

KINGSTON PLANNING BOARD  
FEBRUARY 6, 2024  
PUBLIC HEARING/MEETING  
MINUTES

Ms. Duguay called the meeting to order at **6:45 PM**; there were no challenges to the legality of the meeting.

Ms. Duguay introduced the Planning Board ("PB" or "Board").

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**MEMBERS PRESENT:**

Robin Duguay, Acting Chair	Peter Coffin
Chris Bashaw, BOS Representative	Rob Tersolo
Peter Bakie	

**ABSENT:** Lynne Merrill, Chair; Steve Padfield

**ALSO PRESENT:**

Glenn Greenwood, Town Planner  
Robin Carter, Land Use Admin.

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**PUBLIC HEARING(s)** (in these minutes)

Cellco Partnership, d/b/a Verizon Wireless', Map R1 Lot 1	Pg. 4
L.E.R. – Griffin, McDonough, Parenteau, Petzold, Map R23 Lots 59, 60, 63	Pg. 12
PSNH d/b/a Eversource Map R18, Lots 18, 29, 29A, 34, 35B	Pg. 1

**PUBLIC HEARING**

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

**PSNH d/b/a Eversource**

**363 Transmission Line Structure**

**Map R18 Lots 18, 29, 29A, 34, 35B**

*<Board note: this hearing began at 6:46 PM>*

The applicant is submitting a **Conditional Use Permit** for proposed utility maintenance on the existing 345kV 363 Transmission Line in Kingston. This application is being submitted in accordance with Section 202.8 of the Town's zoning ordinance and is required for the proposed work to allow impacts within wetlands and their associated buffer areas protected under the Wetlands Conservation District.

**Applicant:** Andrew Mahoney of VHB (Civil Engineering company) and Travis Yando, Eversource licensing and permitting were present on behalf of the applicant.

The proposed utility maintenance work on the existing 363 transmission line will be installed within the existing structural footprint and connected to the existing overhead structure. A portion of the proposed project is in the Wetland Conservation District, which the project right-of-way (ROW) only contains wetlands due to the ROW access road intersecting the 75' wetland buffer and inland jurisdictional wetland is why they provided the Conditional Use Permit application. Due to past projects along the ROW existing access roads currently exist within the 75' wetland buffer which will be utilized for this project that will help minimize impacts to the wetland buffer. Approximately 4,080 sq. ft. of temporary wetland impact will be required to replace the structure for 100 ft. by

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

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

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

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

**Town Planner comment(s):**

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

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

**Town Conservation Commission comment(s):**

Ms. Duguay read the comment letter from the Kingston Conservation Commission dated January 6, 2024.

**"Eversource Utility Structure Replacement Project**

Travis Yandow of Eversource and Sherry Trefry of VHB appeared before the Conservation Commission on December 7, 2023, to present a plan to replace a single transmission tower located on the Eversource easement adjacent to the Kingston Powwow River Conservation Area.

The tower will be accessed from the New Boston Road power easement gate through the portion of the Blue trail leading to ET's Landing, which runs through the Eversource easement, and will temporarily impact the wetland area along the trail. This is the same area where we have submitted a Permit by Notification to construct a culvert to facilitate crossing a wet area on the trail. NH DES has referred both KCC's and VHB's permit applications to NH Fish & Game's Nongame and Endangered Wildlife program, as they are concerned about impacts to a wetland that is a *potential* habitat for (endangered) Blanding's turtles or

(threatened) spotted turtles. Both applications are currently under review by NHF&G.

The Conservation Commission understands the necessity of this project, but any construction activity in that area will need to be carefully monitored and timed to minimize impact on wildlife. The best time of year to do the project would be in winter when the ground is frozen and less easily disturbed, and when there will be less impact to seasonal wildlife activity and migration. We also understand that any work in this area will be dependent on NHF&G's response.

Additionally, Conservation recommends that to ensure public safety, the Town temporarily close the Powwow River Conservation Area trails (Sargent) when work by Eversource/VHB is in progress."

**Town Engineer comment(s):**

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

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

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

**Public comment(s):**

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

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

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

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

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

There was no further discussion.

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

Rescheduled from January 16, 2024 due to inclement weather.

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

**Off Hunt Road**

**Map R1 Lot 1**

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

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

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

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

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

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

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



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

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

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

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

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

**Seconded by, Mr. Bakie.**

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

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

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

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

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

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

**Board comment(s):**

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

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

**Department comment(s):**

Board of Selectmen (BOS) – What legal documents are needed since the 175' setback radius encroaches on to two adjacent lots?

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

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

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

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

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

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

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

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

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

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

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

**Public comment(s):**

Public comment opened at 8:02 PM.

Andy Galloway, 6 Meadow Wood Rd., Kingston –

- He has a piece of property in Plaistow, and he has already submitted a plan for a cell tower.
- He works with Vertex Towers, and he has a 3-year lease agreement with them.
- This is an alternative site for Verizon and Vertex has reached out to Verizon and informed them of this site.
- They have an application in with the Town of Plaistow and are in the process of getting it approved right now.

Matthew Paul, 80 Ellyson Ave., East Hampstead –

- Questioned, why if the property owner has 40+ acres of land are they talking about the tower being near somebody's property. The tower will be literally in his back yard.

Rick Cagle, 86 Ellyson Ave., East Hampstead –

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



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.

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

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

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

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

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

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

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

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

**Public comment(s):**

Public comment was reopened at 8:35 PM.

Andy Galloway, Meadow Wood, Kingston –

-Under the Telecom Act of 1996 it is their due diligence to prove that there is no other alternative. It is also within the Town's regulations as a formality have to explore that option.

-There is an alternative site and cannot understand why they can't acknowledge that.

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

Rich Cagle, Ellyson Ave., East Hampstead -

- Mr. Cagle asked if abutters can be present for the balloon test? Ms. Duguay said that it will be a public meeting, and anyone can attend.

- He asked if there will be subsequent hearings held if further antennas are going to be mounted from other providers on the proposed new tower to be built?

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

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

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

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

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

Stephanie Boule, Ellyson Ave., East Hampstead -

- She asked if there would be an alarm that would sound if it loses power? The applicant said that there is no alarm.

Dan Diskin, 91 Ellyson Ave, East Hampstead –

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

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

Adam Faulconer, 4 Jericho Drive, Kingston

- He lives in this general area and the cell service is awful.

Matthew Paul, Ellyson Ave., East Hampstead

- A concern is 90% plus of people would not want to purchase your property in real time and could lose 15 to 20% value on your property.

Public comment ended at 8:47 PM.

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**Site walk scheduled for Celco d/b/a Verizon Wireless proposed location.**

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

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

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

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

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

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

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

**Company-Robert Griffin Trustee**

**23 Cheney Road**

**Map R23 Lot 63**

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

**16 Ledge Road**

**Map R23 Lot 60**

**James McDonough, Terri Petzold**

**5 Ledge Road**

**Map R23 Lot 59**

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

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



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

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

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

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

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

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

The applicant is requesting three waivers to:

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

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

**Town Planner comment(s):**

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

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

**Public comment(s):**

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD BUSINESS**

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

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

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

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

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

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

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

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

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

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

**Correspondence:**

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

**Board Business Con't:**

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

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





**Civil Construction Management, Inc.**

8 MERRIMAC ROAD  
NEWTON, NH 03858

ENGINEERING • SURVEYING • LAND PLANNING •  
SANITARY DESIGNS • CONSTRUCTION MANAGEMENT  
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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