

**Kingston Planning Board  
Public Hearing  
January 5, 2010**

Mr. Hurley called the meeting to order at 7:02 with all members present including one Board alternate. The meeting was posted in two places; no one challenged the validity of the meeting.

Board members present this evening:

Norm Hurley, Chairman  
Richard Wilson, Vice Chairman  
Glenn Coppelman  
Mark Heitz, BOS representative

Jay Alberts  
Ernie Landry  
Scott Ouellette  
Rich St. Hilaire, Alternate

Also present: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant; Don Briggs, Jr., Police Chief

Board Members Absent: Marilyn Bartlett, Alternate

**Critical Correspondence:**

- Application from Plan-NH received;

**ACTION ITEM: Ms. Faulconer to give a copy of Plan-NH application to the HDC.**

**ACTION ITEM: Ms. Faulconer to add Plan-NH to a future agenda; application deadline is March 17, 2010.**

- Memo from Ms. Faulconer regarding the 2010 Planning Board calendar; the meeting dates will be the first, third and fourth Tuesdays unless otherwise noted. Ms. Faulconer has put in a request with the HDC for the December 14<sup>th</sup> date; she'll hear back next week; the calendar does have a note that it is subject to change.

Mr. Greenwood discussed his RPC contract with the Town as the calendar provides for 33 meetings instead of 36; the current contract calls for three meeting nights and three office days per month. The Board decided that the other days could be utilized as office time during the year or on a project, or the contract can be adjusted as needed towards year end.

**MM&S to accept the calendar as presented with the addition of the November 30<sup>th</sup> meeting. (Motion by Mr. Wilson, second by Mr. Alberts) PUNA**

- Letter dated Dec. 16<sup>th</sup> received from NHDES re: Konover/Hannaford; Alteration of Terrain permit.
- RPC letter received re: Konover Section 106 review; Ms. Faulconer had sent a copy to all Board members for their review prior to the meeting.

**ACTION ITEM: Ms. Faulconer to contact RPC to request all correspondence be sent to the Planning Board office and not to the Chairman's home address.**

### **Board Business**

Mr. Greenwood told the Board that the Granite Fields application was complete enough to go forward to public hearing; the Wetland Stamps and Surveyor Stamps were still missing and needed to be added to the plans. Ms. Faulconer confirmed that the Engineering Bond had been received. The public hearing is scheduled for February 2, 2010 at 7:30.

Peter Bakie met with the Board to discuss a Dredge and Fill Application at 26 North Road to build an access way over poorly drained soils; the intent is to build one house on the lot. He explained that initially a topographical map had been missing but now the application is complete. Mr. Greenwood said that this is informational for the Planning Board; it is not jurisdictional for the Board.

### **Public Hearing for Proposed Warrant Articles**

#### ***Outdoor Lighting Ordinance***

Mr. Coppelman explained the most of what the Board had previously been reviewing already existed in the current ordinance; the changes to the current ordinance were highlighted in the text provided. He told the Board that he had met with Chief Briggs regarding concerns discussed at the previous meeting. Mr. Hurley went through the ordinance as presented, page by page: there were no changes to page one. Page two added the definition for the IESNA (Illuminating Engineering Society of North America). At the bottom of page two began most of the changes regarding Dark Skies compliance for anything over 1800 lumens. Mr. Coppelman explained the changes. There was discussion regarding the height of the poles as shown in Section 302-4-B which had been changed from 25 to 20; Mr. Coppelman noted that the exceptions section eliminated this requirement for intersections and public safety. Mr. Coppelman explained that the change was proposed based on the new "model" language. The rest of the changes were reviewed; the language, while in a different format, is identical to the previous draft. Mr. Coppelman did change language regarding "safety" to address the Board's and Chief Briggs' previous concerns. The "fine" penalty was discussed.

Mr. Hurley then returned to each change for Board input.

Board consensus was to leave in the IESNA definition.

Mr. Heitz questioned the 900 lumen notation; Mr. Hurley said that was already existing in the current ordinance; Mr. Hurley explained that was a “distance” requirement issue used to set the distance from the property line and mounting height, not the amount of light allowed on the pole; it doesn’t reduce the amount of lumens that it allowed.

Mr. Heitz and Mr. Wilson returned to concerns with the height of the pole being reduced to 20 feet. Mr. Heitz said he would feel more comfortable if the Board knew what the average height of a pole was before reducing the number. Mr. Wilson said that new construction typically lowered the light poles to be within the 20 feet; he noted that Hannaford’s proposal was for poles at 16 feet. Mr. St. Hilaire said that this would be only for new development. He added that existing street lights were around 20 - 25 feet. There was discussion on maximum building heights for residential and commercial construction.

**MM&S to leave the pole height as proposed at 20 feet.** (Motion by Mr. Coppelman, second by Mr. Ouellette) **(Motion failed 2-5)** (Mr. Coppelman and Mr. Ouellette in favor)

**MM&S to have language reflect “25” feet as existing in the current ordinance.** (Motion by Mr. Heitz, second by Mr. Wilson) **(Motion passed 5-2)** (Mr. Coppelman and Mr. Ouellette opposed)

- **“C” was approved as written by Board consensus.**
- “D” was reviewed.

Chief Briggs told the Board that he sent the proposed ordinance to Unitil to review. It was confirmed that intersection lighting/safety lighting was exempt. Chief Briggs told the Board that the Unitil representative he spoke with said any costs due to changes to lighting to comply with the ordinance would be passed on to the customer. Mr. St. Hilaire suggested that there might also be costs that Unitil would have to incur on their own to move their poles out of the Towns’ right-of-way. Mr. Heitz was concerned that the ordinance would require Unitil to replace any current mercury vapor lamps. Chief Briggs said that it would force Unitil to do it and they have said that the Town would have to pay for it. Mr. St. Hilaire noted that there is a newly adopted “Dark Skies” State Law requiring utilities compliance regardless of Kingston’s ordinance. Chief Briggs was told that most of Unitil’s issues concerned labor costs. The difference between “lights” and “luminaries” was reviewed; the definition section was referred to; the luminaire is the “complete lighting system” not just the “bulb”. Mr. Alberts confirmed that this met the safety requirements with Chief Briggs.

**IN SECTION “D”, replace the word “lighting” with “luminaire”, after Mercury Vapor – approved by Board consensus.**

- **“E” was discussed.**

**ACTION ITEM: Ms. Faulconer to get a copy of the IESNA Lighting Handbook for the Planning Board office.**

Mr. Coppelman commented, as he had during his discussion with Chief Briggs, that the Town has a couple of nice examples of developments already in compliance with the Dark Skies policy; the new high school is fully dark skies compliant and is well-lit; the other is Commerce Park on Rte. 125. Energy efficiency was discussed.

**NO ISSUES with “E” per Board consensus.**

- **“G” – remove “whenever practicable”; add in “It is recommended that”; accepted by Board consensus.**
- The Board reviewed section “F”; receiving guidance from NH Fish and Game was discussed; there were questions about this being the only guiding authority listed. Mr. Landry suggested that the Board was taking it to literally regarding “Pine Barrens” and explained that the NH Wildlife Action Plan talk about the characteristics of sensitive areas instead of specifics. Mr. Alberts suggested scratching the entire paragraph pending a more definitive explanation of what it meant.

**MM&S to amend section “F” to: “To protect light-sensitive wildlife habitats, artificial lighting in or on the periphery of these areas shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.” (Motion by Mr. Coppelman, second by Mr. Ouellette) Motion passed 6-1.**

- **Mr. Heitz returned to “E”** questioning whether the Board was aware of the IESNA’s “minimum” recommendation. There was discussion regarding these rules; some discussion comparing it to other codes. Mr. Hurley commented that Insurance companies will consistently refer to existing standards and codes if something hadn’t been adopted.
- **“E” – remove the word “minimum” by Board consensus. The Board decided to keep the words “current edition”.**
- **“H” (on page 302-4):** conformance with the existing sign ordinance was discussed; internally and externally signs were discussed; there was no conflict with the sign ordinance by requiring downward lighting for sign illumination. Downward lighting requirement remained in the section.

**MM&S to remove the words “neon or tubular” (in section “H”). (Motion by Mr. Heitz, second by Mr. Wilson) PUNA**

- **“I” was approved by Board consensus.**

**Section 302.5: - Title needs correction to say “Exceptions”.**

- **Section “A” was discussed – no changes.**

The Board discussed the definition of “temporary” and non-conforming temporary lighting.

- **MM&S to remove “temporary” from 302.5 (new C).** (Motion by Mr. Wilson, second by Mr. Heitz) **PUNA** (Referencing emergency lighting)
- **MM&S to remove the word “temporary” (section 302.5, new B).** (Motion by Mr. Wilson, second by Mr. Heitz) (Referencing construction) **PUNA**

Article 302.5 (new section D), Mr. Wilson had concerns that the color “red” was specified as the only color to be used; enforcement issues were raised; regulating federal requirements was a problem for the Board. Mr. Coppelman reminded the Board that this already existed in the current ordinance and was not a new proposal; not that he was encouraging keeping it. Mr. Ouellette suggested removing the color requirement. There was continued discussion regarding the implication of trying to have the Town appear to regulate federal requirements.

- **MM&S to remove the entire paragraph (D).** (Motion by Mr. Wilson, second by Mr. Alberts) There was discussion about leaving in the section that the Federal Government is recognized, publicly, as exempt by the Board. **Motion failed 2-5.** (Mr. Wilson and Mr. Alberts in favor)
- **MM&S to change paragraph “D” to leave the first sentence: All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this article.** (Motion by Mr. Ouellette, second by Mr. Coppelman) **Motion passed 6-0-1** with Mr. Wilson abstaining.
- **Section E – no issues were expressed by the Board.**
- **Seasonal Holiday Lighting section – no issues by the Board.**
- **Section 302.6 – existing section – no issues express by the Board.**
- **302.7 (Effective Date) – Mr. Hurley said that he had a problem with the language even though he was aware that it was the current ordinance, not a proposed change. He had issues with compliance with the ordinance for existing sites that needed to change one luminaire or move one pole as they might already have existing replacement fixtures for the site. He believed that if it was “grandfathered” then it should be allowed; he said if moving to a completely new spot, that might be a different issue. The intent was discussed by Mr. Ouellette. Mr. Wilson agreed with the intent but questioned the language as not supporting the intent. Mr. Ouellette agreed that the language did agree with the intent.**

**MM&S to amend section “B” in 302.7 (effective date); to leave the first sentence, eliminate the rest of the paragraph.** (Motion by Mr. Wilson, second by Mr. Alberts) Mr. Hurley had concerns with the impact of the new motion if someone wanted to move the fixture significantly. The Board agreed that it would no longer

be grandfathered in that scenario. It was stated that “lawfully in place” would clarify that issue. Mr. Landry had issues with residential fixtures that had to be completely replaced being allowed to be replaced in a non-conforming location. Mr. Coppelman said that was what “grandfathering” would mean. Board members expressed concern that anything existing would never have to comply with “dark skies”. Mr. Heitz asked if the intent was to require compliance through attrition. **Motion passed 4-3.** (Mr. Coppelman, Mr. Ouellette, Mr. Landry opposed)

Mr. Alberts asked if there was a need to add language regarding pending applications being grandfathered to ordinances that existed at the time of the application. Mr. Greenwood explained that it was not necessary to add this language.

**ACTION ITEM: Per language in the ordinance, Ms. Faulconer to send copy of the newly adopted Ordinance to the Town’s Electric Utilities.**

- “Fine” amount was discussed. Mr. Greenwood referred to the Board to RSA 676:1 that says the fine is \$275.

**MM&S to change the “Fine” amount to \$275 (two hundred and seventy-five dollars).** (Motion by Mr. Coppelman, second by Mr. Ouellette) **PUNA**

Mr. Landry asked clarification of 302.7 regarding the date of effectiveness of the Ordinance and the “restrictive” section of the language regarding conflicts with other ordinances. It was explained that in case of conflict with other ordinances, the most restrictive part of the ordinance would apply. Mr. Greenwood noted that this was common zoning language and should remain.

Mr. Coppelman thanked Chief Briggs for taking the time to review the Ordinance with him and come to tonight’s meeting.

**MM&S to continue this hearing to January 19<sup>th</sup> with the amended language.** (Motion by Mr. Coppelman, second by Mr. Wilson) **PUNA**

### ***Sign Ordinance***

- **MM&S to approve the sign ordinance as presented.** (Motion by Mr. Wilson, second by Mr. Coppelman) Discussion: Mr. Heitz asked about a non-conforming business with a non-conforming sign that removed the sign within 90 days and asked if the non-conforming sign could be replaced within the year; if the grandfathering of the location of the non-conforming sign would still be recognized up to the year. Board consensus was that the location was still grandfathered, as the use would also be for that year. Mr. Greenwood said this proposed language is consistent with the Town’s zoning ordinance. Ms. Faulconer suggested that the phrase “blanked-off” was unclear.

**The Board decided on a grammatical change in the sign ordinance; blanked-off to be changed to “blanked out”.**

Motion was re-stated:

**MM&S to accept the Sign Ordinance Language as grammatically corrected and send to the warrant for Town vote.** (Motion re-proposed by Mr. Wilson, second by Mr. Coppelman) **PUNA**

### ***Historic District Zoning***

Mr. Hurley explained that this proposal was to correct an error in last year’s Citizen’s Petition that omitted certain lots. Mr. Ouellette suggested that the language show 1 through 12 instead of 1-12; Mr. Greenwood said that this would be an editorial change, not a substantive one. The Board agreed by consensus. Mr. Alberts stated that, although he would support the ordinance, it was redundant and concurs with current ordinances.

**MM&S to accept as written with the addition of the word “through” and to bring forth to the Town meeting for a vote.** (Motion by Mr. Wilson, second by Mr. Coppelman) **PUNA**

### ***Commercial Zone C-I***

Mr. Greenwood distributed new language for this proposal regarding Low Impact Development which referenced the NH Stormwater Manual, Volumes 1-3; discussed the changes. There would be language in C-III that would need to be addressed when the Board came to that ordinance proposal.

**MM&S to add the new lot coverage language as proposed to Commercial Zone C-I in place of the current language in 108.9 and to continue the hearing to January 19, 2010.** (Motion by Mr. Coppelman, second by Mr. Wilson)

Discussion: Mr. Ouellette was concerned with the vagueness of some of the proposed terms. There was discussion about the Board having input regarding applicant’s compliance with the requirements and the Planning Board having final authority. Mr. Ouellette was comfortable with the intent but was concerned that the language was open to possible abuse. Mr. Greenwood said that there are a number of ways of minimizing disturbed areas which are too numerous to add to the ordinance; the guide is for all of the items listed in the proposed language with all of the options to achieve all of the ideas to not degrade water quality. He agreed that the language was fairly vague and suggested adding “with input from the Town Engineer and Conservation Commission”; Mr. Hurley clarified that the authority will still lie with the Planning Board. Mr. Coppelman asked if there were other techniques in addition to those listed; he suggested adding “to include but not limited to” the following list. There were no issues with adding this language noted by the Board.

Mr. Greenwood suggested adding the following language: *After reviewing applicant's materials and receiving input from the Town Engineer and the Conservation Commission, to allow or deny the increased lot coverage to C-I and C-II.*

Mr. Coppelman amended his motion, second agreed to by Mr. Wilson:

**MM&S to add the new lot coverage language as proposed to Commercial Zone C-I in place of the current language in 108.9, add in "after reviewing applicant's materials and receiving input from the Town Engineer and to Conservation Commission, to allow or deny the increased lot coverage" and before the list of techniques add in "include but not limited to"; add in language for 108.15 regarding Outdoor Lighting Ordinance to mirror language for Sign Ordinance in 108.14 and to continue the hearing to January 19, 2010.**  
(Motion by Mr. Coppelman, second by Mr. Wilson)

Further discussion: Mr. Landry reminded the Board that when these were previously discussed, the Board agreed to a study to see what impacts there would be on any changes regarding the Aquifer and groundwater in general. He stated his concern that the Board was taking an action that could potentially impact groundwater with no science behind it. He said that this was an intuitive action; there was information that the State does not expect any "up-kick" in commercial development for a year to a year and a half; he stated that the Board is trying to solve an issue of additional commercial development but does not think the Board has the proper foundation to know whether these changes what is necessary to solve the problem. He thinks there needs to be more research; the Board should look at the commercial zoning in general before changing bit by bit. He said that the same principal applies to Workforce Housing being added to Commercial Zones. He re-iterated that instead of intuition, there needed to be some sort of impact analysis about all of the proposals in the commercial zones and what the benefits may or may not be. Mr. Hurley stated that the Board had decided not to change anything in the current Aquifer Protection Ordinance; specifics in the Commercial Zones were proposed but nothing that would impact the Aquifer Protection Ordinance regarding lot coverage. The Board could not recall the specific circumstances under which the Aquifer Protection Ordinance was initially adopted. Mr. Hurley did not think that the Town would spend the money on a comprehensive study on these impacts. He said his original proposal was substantially reduced down to just the increase of lot coverage with no impact on the Aquifer Protection Zone. Mr. Heitz said that this was a little tweak to see if it could spur some additional commercial growth. Mr. Greenwood stated that the Aquifer Protection Zone was established for the protection of the groundwater resource. Mr. Greenwood agreed with Mr. Heitz that the goal of low impact development would also minimize the impact that occurs on the site. Mr. Greenwood said that some of the existing lots in the Commercial Zones would not be able to meet the low impact development requirements to achieve the increased lot coverage. Mr. Hurley stated that he would love to have the studies done to get

the science behind the theory but he doesn't think the community would be in favor of spending the money needed.

Ms. Faulconer, under public comment, had questions about Low Impact Development for the Board. She asked if "mitigation" was an assumption as it was not specifically mentioned in the wording. Mr. Greenwood said it was the point of low impact development and was specific in the referenced manual. Mr. Greenwood explained that there are standards for buffering, treatment, etc. specified in the manual with required analysis. The manual has charts associated with this. She was concerned with how the Board or public would have access to this information.

**ACTION ITEM: Ms. Faulconer to get a copy of the NH Stormwater Manual, Volumes 1-3, NHDES, Dec. 2008.**

**ACTION ITEM: A link to this manual to be placed on the Town's web site for public access to this referenced document.**

Mr. Ouellette suggested that the language be changed from "encouraged" to the use the manual to "required" to use the manual. Mr. Greenwood agreed saying it is already required in the Stormwater Management regulation. Mr. Hurley agreed with the language change.

Mr. Coppelman agreed to adding this change to his motion; Mr. Wilson seconded the amendment. Mr. Coppelman addressed Mr. Landry's comments by stating that he believed they were valid comments. He continued that he was uncomfortable with some of the original proposed changes to the Commercial Zones but was a little more comfortable with these changes due to the science still required for approval. He agreed with Mr. Landry that he would be uncomfortable with any further changes without additional studies due to the Aquifer as a tremendous resource for the Town that needed protection. Mr. Hurley said that the Board needs to seriously consider adding funds to the CIP; look for possible grants available for these things. Mr. St. Hilaire thinks the Board should move forward with that and referred to the Estuaries project as a possibility.

**Final Revised Motion:**

**MM&S to add the new lot coverage language as proposed to Commercial Zone C-I in place of the current language in 108.9, add in "after reviewing applicant's materials and receiving input from the Town Engineer and to Conservation Commission, to allow or deny the increased lot coverage" and before the list of techniques add in "include but not limited to"; add in language for 108.15 regarding Outdoor Lighting Ordinance to mirror language for Sign Ordinance in 108.14; change the word "encouraged" to "required" (regarding use of the manual) and to continue the hearing to January 19, 2010. (Motion by Mr. Coppelman, second by Mr. Wilson) Motion passes 6-1 (Mr. Ouellette opposed)**

### ***Commercial Zone II***

Mr. Hurley, for the sake of brevity, assumed the same changes that just occurred during the C-I discussion.

**MM&S to add the new lot coverage language as proposed to Commercial Zone C-II in place of the current language, add in “after reviewing applicant’s materials and receiving input from the Town Engineer and to Conservation Commission, to allow or deny the increased lot coverage” and before the list of techniques add in “include but not limited to”; add in language regarding Outdoor Lighting Ordinance to mirror language in the section above for Sign Ordinance, renumber accordingly; change the word “encouraged” to “required” (regarding use of the manual) and to continue the hearing to January 19, 2010. (Motion by Mr. Wilson, second by Mr. Coppelman) Motion passes 6-1 (Mr. Ouellette opposed)**

### ***Commercial Zone III***

Mr. Hurley assumed the same motion for changes for C-I and C-II. Mr. Hurley asked about the coverage in respect to the Aquifer. Mr. Greenwood said the wording was slightly different in this zone. Mr. St. Hilaire said that all of section 110.7 A and B was being removed and adding in the new language; Mr. Greenwood agreed that that is what the motion should be. Mr. Hurley said that this language would then remove the section that stated that “the lot coverage requirements of this ordinance would supercede the lot coverage requirements in the Aquifer Protection Ordinance” and replaced with the new language; he clarified that A and B would be removed completely and replaced with this new language.

Mr. Hurley added that section 110.6 B adds the lot size requirements that had been omitted from the original language. Mr. Wilson noted a typographical error in section 110.11, the second line, “tress” should be “trees”.

**MM&S to add the new lot coverage language as proposed to Commercial Zone C-III in place of the current language, replacing section 110.7 A and B, add in “after reviewing applicant’s materials and receiving input from the Town Engineer and to Conservation Commission, to allow or deny the increased lot coverage” and before the list of techniques add in “include but not limited to”; add in language regarding Outdoor Lighting Ordinance to mirror language in the section above for Sign Ordinance, renumber accordingly; change the word “encouraged” to “required” (regarding use of the manual); add in section 110.6 specifying lot size requirement and to continue the hearing to January 19, 2010. (Motion by Mr. Wilson, second by Mr. Alberts) Motion passes 6-1 (Mr. Ouellette opposed)**

## ***Industrial Zone***

This proposal adds additional commercial uses; H, I ,J ,K and L, to the Industrial Zone and adds two definitions to the front definition section of the Ordinance Book for “amusement center” and “wholesale establishment”.

**MM&S to accept the Industrial Zone proposal as written and put forward for vote at Town Meeting.** (Motion by Mr. Wilson, second by Mr. Ouellette) **(PUNA)**

## ***Workforce Housing – Commercial Zones***

Mr. Greenwood explained that the Town qualifies for State Workforce Housing requirements for Single Family, per the assessment data, but is lacking on multi-family rental opportunity for workforce housing. He explained that this was posted for all three zones but that is not his recommendation; he did not recommend that the Board add this to C-III, it was not appropriate. Mr. Greenwood continued that his recollection was that the Board had only discussed the possibility for C-II on Depot Road. Mr. Coppelman asked about the possibility of this activity being added to the Industrial Zone as Commercial opportunities have just been recommended; Mr. Greenwood said that multi-family rental opportunities are commonly added to a commercial zone; there was no requirement in the law for a specific percentage of zones permitting this use but Kingston currently had no provision in its ordinances.

There were multiple discussions regarding possible locations in Town; questions about the specifics behind location, acreage requirements, number of units. Mr. Greenwood explained that he did not chose zone C-III as it was the Town’s retail zone and did not want to remove land for this use in that District; Mr. Ouellette agreed. Mr. Wilson questioned the requirement of a one-car garage as it added to the cost. Mr. Greenwood said one of the issues that made multi-developments distasteful to a community was the abundance of cars; the visual impact is cut down by requiring that one car be garaged. The density was discussed and explained by Mr. Greenwood; 4 units per acre; in a “perfect” ten acre lot, that could be fully developed, there could be 40 units; each unit built requires that there be at least 5 units in the building to meet the requirements. Mr. Wilson stated that he has a problem with the garage requirement; he understands the reasoning behind it but believes that it would drive the cost up considerably and therefore eliminate the purpose of it being workforce housing. Mr. Hurley cited the example of a road in Seabrook that one side was multi-family housing and the other was all commercial. Mr. Ouellette preferred this option be in the zone off of Depot Road, C-II. Mr. Greenwood clarified that there was no requirement on the percentage of zones that this type of housing would be allowed. Mr. Wilson was not in favor of this type of development being allowed in C-II; he preferred it in C-III. Mr. Coppelman suggested that if the Board decided not to place it in C-II, the Industrial Zone should be considered as it had a lot of land with new uses being added. Mr. Heitz stated that the C-II zone would be a lot handier for any emergency services that might be required. Mr. Hurley agreed. Mr. St. Hilaire questioned a proposed structure height

of 45 feet and felt that the Fire Department would have a problem with this height for multi-family dwelling units and suggested that be corrected in section 108.13.A. Mr. Greenwood stated that the clarification should be in section 108.7.3, requirements for multi-family residential dwellings, there should be a 35 foot height restriction. Mr. Wilson suggested that the height not only be restricted, but also limit the structures to two stories; Mr. St. Hilaire agreed. Mr. Ouellette suggested the possibility of multi-use structures with commercial on the first floor and residential above it. Mr. Wilson suggested not adding this to the Industrial Zone for a year to see what interest might be shown and re-address it next year if needed. Mr. St. Hilaire thought that the Depot Road zone was appropriate; he asked if this was the same type of density as “Lampighter”; Mr. Greenwood thought that it was similar. Mr. St. Hilaire agreed with Mr. Wilson that garages were cost prohibitive. Mr. Greenwood clarified that only half would be workforce housing; the other half would not be workforce and could have garages. Mr. Wilson said that the developer could add garages but the Town would not have to require it.

**ACTION ITEM: The Planning Board would need to develop regulations for the Workforce Housing Ordinance that direct how long the units will remain affordable and the mechanisms for them being affordable.**

Mr. Hurley asked about amendments; overall consensus was for C-I (Depot Road). Mr. Greenwood will add a paragraph to 108.7.3, to apply to workforce housing in this zone, that says “building height” which will be 35 feet. The Board agreed that this would allow the building of a “townhouse” type of unit with two floors of living space and a garage underneath.

- The “garage requirement” was discussed; the only negative aspect of the requirement would be the additional cost for workforce housing. Mr. Greenwood explained that the Board could not mandate that the entire project be workforce housing. Mr. Greenwood will remove the “garage” requirement, by Board consensus.
- 35 feet requirement as previously discussed.

Mr. Heitz asked about buffering requirements from residential property; Mr. Coppelman said that anything in the commercial zone that abuts residential property will have to comply with the existing buffering requirements so the buffer will need to be maintained.

The Board discussed the possible zones to place this proposal. Mr. Heitz was not opposed to both the C-I zone and the Industrial Zone. Ms. Faulconer asked if putting a multi-family residential-type development in the Industrial Zone put limits on the kind of development that the Town is trying to encourage in that zone. Mr. Greenwood said that in that zone, there is a 500 foot buffer setback to residential uses/properties. Mr. Alberts said that commercial zone C-III had a 1,000 foot setback for over-55 housing that might be incorporated for this. Mr. Wilson suggested C-I and C-III and avoid the Industrial Zone at this time. Mr. Coppelman

commented that certain types of retail center development rely on having people nearby to take advantage of the services that are offered but it depends on the types of development. Mr. St. Hilaire re-iterated his suggestion for C-I to cover the legal requirement and look at any additional changes at another time. There were no additions required in the definitions section at this time.

- **The Board majority consensus was to add to the C-I zone only.**
- **MM&S to bring a new version of this ordinance, for C-I only, with the changes discussed this evening, to the January 16<sup>th</sup> public hearing.** (Motion by Mr. Ouellette, second by Mr. Heitz) **PUNA**

### **Board Business/Correspondence, continued**

**MM&S to accept the minutes of December 1, 2009 as written.** (Motion by Mr. Wilson, second by Mr. Coppelman) **Motion passed 5-2** (Mr. Heitz, Mr. Hurley abstained)

- Mr. Heitz discussed the letter written by RPC regarding the Konover MOA; the recommendations by RPC seemed to make sense to him. Mr. Heitz noted that the BOS had referred the MOA to Town Council about requirements that the Town would need to implement as they are not parties to the agreement.
- Invoice received from Dennis Quintal re: work on the ordinance book; proposed outline requiring additional costs that need to be approved by the Board. Ms. Faulconer stated that the \$3000 purchase order, in the 2009 budget, had been approved by the Selectmen; this would require some additional funds from the 2010 year budget to complete the project.

**MM&S to approve the additional proposed work, up to possibly \$1500, to complete the project by Dennis Quintal.** (Motion by Mr. Ouellette, second by Mr. Coppelman) **PUNA**

**ACTION ITEM: Ms. Faulconer to confirm the amount “encumbered” for this project from 2009 funds** (Ordinance book update/Dennis Quintal).

- Email from Glenn Coppelman re: funding opportunities for municipalities through the office of Energy and Planning; grant opportunities. Copies were already given to the BOS and Rich St. Hilaire.
- Dredge and Fill Application from Mr. Bakie that was reviewed earlier in the meeting.
- Letter from Stephen Early re: gravel pit. Mr. Wilson reviewed; stated that the submitted plan was an “as-built”; it didn’t show future plans for the site which is usually required. Mr. Greenwood stated that the Board can’t do an excavation permit without knowing what the intent is.

**ACTION ITEM: Ms. Faulconer to send a letter to Mr. Early stating that the Board appreciates the as-built plan but prior to receiving an excavation permit, the plan needs to show further excavation. The Board needs to receive this prior to April, 2010.**

- Notices of Decisions requiring Mr. Hurley's signature.
- Ms. Faulconer told the Board that she had discussed the Conservation Easement Monitoring with Mr. Quinlan, Chairman of the Conservation Commission; he will contact the Board of Selectmen and follow-up with them about planning on this.
- Ms. Faulconer discussed an item brought up at the Inspector's meeting. Complete plans that are approved by the Board are not registered; only specific pages are recorded. The Inspectors get copies of only the recorded pages; lighting plans, etc. are not received by the Inspectors. Ms. Faulconer suggested the Board require that the applicant, when submitting the mylar for signature, provide a CD of the full, approved plan (all sheets) along with paper copies of the full plan set in a smaller (11 x 17) format. The Inspectors felt that this would allow the plan to be saved on the Town server so it would be available for any Town department.

**MM&S to require all applicant's to provide a full plan set on CD; the data on the CD to be in PDF format; as well as a full plan set in 11 x 17 format when providing the mylar for signing. (Motion by Mr. Wilson, second by Mr. Coppelman) PUNA**

- **MM&S to adjourn at 11:00. (Motion by Mr. Heitz, second by Mr. Ouellette) PUNA**