

1 KINGSTON PLANNING BOARD

2 JUNE 6, 2023

3 PUBLIC HEARING/MEETING

4 MINUTES

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

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8 **MEMBERS PRESENT:**

9 Lynne Merrill, Chair Peter Bakie
10 Robin Duguay, Vice Chair Peter Coffin
11 Laurie Szwed, BOS Representative Rob Tersolo

12 **ABSENT:** Steve Padfield

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14 **ALSO PRESENT:**

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

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18 Ms. Szwed was voted in by the Board of Selectmen on May 22, 2023 to be an alternate
19 BOS representative to the Planning Board.

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21 Ms. Merrill declared a quorum present and introduced the Planning Board ("PB" or
22 "Board").

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

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Summit Distributing, LLC, Kingston Crossing, Inc., 249 Rte. 125, R40-15&16	Pg. 1
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27 **Request for a continuation to July 18, 2023:**
28 **Summit Distributing, LLC - Kingston Crossing, Inc.**
29 **249 N.H. Route 125**
30 **Map R40 Lots15 & 16**

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32 The applicant has requested a continuation to the Planning Board public hearing on
33 July 18 2023. The reason for this request is to allow the applicant time to complete their
34 hearing process with the Zoning Board of Adjustment (ZBA) requesting a Special
35 Exception (Article 109:7).

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37 **Site Plan Review Application & Lot Line Adjustment Application**

38 *The applicant is seeking Planning Board approval for a proposed retail motor fuel outlet*
39 *having a quick service restaurant with drive-through window and gasoline station. The*
40 *applicant is also requesting a lot line adjustment between lots 15 & 16 on Map R40.*

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42 **Motion made by Mr. Bakie to continue the hearing for Summit Distributing, LLC, 249**
43 **N.H. Route 125, Map R40 Lots 15 & 16 to the Planning Board public hearing on**
44 **July 18, 2023 at 6:45 PM, as requested by the applicant. Seconded by, Mr. Coffin. A**
45 **vote was taken, all were in favor, the motion passed. (6-0-0)**

46
47 **BOARD BUSINESS**
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49 **Rockingham Planning Commission (RPC) – Stormwater Regulation Planning**
50 **Assistance:**

51 Ms. Merrill announced that the RPC is going to review the Town's stormwater
52 management standards. She introduced Maddie Dilonno from the RPC. Ms. Dilonno
53 provided a handout, dated June 6, 2023, outlining some proposed amendments to the
54 Town's Stormwater Management ordinance (Article 908).
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56 Ms. Dilonno explained that she will be updating the Town on stormwater regulations. Last
57 fall the Board submitted a letter of support for the RPC Grant Application to the DES to
58 help in updating the Town's Stormwater Management regulation. Her goal tonight is to
59 briefly review what the EPA stormwater permit is and that is reason we are here tonight
60 to talk about updating the Town's regulations. Ms. Dilonno went over some of the bigger
61 changes introduced to the proposed amendments. She said that this information is being
62 presented for discussion and anything approved by the Board may later be brought to
63 public hearing for an option.

- 64 1. MS4 Stormwater Permit: This is a separate storm sewer system. This is an
65 infrastructure with retention basins, ditches, roadside inlets, unground pipes and
66 other infrastructure that collects stormwater and discharges it into local water
67 markets. The MS4 permit requires towns and cities to regulate that stormwater
68 discharge and implement methods to better control of the pollution from
69 stormwater runoff.
- 70 2. The MS4 permit is regulated by the EPA under the National Pollutant Discharge
71 Elimination System Program and is in compliance with the Federal Clean Water
72 Act.
 - 73 a. Phase I of the permit requires only cities and towns with a population of
74 100,000 or more to comply with the permit. It has since been amended to
75 include any area that falls within a census urbanized area to comply with
76 the stormwater permit.
 - 77 b. Parts of Kingston fall within the Boston urbanized area. Therefore, Kingston
78 is required to implement a stormwater permit.
- 79 3. Every town and city that is required to apply for a stormwater permit is required to
80 develop a stormwater management program which has six (6) specific
81 components: 1) public education and outreach; 2) public involvement and
82 participation; 3) elicit discharge detection and elimination; 4&5) construction and
83 post construction stormwater management standards; 6) implementing a
84 municipal good housekeeping pollution and prevention act.
- 85 4. The only ones that apply to the Planning Board are the construction and post
86 construction stormwater management standards that the Town will adopt as part
87 of the site plan and subdivision regulations. The rest are for the DPW and BOS.
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89 Mr. Greenwood brought up that the Town has an engineering firm that handles the other
90 aspects of the stormwater. Ms. Dilonno said she is aware of it and did look through the
91 Stormwater Management Program that was developed and it is very comprehensive.

Ms. Dilonno referred to the Town's Stormwater Management ordinance (Article 908) adopted in 2009.

- The sections she proposed amendments to are: 908.16 Construction and Post-Construction Stormwater Management Standards which are identified in her Proposed Amendments document dated June 6, 2023.
 - On pg. 5 of her handout, suggested removing 908.16.1 and adding a section A. Purpose, Goals and Definitions section.
 - Pg. 16 added a definition for Impervious Surface.
 - Pg. 17 – 908.16.4 Construction Site Stormwater Runoff, Erosion and Sediment Control. She commented that the Town already had standards that address some of these components and added in additional ones from the NH Stormwater Manuals.
 - Pg. 19 – 908.16.5 Post-Construction Stormwater Management Standards. These standards apply to any new development or redevelopment that is subject to Site Plan Review.
 - The Board has to decide what minimum threshold size project will be the standards. What has been established by the Town and exists now as the minimum is 15,000 square feet. What it says now is any project that is disturbs 15,000 sq. feet or more is subject to stormwater regulations. **A question is, does the Board recommend this stay the same or want to adjust this threshold?**
 - Mr. Greenwood asked what the federal guidelines says. Ms. Dilonno said that there is none, there is no cap established yet. Ms. Dilonno commented that you may want to be under an acre because those projects already have to comply with state permits which have very stringent stormwater standards.
 - They are looking to capture as many projects as possible within reason. The smaller size threshold the more projects will have to comply with stormwater management regulation.
 - There's options for a waiver from the regulation.
 - Pg. 20 – Pointed out recommendations to 908.16.5.B - Stormwater Management for New Development. Mr. Greenwood said he would send a copy of this document to Dennis Quintal, Town Engineer for review **[AI.1-06.06.2023]**.
 - Pg. 27 – A. Stormwater Management Plan and Site Inspections. These are consistent with the state requirements, similar to the Alteration of Terrain Permit (AOT) requirements for stormwater management. The main difference with these regulations is the Town's inspection maintenance features on enforcing this regulation. A.-A. Stormwater Management Plan Recordation - This details the procedure on how the stormwater management information is recorded. Ms. Merrill asked that this would be for anything over 15,000 sq. ft. Ms. Dilonno responded, yes, at this point any project with a 15,000 sq. ft. threshold or more applies.
 - Pg. 28 – B. Inspection and Maintenance Responsibility. The Board would have to decide who would be responsible for inspecting the sites.

- #4. Landowners have to submit a report to the Planning Board by September every three years, with the first report due within three years of the receipt of an Occupancy Permit. This time period could be changed. The Town would be responsible for getting the inspection reports and verifying the information.
- The last section is about stormwater best practices that the Town Engineer could look over.

Board comments:

Mr. Coffin brought up the definition of impervious surface that was referenced in the document on pg. 16. He discussed crushed gravel and permeability. Ms. Dilonno said those standards do exist but are not in this. These standards are more about total site disturbance during construction and what the result is post construction, whereas impervious surface can be a specific percentage. Ms. Dilonno said they can look them up and incorporate them.

Ms. Szwed asked a question regarding submitting the report every three years and is that to be done forever for a property? Ms. Dilonno said yes. Would have to track which projects these standards apply to. Ms. Szwed asked what is the average cost to the landowner for this report? Ms. Dilonno said she does not have a hard number, but it would depend on the size of the project. She commented that there is a cost associated for a property owner for this.

Ms. Duguay mentioned it would be a benefit to develop a template for consistency. Ms. Dilonno said she will look into what other towns are doing.

Mr. Tersolo asked, if you disturb 15,000 sq. ft. of land then you would have to file an annual report on the soil condition? Ms. Dilonno clarified that this is for site plans and only applies to commercial, industrial, and multi-family properties. The Board discussed the impact of the development of driveways and roads and what would be included in the reports. Ms. Dilonno said that the information is part of the Site Plan regulations.

Ms. Merrill commented that Ms. Dilonno mentioned that the proposed amendments are more restrictive than the current regulations and asked her to do a comparison chart for the Board to review. **[AI. 2-06.06.2023]**.

Mr. Tersolo asked Ms. Dilonno if she could provide a copy of a post-construction stormwater management annual report. Ms. Dilonno will provide that. **[AI. 3-06.06.2023]**

The Board discussed the annual reporting requirements and the minimum threshold of 15,000 and will look at that in more detail.

A follow-up meeting will be scheduled sometime in August, 2023 or shortly thereafter.

Determination of Development of Regional Impact (DRI) for Unitil Energy Systems solar field proposal at 24 Towle Rd., Map R12 Lot 26:

Ms. Merrill read the definition of DRI found in NHRSA 36:55. Any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality because of factors such as but not limited to the following: **I.** Relative size and number of dwelling units as compared to the existing stock; **II.** Proximity to the borders of a neighboring community; **III.** Transportation networks; **IV.** Anticipated emissions such as light, noise, smoke, odors, or particles; **V.** Proximity to aquifers or surface waters which transcend municipal boundaries; **VI.** Shared facilities such as schools and solid waste disposal facilities.

Ms. Merrill said that when the Board declares DRI it means that any community that the Board decides might have a regional impact and we notify them of this, and they would have the same status in a Planning Board meeting as an abutter.

The Board determined that Danville, NH is the closest town to this location. They went through the six criteria to determine regional impact. The Board decided that Items II. and IV. may apply to this proposal and discuss these items.

Motion made by Ms. Duguay that the Board has determined that the project for Unitil Energy Systems at 24 Towle Road for the Solar field proposal does not meet the criteria of regional impact as defined in RSA 36:54 – 36:58. Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed.(6-0-0)

Approval of the May 2, 2023 Minutes:

Motion made by Mr. Coffin to accept the 05/02/2023 minutes as written. Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed.(6-0-0)

Approval of the May 13, 2023 Site Walk Meeting Minutes:

Motion made by Mr. Coffin to accept the 05/13/2023 minutes as written. Seconded by, Ms. Duguay. A vote was taken, all were in favor, the motion passed.(6-0-0)

Correspondence:

Invoice from Dennis Quintal, Town Engineer for the LER/Cheney lot line adjustment for \$165.00. The Board approved this invoice.

Planning Board policy change:

Ms. Merrill spoke to the distribution of material prior to the meetings so that Planning Board members can review the information in advance. She would like to add a section to the Planning Board policies that states that the information received by the Planning Board prior to the meetings is not presented in any other public forum prior to being presented at a Planning Board meeting. In addition, information that is provided from the Town attorney is privileged information for the Planning Board. Draft language for the Board to vote on at their next PB meeting. **[AI. 4-06.06.2023]**

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Ms. Merrill reminded the Board that there is a **site walk scheduled on Saturday, June 17, 2023 at 8:00 AM** at the end of Towle Road for the proposed Unitil Solar Field site at 24 Towle Rd, Kingston, NH. The public is welcome to attend this site walk.

Motion made by Mr. Bakie to adjourn the meeting at 7:42 PM. Seconded by, Mr. Coffin.

****Next Public Hearing/Meeting is scheduled for Tuesday, June 20, 2023.** Subject to change.**