stand through another RSA so even if there was somebody that wasn't sure about*
233 *it being declared as a regional impact, they are going to be notified due to the subsequent RSA*
234 *as well.*

235 **Seconded by, Mr. Bakie.**

236 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

237
238 **MOTION made by Mr. Coffin to invoke jurisdiction. Seconded by, Mr. Bashaw.**

239 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

240
241 **Applicant:** Mr. Fredette said it is his job to identify any potential co-locatable structures or
242 opportunities prior to resorting to building their own tower. In this instance, there were no existing
243 structures, towers, church steeples, commercial building roof tops upon which they could put their
244 antennas. They look at zoning, where they can put it where it is not as visible. This is a large lot

245 with tree cover and should be out of anyone's direct view, it is nearly impossible to hide a cell
246 tower site.

247
248 Mr. Fredette referred to the site plan sheet Z4, proposed conditions plan in their application
249 package. This shows the site in full. They need to meet all the setbacks with local zoning. All the
250 equipment will be within the fenced in area. They generally install an 8' chain-link fence with 3
251 strands of barbed wire. They have done other privacy slatting, it's really up to the Board's purview.
252 They are a quiet neighbor, they might have a technician visit one time per month, there is no
253 routine visits with heavy equipment. There are no lights on the tower. There is a backup diesel
254 generator there for back up purposes only. When the power goes out, they have battery backup
255 that takes the first load and once the batteries are exhausted then the generator kicks on and
256 provides them with extended life.

257
258 **Board comment(s):**
259 Mr. Coffin brought up the fall zone and that it goes onto the neighboring property. The comment
260 by the Select Board is, would an easement be required because of this. Mr. Coffin talked about a
261 question raised on Dennis Quintal's, the Town Engineer's, comments is why not move it over a
262 little bit further from the property line so the entire fall zone would be within the existing property.
263

264 Mr. Fredette replied that they would not require an easement. This is not something that is written
265 in Kingston's zoning ordinance and the landlord said they want them in the direction of that side
266 of the lot as possible to not cut off his ability to reach the back of his lot. In the area the landlord
267 provided they are able to meet the setback and fall zone requirements. Mr. Fredette pointed out
268 a letter from one of the manufacturers. If the tower were to fail it would fail in half as opposed to
269 falling from the base. The letter was submitted to the Board at the meeting and will be passed on
270 to the Town Engineer for review. Mr. Fredette gave a brief summary of the letter. Letter by
271 Valmont, stamped by NHPE. *The theoretical failure point is at the structure midpoint or above by*
272 *purposely over designing the structural components below this point the predicted mode of wind*
273 *induced failure would be local buckling of the shaft at or above the midpoint with the upper*
274 *sections folding over onto the intact lower sections. It would fold upon itself and likely land inside*
275 *the actual fence compound.*

276
277 **Department comment(s):**
278 Board of Selectmen (BOS) – What legal documents are needed since the 175' setback radius
279 encroaches on to two adjacent lots?

280 Fire Department-Fire Chief, Graham Pellerin – Comment letter dated January 11, 2024. "I would
281 request a Knox box for emergency entry into the property. Also, I would request in writing space
282 available to emergency services on the tower itself for future use or expansion of our current
283 emergency communications. There's a bill before the House of Representatives in the State
284 House for this to be mandated for all future communication towers which has not gone for a vote,
285 the last I knew. Therefore I would request to have it on this tower. Other than that as long as
286 everything else meets any applicable NFPA codes I don't see any reason this would not work
287 according to the plans presented.

288 Department of Public Works-Director of DPW, Phil Coombs – they would want to have right-of-
289 way access for the cell tower.

290
291 **Town Engineer comments(s):** Dennis Quintal of Civil Construction Management, Inc. provided
292 comments on this proposal. Ms. Duguay read his review letter dated January 12, 2024. (Copy
293 attached).

294

295 **Town Planner comment(s):** Mr. Greenwood read his comments provided to the Board dated
296 January 15, 2024. "The following are my comments upon reviewing a site plan entitled. **"Verizon**
297 **Wireless Kingston 4 NH off hunt Road Kingston NH 03348"**, prepared by Drewberry
298 Engineering , Inc., and dated 10/20/23:

- 299 1) The applicant has submitted information detailing the need for this tower based upon RF
300 engineering information. The Planning Board has the opportunity to have this information
301 verified by a third-party independent review. Is this desired by the Board?
- 302 2) State law at RSA -K:7 indicates that all municipalities within 20 miles shall be notified if
303 they would be able to see the facility. I don't believe the facility will be seen beyond
304 Hampstead and Plaistow.
- 305 3) The fall zone for the tower goes onto property in Hamstead? Is it correct that although our
306 ordinance requires a setback equaling 125 percent of the tower height that this monopole
307 is designed to fall vertically and not horizontally?
- 308 4) Does the Board want to see a balloon test to illustrate the visual extent of the proposed
309 tower?
- 310 5) The site is fairly remote, does the Board want additional screening of the site beyond the
311 forested nature of its present location?
- 312 6) Is a site walk warranted?
- 313 7) There is a list of Factors to be considered in granting a Conditional Use Permit (CUP) found
314 at 410.7, B., 3. The Board should review these as they consider the CUP. From my
315 perspective the nearness of residential structures in Hampstead is a concern.
- 316 8) The applicant has agreed to both co-location for other providers and public safety
317 antennae location for fire and police. These should be conditions of any approval.
- 318 9) Bonding for removal and /or abandonment of this tower can also be considered by the
319 Planning Board.
- 320 10) For recording purposes, the plan will require the stamp of a Licensed land surveyor.
- 321 11) The zoning table should indicate that the property falls within the Wetlands Conservation
322 District.
- 323 12) Any plans for recording need to have an endorsement block for the Planning Board
324 signature.
- 325 13) The site plan needs to indicate pre and post impervious coverage totals.
- 326 14) An electronic version of the final plan set must be provided."
- 327

328 Mr. Bashaw said that balloon test will be beneficial. He commented that with such a large lot and
329 the location of it being so close to the property lines.

330
331 Mr. Tersolo asked how close is the closest house to the tower. Mr. Coffin spoke and said the
332 compound that encloses the tower is 50 feet from the property line. The house may be further,
333 but it is the property line that should be used because you cannot deny people future use. Mr.
334 Fredette said it is over 500 feet to lot 55. Mr. Tersolo said it is pretty close to a house, why couldn't
335 it be moved further back on the lot. Mr. Fredette said that after the first meeting they do generally
336 schedule a balloon float. As a rule, they drive all roads that are within one mile of the site and take
337 photos where the balloon is visible and then with that their artists will use adobe photoshop to
338 render the tower in place to scale of the balloon, so there will be before and after. If there are
339 other areas in town that are thought to be of concern, they would take a photo from that location
340 to see if it is visible or not. Mr. Tersolo's concern is what is the new technology, how many
341 antennas will be on the tower, as an abutter these types of things would concern him. Mr. Fredette
342 said that with any federal agency, be it Verizon or any other carriers, there is certain criteria that
343 they have to meet that are set by the third party called the National Council of Radiation protection.
344 The FCC adopts this set as their standard for emissions. All of their sites are designed to meet or

345 exceed that threshold. The threshold is 100%, they routinely land in the 10 to 15 to 20% range at
346 maximum capacity.

347
348 Mr. Fredette went over the balloon float process. They would schedule a time with the Board, they
349 typically float them from 8 AM to 11 AM. It's a 5.5' to 6' diameter red weather, helium filled. The
350 string is the height of the tower, they raise the higher than the top of the tower. They will provide
351 before and after drawings. They will provide the roads they drove and the vantage point from
352 which each photo was taken. Planning Board can walk the site and occasionally pair a planning
353 board meeting with a sidewalk. Mr. Coffin suggested that maybe the people who live on Ellison
354 Ave might want to help out with the visibility.

355
356 Mr. Fredette mentioned that all of the sites in the area are running 4G and 5G technology and
357 that is what is prosed for this location. He said that they are not only building new sites, they
358 upgrade existing sites so that the technology maintains course and speed with the rest of the
359 industry. What is being proposed is not different than what is being used to operate the other
360 sites.

361
362 Mr. Vellante talked about the equipment and that the network has to be uniform and needs to be
363 interoperable, so the sites work together as a network. They all operate the same frequency banks
364 that Verizon's licensed at so all the antennas, the models might be slightly different but in general
365 they are sectorized panel antenna, similar outputs, the radios are similar in nature. The emissions
366 from each site would relatively be all the same.

367
368 **Public comment(s):**
369 Public comment opened at 8:02 PM.

370
371 Andy Galloway, 6 Meadow Wood Rd., Kingston –
372 - He has a piece of property in Plaistow, and he has already submitted a plan for a cell
373 tower.
374 - He works with Vertex Towers, and he has a 3-year lease agreement with them.
375 - This is an alternative site for Verizon and Vertex has reached out to Verizon and informed
376 them of this site.
377 - They have an application in with the Town of Plaistow and are in the process of getting it
378 approved right now.

379
380 Matthew Paul, 80 Ellyson Ave., East Hampstead –
381 - Questioned, why if the property owner has 40+ acres of land are they talking about the
382 tower being near somebody's property. The tower will be literally in his back yard.

383
384 Rick Cagle, 86 Ellyson Ave., East Hampstead –
385 - He is one of the abutters on the map within the fall zone radius drawn on the back of his
386 property.
387 - He has concern with the location of the proposed tower being so close to the lot line and
388 asked why can't it be moved further back on the lot and away from their property line.
389 - If this was to be built, he would then have an encumbrance on his property. With the fall
390 zone being there he is going to have to explain to someone that may buy the property that
391 they do not really have control anymore when going outside and that fall zone is something
392 that they have to contend with.
393 - With so much land, Mr. Kimball is doing this by borrowing some of Mr. Paul's and his
394 property.

395

- 396 Dan Diskin, 91 Ellyson Ave., East Hampstead –
397 - From his property, he would look across where the cell tower would be.
398 - Even though it shows the property being off Hunt Rd. in Kingston. The access to this is
399 right of Mr. Paul's and Mr. Cagle's back yards, right across from his house. All the power
400 and construction and all the access will come this way.
401 - The reason why there are no cell towers in this area is because in zone A in Hampstead
402 no cell towers are allowed. In the rural residential zone in Kingston, they are allowed.
403 - This is too close to the property line.
404 - There is another alternative in Plaistow.

- 405
406 Stephanie Boule, 70 Ellyson Ave., East Hampstead –
407 - The cell tower would be in her back yard.
408 - She loves her view.
409 - She has concerns and many were touched on, her biggest one is she has small children
410 and not comfortable with the EMF radiation.
411 - She has 2 young boys that go and play in the woods and doesn't want to have to worry
412 about this.
413 - There is the visual affect concerns, but her main concern is the safety of her family.
414 - She has a hard time accepting that there is no other place that there could be a cell phone
415 tower built.
416 - She said, what about their property values? She would not buy this house again if the cell
417 tower was there. When she goes to sell it, is someone going to compensate her? It is not
418 fair to the community; it is not fair to them as residents.

419
420 Public comment closed at 8:18 PM.

421
422 **Applicant:** Mr. Beaudoin said that there has been some discussion about the TCA
423 (Telecommunication Act of 1996). Provided in their application is applicable legal standards to
424 give some information on that because there is federal law overlay of the Board's ability to
425 adjudicate this application. He explained that the TCA establishes national standards that apply
426 to applications for wireless facilities and place limitation on local zoning authority. These
427 standards preempt or override inconsistent state and local laws, so they must be considered by
428 zoning boards or commissions and making decisions on applications for wireless facilities.
429 Although TCA does not preempt all local zoning laws, it especially prompts rules and laws
430 attempting to regulate quote placement, construction, and modification of personal wireless
431 service facilities that "effectively prohibit the provision of personal wireless service". They are here
432 today to show us that there is a gap and that this is a lot that is available to Verizon where the
433 owner will allow them to go that will fix or solve the gap. This is the goal for tonight to try and show
434 the efforts that they have gone through to try and do that.

435
436 Mr. Beaudoin mentioned the health impacts brought up and that health affects cannot be
437 considered by any ZBA or Planning Board across the country because that is preempted by the
438 Telecommunications Act of 1996. Section 704(a) of the 1996 Act expressly preempts state and
439 local government regulation of the placement construction and modification of personal wireless
440 facilities on the basis of the environmental effects of radio frequency emissions to the extent that
441 such facilities comply with the FCC's regulations concerning such emissions. This is why they
442 incorporated in the application the exhibit from the emissions engineer saying that they are within
443 the FCC regulations. Mr. Beaudoin stated that from their perspective this is not a discussion to be
444 had.

445

446 Mr. Vellante spoke about the calculated radio frequencies emissions reports dated November 6th.
447 The summary concludes that the cumulative effect from Verizon's installation would be 13.88%,
448 the max allowable limit being 100%, this is substantially below that. These calculations
449 incorporate number of worse case scenarios such as full ground reflection of the RF wave which
450 effectively quadruples the power density.
451

452 Mr. Fredette addressed a couple of the public comments made. The first gentlemen spoke about
453 potential Vertex project in Plaistow. There is a number of companies and carriers that have every
454 right to lease property and develop sites just as Verizon does. They have leased this property
455 from Mr. Kimball, it will serve the needs of the goal and objective that they have to provide
456 coverage. The setback fall zone, in the ordinance there is no mention of the term fall zone. When
457 they use the term fall zone there is the fear of, we are building it to fall, they do not build them to
458 fall. This design will be stamped by a professional NH engineer. The location itself is designed for
459 this location. They will do a soil sample, a geothermal analysis and come up with a soil survey
460 based on wind and ice loading speeds for this area. The tower will be designed for this spot.
461

462 Mr. Bashaw mentioned that he is aware of the laws and the Board cannot take into consideration
463 health effects due to the Telecommunications safety act. The members of the public do have the
464 right to express the concern. He explained that the Board can't force an applicant to pursue
465 another location that they are not interested in. There isn't another approved existing site. There
466 are state laws and the RSA that guide planning and zoning. The Board has a legal obligation in
467 the best interest of the Town and the ordinances that they have adopted and accepted. It is
468 important for the Board to hear from people and for people to be able to voice their concerns as
469 the Board weighs in on the matters that the Board does have purview over. There is a level of
470 respect they want to maintain for all property owners. He also understands the demand for
471 increased communications.
472

473 Mr. Bakie said that one of the major issues appears to the visual aspects of the tower. The balloon
474 test and a site walk will be important to see what it is going to look like. The Board does not have
475 enough information to actually go forward with being able to make a decision.
476

477 Mr. Tersolo suggested to the applicant that when they go to the site to stand out front of Mr. Paul's
478 house. State of NH Commission of 5G Health Environment which issued a landmark final report
479 in 2020 recommending 1640-foot setback on all cell towers. Since there is room on the property,
480 he encourages them to consider these things.
481

482 Mr. Fredette said he knows that municipalities know they cannot base their decisions based on
483 health effects. But they provide the emissions reports to show that this site will more than comply.
484

485 Mr. Beaudoin said he is familiar with bill and the legislation Mr. Tersolo cited. He said that it will
486 never be passed into law because it squarely is preempted by federal law so it cannot be
487 considered as part of these proceedings. It is printed in the federal law those are the rules.
488

489 Mr. Coffin brought up that visual is an issue the Board can work with. The Town regulations do
490 cover this. To the east of this property, it gets you away from property lines. Another idea may be
491 to camouflage the tower to look like a pine tree.
492
493
494
495
496

497 **Public comment(s):**

498 Public comment was reopened at 8:35 PM.

499
500 Andy Galloway, Meadow Wood, Kingston –
501 -Under the Telecom Act of 1996 it is their due diligence to prove that there is no other alternative.
502 It is also within the Town's regulations as a formality have to explore that option.
503 -There is an alternative site and cannot understand why they can't acknowledge that.

504
505 Mr. Greenwood responded to Mr. Galloway and said that when the applicant applied, and they
506 gauge their inventory of alternatives his was not before the Plaistow Planning Board and that it
507 just went to the Plaistow Planning Board. There is no responsibility for the applicant to provide
508 information to the Kingston Planning Board in November (2023) about his site. Therefore, Mr.
509 Galloway bringing up that there was another alternative for the site with the timeframe of this
510 application, wasn't the case.

511
512 Rich Cagle, Ellyson Ave., East Hampstead -
513 - Mr. Cagle asked if abutters can be present for the balloon test? Ms. Duguay said that it
514 will be a public meeting, and anyone can attend.
515 - He asked if there will be subsequent hearings held if further antennas are going to be
516 mounted from other providers on the proposed new tower to be built?

517
518 Mr. Beaudoin explained that if there is an existing tower and another carrier wants to co-locate
519 on it there would be a site plan amendment required, because there would be new equipment on
520 the pole and potentially another generator so it would require another site plan amendment.

521
522 - Mr. Cagle said that there is the potential for more noise-louder, for emitters of radiation.

523
524 Mr. Beaudoin said the pole can accommodate up to 4 carriers per state law and the statute
525 requires colocation, and we can't just build one tower. One carrier has to co-locate as many as
526 possible.

527
528 Mr. Greenwood said that if the Board were to grant an approval and their co-location and their
529 site plan showed the location for the proposed locations for the 4 additional sites, we would not
530 require another site plan review for this. If their proposal for co-location showed generators within
531 the 50' location or whatever there would be no need for an additional site plan.

532
533 Mr. Bashaw summarized a response to Mr. Cagle, depending on what the final approval is would
534 be the language in the approval.

535
536 Stephanie Boule, Ellyson Ave., East Hampstead -
537 - She asked if there would be an alarm that would sound if it loses power? The applicant
538 said that there is no alarm.

539
540 Dan Diskin, 91 Ellyson Ave, East Hampstead –
541 - Mr. Diskin brought up that the decision is the Boards and to put their homes on Ellyson
542 Ave. According to the Board's standards these are the things they need to consider.
543 Referred to section 2, Decisions. The factors considered in granting this decision; B.
544 proximity of tower to residential development or zones. C., nature of use of adjacent and
545 nearby properties-they are residential homes. G. proposed ingress and egress to the site
546 – you can't get on or off the site in Kingston, you have to go in through Hampstead. You

547 have to go by their homes to get on the site. These are key factors that are important to
548 this particular plan that is being looked at tonight.

549
550 Adam Faulconer, 4 Jericho Drive, Kingston
551 - He lives in this general area and the cell service is awful.

552
553 Matthew Paul, Ellyson Ave., East Hampstead
554 - A concern is 90% plus of people would not want to purchase your property in real time
555 and could lose 15 to 20% value on your property.

556
557 Public comment ended at 8:47 PM.

558 -----
559 **Site walk scheduled for Cellco d/b/a Verizon Wireless proposed location.**

560 A Planning Board public meeting is scheduled to begin at **8:00 AM on Saturday, February 17,**
561 **2024.** The purpose is to conduct a site walk of the property and to perform a balloon test to better
562 gauge the visual effects for surrounding properties. Location to access the property is off of 121A,
563 the driveway starts out as being paved then turns to gravel. If this meeting should need to be
564 rescheduled due to wind or weather conditions, **the reschedule date for this will be 8:00 AM**
565 **on Sunday, February 18th.** A notice will be posted on the Town website under the Planning Board
566 page and should be referred to for up-to-date details.

567
568 **Mr. Bashaw announced that the site walk and the balloon survey test is open to the public.**

569 -----
570

571 Mr. Fredette mentioned that there will be underground from 121A back. There will be no areal
572 poles. They will be using an existing driveway off of state route 121A.

573

574 **MOTION made by Mr. Bashaw to continue the hearing to March 19, 2024 at 6:45 PM (at the**
575 **Kingston Town Hall). Seconded by, Mr. Coffin.**
576 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

577 *<Board note: this hearing ended at 9:02 PM>*

578
579 *Rescheduled from January 16, 2024 due to inclement weather.*

580 **L.E.R. Realty Co.**

581 **Company-Robert Griffin Trustee**

582 **23 Cheney Road**

583 **Map R23 Lot 63**

584 **Robert & Nancy Griffin, Camilla Parenteau, Emily Griffin**

585 **16 Ledge Road**

586 **Map R23 Lot 60**

587 **James McDonough, Terri Petzold**

588 **5 Ledge Road**

589 **Map R23 Lot 59**

590 *<Board note: this hearing began at 9:03 PM>*

591
592 This application is a proposal for a **lot line adjustment** between Map R23 Lot 63 (98+/- Ac.),
593 Lot 60 (1 +/- Ac.) and Lot 59 (.44 +/- Ac.).

594

595

596

597 **Applicant:** Charlie Zilch of S.E.C. & Associated presented on behalf of the applicants.
598

599 This is an application to adjust the lot lines between tax lot R-23-63, 23 Cheney Road
600 (the big lot), tax lot R-23-60, 16 Ledge Road and tax lot R-23-59, 5 Ledge Road (2
601 smaller lots).
602

603 Mr. Zilch explained that starting with the big lot, Lot 63 is owned by L.E.R. Realty Co. c/o
604 Robert Griffin. This parcel has approximately 810' of frontage on the north side of
605 Cheney Road. The property contains approximately 98 acres and lies entirely within
606 the Rural Residential Zone. He described the plans that were provided. Shown on
607 sheet 1: The lot is bounded on the west by the Kingston/Danville Town line, camp
608 lots and has frontage along Long Pond and its outflow to Cheney Road. The property
609 is bounded on the east side by two other large tracts (R- 23 64 & 65) of land owned
610 by L.E.R. Realty, and bounded by the Oak Ridge subdivision and land of Senter
611 wraps around the north east property line. The property is undeveloped and is mostly
612 wooded throughout. This parcel is subject to a private way known as "Ledge Road"
613 leading from Cheney Road to Long Pond. This roadway provides access to a number
614 of lake lots including the two other lots that are subject to this lot line adjustment.
615

616 On sheet 2, Tax Lot 60 is a shared ownership with the Griffin Family. This lot is
617 accessed from Ledge Road, contains 1.0 acre and enjoys 225' of frontage along the
618 shore of Long Pond. Sited upon the lot is a single family residential seasonal camp.
619 This camp is not supported by on onsite well but does have an onsite privy, there is
620 no state approved septic system, it's a very old camp lot. The large lot is within the
621 Rural Residential Zone. The small lot, in this lot line adjustment, lot 59, is owned by James
622 McDonough and Terri Petzold. This lot is accessed from Ledge Road, contains 0.44
623 acres, and enjoys 129' of frontage along the shore of Long Pond. Sited upon the lot is
624 a single-family residential year-round home. The dwelling is supported by an onsite
625 septic system and well. This lot is subject to an easement allowing access to the Long
626 Pond Dam and as the other lots, is located in the Rural Residential Zone.
627

628 The intent of this application is to simply add land from lot 63 to lots 60 and 59. Parcel "A"
629 as shown on sheet 2 of the plan set, is a 0.10 acre triangle of land to be added to the
630 southeast side of lake lot 60. This triangle will capture the driveway entrance at Ledge
631 Road and provide additional area southeast of the camp. This parcel exchange does not
632 affect Lake Frontage. Total area of lot 60 will now be 1.1 acres, previously 1acre. Parcel
633 "B" as shown on sheet 2 of the plan set, is a 0.20 acre parcel of land to be added to the
634 northeast side of lake lot 59. This additional land will allow the owners additional room for
635 their intended improvements. Total area of lot 59 will now be 0.63 acres (is now .44 acres).
636 The remaining land of 63 is approximately 97.7 acres in size and contains approximately
637 810' of frontage we would ask the Board to waive a full survey of that remaining property.
638

639 There are no known variances for this application and there are no State approvals for
640 this application.
641

642 The applicant is requesting three waivers to:

- 643 1) Town of Kingston Subdivision Review Regulation, Article 905.4.A. waiving Mandatory
644 Preliminary Review
- 645 2) Town of Kingston Subdivision Review Regulation 905.14.A.2.d. & Boundary Line (lot line
646 adjustment)
- 647 3) Town of Kingston Subdivision Review Regulation 905.14.C.13.
648

649 Mr. Zilch brought up comments raised by the Phil Coombs, Director of Public Works and
650 he was looking for the ability to improve Cheney Road 18 feet from the edge of pavement
651 and that has been captured by offsetting the property line of the right-of-way by 10'. Mr.
652 Zilch noted that Mr. Coombs has taken a look at the plan and is satisfied with the
653 additional easement area (shown on sheet 3 of the plan). He commented that there are
654 monuments to be set and will be shown on the plan and will provide the certification letter
655 as well.
656

657 **Town Planner comment(s):**

658 Mr. Greenwood said he recommends the Board consider invoking jurisdiction upon the
659 application to begin the 65-day time clock for rendering a decision. There are waivers being
660 asked for by the applicant; the first is to waive mandatory preliminary review (Article 905.4 A),
661 the second is to waive completing a full perimeter survey for the large donating lot (Article
662 905.14 C.13). There is also a request to waive the Engineering Review cost (Article 905.14
663 A.2.d).
664

665 **MOTION made by Mr. Bashaw to invoke jurisdiction. Seconded by, Mr. Bakie. A vote was**
666 **taken, all were in favor, the motion passed. (5-0-0)**

667

668 **Public comment(s):**

669 Public comment opened and closed at 9:12 PM. There was no public comment.
670

671

672 **MOTION made by Mr. Bashaw to grant the waiver request to the Town of Kingston**
673 **Subdivision Review Regulation, Article 905.4.A. waiving Mandatory Preliminary Review for**
674 **the reasons provided by the applicant.**

675 *Mr. Bashaw read the supporting documentation for the waiver request dated November 30, 2023*
676 *into the record (copy available in the Planning Board office).*

677 **Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed. (5-0-0)**

678

679 **MOTION made by Mr. Bashaw to grant the waiver request to the Town of Kingston**
680 **Subdivision Review Regulation 905.14.A.2.d. & Boundary Line (lot line adjustment) fee**
681 **Schedule A for engineering cost review as outlined by the applicants' response.**

682 *Mr. Bashaw read the supporting documentation for the waiver request dated November 30, 2023*
683 *into the record (copy available in the Planning Board office).*

684 **Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed. (5-0-0)**

685

686 **MOTION made by Mr. Bashaw to grant the waiver request under the Town of Kingston**
687 **Subdivision Review Regulation 905.14.C.13. based on the information provided by the**
688 **applicant and their response.**

689 *Mr. Bashaw read the supporting documentation for the waiver request dated November 30, 2023*
690 *into the record (copy available in the Planning Board office).*

691 **Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed. (5-0-0)**

692

693 **MOTION made by Mr. Bashaw to grant the lot line adjustment as presented by the applicant**
694 **noting the granting of the 18'+ right-of-way easement to the Town so there could be**
695 **roadway maintenance conducted, as well as, the setting of the monuments with the**
696 **Certificate of Monumentation completed. Seconded by, Mr. Bakie. A vote was taken, all**
697 **were in favor, the motion passed. (5-0-0)**

698 *<Board note: this hearing ended at 9:17 PM>*
699

699

700 **BOARD BUSINESS**

701
702 **Approval of the December 12, 2023 meeting minutes**

703 **MOTION made by Mr. Coffin to approve the 12/12/2023 me minutes as presented. Seconded**
704 **by, Mr. Bashaw. A vote was taken, all were in favor, the motion passed. (5-0-0)**

705
706 **Approval of the January 2, 2024 meeting minutes**

707 **MOTION made by Mr. Coffin to accept the 01/02/2024 public meeting minutes as presented.**
708 **Seconded by, Mr. Bashaw. A vote was taken, all were in favor, the motion passed. (5-0-0)**

709
710 **Capital Improvements Program (CIP) 2024-2029**

711 Mr. Bashaw commented that this process should start earlier next year because the reason the
712 CIP is done is to help guide the budget committee in the prioritization and development of the
713 items in the budget.

714 **MOTION made by Mr. Bashaw to adopt the Capital Improvements Program as prepared for**
715 **2024-2029 as put forward by the Kingston Planning Board. Seconded by, Mr. Coffin.**
716 **A vote was taken, all were in favor, the motion passed. (5-0-0)**

717
718 **Town of Kingston Ordinance Book - Article Preamble III – Amendments**

719 This page in the Town of Kingston ordinance book does not reflect all of the articles and their
720 amendment dates. The amendment dates are identified on each article; therefore, this Article is
721 not needed.

722 **MOTION made by Mr. Bashaw to remove Article Preamble III from the Town of Kingston**
723 **Ordinance book. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion**
724 **passed. (5-0-0)**

725
726 **Correspondence:**

727 **Letter to the Kingston Planning Board dated January 2, 2024 from David Walker,**
728 **Assistant Director of the Rockingham Planning Commission (RPC). Alerting the Board to**
729 **make changes to the Transportation Advisory Committee (TAC).** Mr. Coffin was appointed
730 to the TAC and his term has expired. Mr. Coffin explained that you do not have to be on the
731 Planning Board to be appointed to this. The Board suggested that information regarding this
732 committee be posted on the Town website to see if anyone may be interested in this.

733
734 **Board Business Con't:**

735 **Class VI road, property off of Back Road**

736 Mr. Bashaw informed the Board that there is a property off of Back Road which is a Class VI
737 road. They came before the Board of Selectmen (BOS) (on 2/5/2024) to find out what the
738 process would be to obtain a building permit to put a single-family house off of a class VI road.
739 There are provisions in RSA (NH RSA 674:41) for the Selectmen to authorize discussions to
740 move forward about them engaging the Planning Board and other vested parties in the Town
741 regarding being asked for relief and being allowed to essentially build off of a class VI road. The
742 BOS consensus was that there is a legal venue for property owner to talk and discuss this, so
743 we do not want to discourage them from being allowed to do that but cautioned them about to
744 how restrictive conservation and the lay of the land is out there. There is a very substantial
745 bever dam that seems to sit a couple feet above grade towards the end of the section that goes
746 into Danville so they did caution them that you might find a pathway that its allowable but it may
747 be cost prohibitive. But they did give them the opportunity to pursue the legal relief through the
748 RSA so their next step after discussing with the Select Board was they are going to have to
749 come up with a presentation that they present to the Planning Board then it would have the

750 opportunity to be reviewed and commented on by engineering, by the PB, by Conservation so
751 they will be able to explore. Mr. Bashaw mentioned to the Board that they could listen to the
752 BOS meeting for more information on this.

753
754 **Buildout Analysis of the Kingston Lake Watershed (dated 1/2023)**
755 This document was sent to the Board by Christine Bunyon, Project Manager/GIS Specialist of
756 FB Environmental Associates for review and to see if they had any comments on the document.
757 Mr. Greenwood spoke early last fall with the developers because they asked him to look at the
758 descriptions they have for our zoning ordinances. The Board had no further comment.

759
760 **ADJOURNMENT**

761
762 Ms. Duguay declared the meeting adjourned at **9:33 PM**.

763
764 ***Next Public Meeting is scheduled for Tuesday, February 20, 2024. Subject to change.****



January 12, 2024

Town of Kingston
Planning Board
163 Main Street
Kingston, NH 03848

RE: Verizon Wireless
Zoning Drawings for lot off Hunt Road
Tax Map R-1 Lot 1

Dear Members of the Planning Board:

At your request, I have conducted an engineering review of the above referenced Application. I based this review on the following document received January 4, 2024.

- 8 Sheet Plan Set, Tax Map R-1 Lot 1, Land owned by David Kimball, Applicant Verizon Wireless by Dewberry Engineers, Boston Ma., dated 10-20-23.
- Multiple Exhibits for Site Plan and Conditional Use Permit.

I offer the following comments:

1. Article 904.5.G.7 - The person who flagged the edge of wetland must stamp and sign the plan.
2. 904.5.G.12 - Provide a Planning Board Signature Block on the Plan Set.
3. The lot is located at the southwest corner of Kingston and a portion of the lot is in Plaistow and it also abuts the Town of Hampstead. A plan says that there is 53+/- acres based on a survey. Article 904.5.G.36 – Provide surveyed property line information. The plan should note what sheets will be recorded and the remaining sheets on file with the Town. The person who surveyed the property will need to stamp the plan to have it recorded.
4. There is an existing access driveway onto the lot from Route 121A in Hampstead. The first 135 feet of the access is paved. The gravel driveway extends to an existing cleared area that appears to be used to stockpile materials. Perhaps the plan should identify the type of materials that are and will be stored on the lot.
5. The access driveway crosses a wetland and has a 15" concrete pipe to convey surface runoff from one side of the driveway to the other. The wetland Dredge & Fill Permit must be noted on the plan or provide verification that the wetland fill was done before State Regulations were created.
6. The Leased Area for the tower will be surrounded by sediment control silt fence. The proposed area will be gravel & crushed stone, little if any impervious surfaces. Therefore, no stormwater mitigation is required.
7. The Tower setback radius of 175 feet extends over the property line. The location of the 140-foot monopole tower will have a drop zone over the lot line. I wonder if an easement is required, or written permission is required from the abutter. Article 904.5.G.9 Also, why couldn't the tower be located farther from the property line so there would be no impact to the abutter?

This completes my review.
Respectfully submitted:

Dennis G. Quintal, PE, CWS