

**KINGSTON PLANNING BOARD  
MARCH 19, 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
Electra Alessio, BOS Representative	Rob Tersolo

**ABSENT:** Lynne Merrill, Chair

**ALSO PRESENT:**

Glenn Greenwood, Town Planner  
Dennis Quintal, Town Engineer  
Robin Carter, Land Use Admin.

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

Cellco Partnership, d/b/a Verizon Wireless', Off Hunt Rd., Map R1 Lot 1	Pg. 1
Hawks Ridge of South Kingston, LLC, Mulligan Way & Bent Grass Circle, Map R3 Lot 4 LU 4020	Pg. 15
Gerard Welch, MHOC, LLC, 57 Depot Rd., Map R28 Lot 1	Pg. 16

**BOARD BUSINESS**

**Resignation of Steve Padfield, Planning Board Member:**

Ms. Duguay read Mr. Padfield's formal letter of resignation dated March 15, 2024.

<b>MOTION</b> made by Mr. Coffin to accept Mr. Padfield's resignation with regret. Seconded by, Mr. Tersolo. <b>A vote was taken, all were in favor, the motion passed. (4-0-0)</b>
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**PUBLIC HEARING**

**PUBLIC HEARING #1**

*Continued from 02/06/2024*

**Cellco Partnership, d/b/a Verizon Wireless'**  
**Off Hunt Road**  
**Map R1 Lot 1**

*<Board note: this hearing began at 6:43 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.

This is the 2<sup>nd</sup> public hearing on this proposal.

Mr. Greenwood, Town Planner, gave a status update on this proposal.

- There was a site walk on February 17, 2024 to look at the location of the facility as well as performed a balloon test to show what the height of the 140-foot monopole tower would look like.
- The applicant has provided a revised site plan that has addressed the majority of his questions that were identified in the first plan.
- The Board has received a series of photo graphs from the applicant that were a result photo shopping in the tower from different vantage points, using the balloon that was there and substituting in what the actual tower would look like. This information as well as the revised plan was put on the Planning Board page (under plans) of the Town website.

**Applicant:** Present on behalf of Verizon Wireless' were, Mark Beaudoin of the law firm Nixon Peabody and Keith Vellante, Sr. RF engineer for the project (of C Squared Systems, LLC). Chip Fredette who was present at the last public hearing and the site walk was not able to be present tonight.

Mr. Beaudoin explained that at the last meeting the Board requested that a balloon float be conducted. It was conducted on February 17, 2024. He mentioned he was not present but understand that the weather was clear and not too windy.

- As part of the balloon float they submitted a photo simulation packet on March 13, 2024. It shows where all of the photos were taken from and shows the red balloon, the bottom of the balloon is 140' above ground level.
- They also provided superimposed pictures of what the structure would look like if it were constructed in that location.
- They submitted an updated site plan addressing some of the concerns of staff, the Fire Chief and Town Engineer.
- They also tried to address some of the concerns of the Board and the abutters in the supplemental application they submitted on March 13<sup>th</sup> in connection with the fall zone, health effects and diminution of value.

Mr. Beaudoin offered to go through the information provided if the Board would like.

Ms. Duguay brought up that the Board has received several comments via email from the public and read them into the record. Prior to reading these comments she read the comments submitted by the Kingston Conservation Commission and the letter provided from the Town of Hampstead, Board of Selectmen.

▪ **Kingston Conservation Commission Comments dated March 14, 2024:**

"Conservation has concerns regarding the location of the tower, and work being done there. The area is on a south facing rise with sandy soil, prime turtle nesting grounds with the very large and important wetland complex nearby. We advise Cellco to consult with NH Fish and Game Nongame before any construction begins. Endangered Blanding's turtles and threatened spotted turtles have probably been recorded in this area."



be moved further from our neighborhood on Mr. Kimball's property? The proposed tower is 50 feet from our neighbor's property and if it falls in that direction it would land on their property even if it broke in half. Can Verizon make the tower to look like a tree? I have seen this type while traveling in New Jersey. Attached are pictures I took. The one with the circle around the balloon is from Rosewood Ave. the others are from Ellyson Ave. A concerned neighbor, David Heidler"

4. Kirsten and Nicholas Lander, 90 Ellyson Ave., East Hampstead, NH

"Hello, I am writing to you with concern of the possible Verizon cell tower that is proposed to be installed behind my property.

Please see pictures attached while the balloon was out. One is taken from by back deck.

Another from my kitchen window. Then taken of my house with clear view of the tower above my house.

This is very unappealing and will affect our property values. Please consider moving the tower to a more remote location, away from abutting properties. Thank you, Kirsten and Nicholas Lander"

5. Meredith Prince, Rosewood Circle, East Hampstead

"To the members of the Kingston planning board, My name is Meredith Prince. I apologize for such a last minute email, but I understand there is a meeting tonight that will address the proposed cell phone tower that will about my neighborhood in East Hampstead. I am now, unfortunately, unable to attend this meeting, so I wanted to formally address my family's concerns.

My husband and I, our two children, and our two dogs, are residents at 7 Rosewood Circle in East Hampstead. We are concerned that this cell phone tower will undoubtedly reduce property values of many in this neighborhood. People are drawn to this very quiet neighborhood due to the beautiful Victorian and colonial style homes, with underground power and cable lines. Many homes are also surrounded by conservation land. It has such an elegant charm to it. Adding this cell phone tower, visible for the majority of homes on Ellyson and some on Rosewood Circle, will unfortunately be a huge "eye sore" and dramatically take away from the elegance of the neighborhood. Many towns like Hampstead and Kingston have that adorable, small town vibe that many of its citizens are drawn to—cell phone towers as visible as this just really take away from that and will, I believe, steer potentially buyers away from our neighborhood, as well as other surrounding neighborhoods/properties in surrounding towns.

Our biggest concern is the potential health risk of living in such proximity to this tower. There are many children and young families that live in this neighborhood and it seems there is not enough research to show the serious long term effects the transmission from these towers could potentially cause. In my opinion, having better cell service is just not enough reason to put so many people's lives in potential harm's way, especially where there are so many young children involved.

For these reasons, my family asks that you reconsider, and deny having this cell phone tower built at this location. We seriously thank you for reconsidering this matter, The Prince Family Rosewood Circle Residents"

**Town Planner comment(s):**

Mr. Greenwood noted that he provided his first round of comments (dated January 15, 2024). The applicant has submitted revised plans. Of the 14 comments he had there are only 4 that haven't been resolved and are shown on his updated memo to the Board dated March 18, 2024. The remaining items are issues being brought before the Board for consideration. The remaining items need to be discussed with the Board and it is up to the Board if they want to do additional RF engineering review and having a further discussion to some sort of resolution about the fact that the fall zone doesn't remain entirely on the property of the site. The following is an update of Mr. Greenwood's comments to the Planning Board:

- 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 but I can only see that Plaistow was notified. If Hampstead was not we should continue this hearing and notify them. (The~~

applicant should have offered an indication according to topography for those municipalities that may see this but it is not a requirement for them. This is my oversight not Robins.)

- 3) The fall zone for the tower goes onto property in Hampstead? 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."~~

### **Town Engineer comment(s):**

Dennis Quintal, Town Engineer informed everyone that he sent his original comments on January 12, 2024. For the information that he received today (the supplemental application dated March 13, 2024), he needs more time to look the information and revised plans over to see if there are any other comments he might have with the comments he already submitted in the past.

In regard to his previous review on the January 12<sup>th</sup> review:

1. The wetlands stamp is on the plan but hard to read, only part of the stamp was on the plan that he could see.

7. The drop zone – he has read the letter submitted by the engineer (from Valmont) about how if it did break it would break in half, and stated that's an opinion by one engineer. Being that close to the property line is always a concern for abutters of a failure of a structure like that. A full drop zone for the radius is probably not uncalled for, it's certainly something that could be put on the plan and enforced. As far as the location of it, he does not see why it can't be moved away from the property line.

### **Board comment(s):**

Mr. Coffin pointed out that Mr. Quintal addressed what is one of the biggest concerns. During the site walk we looked at an area that was further away but the same distance to the State highway and was closer to the Plaistow border. Site wise and elevation it has quite a few advantages and doesn't seem to be any real reason why it can't be located there. In the applicant's original presentation, they said the land owner wanted to maintain access to his back property. However, the location where it is immediately adjacent to his road whereas if it was moved towards the Plaistow line, the road would be completely unaffected. Additionally, the underground cables that they said would feed the power and signals to the tower have to come out of the ground go up a pole, go across his access road, back down and over to the facility. Which may make it unsightly but would make it susceptible to damages from wind storms and other things and the large equipment he uses for harvesting trees. The biggest thing that is driving this is the **fall zone** and the tower is located at the absolute minimum distance for the

Town setback regulations from the property line. The fact that our regulation, the fall zone is created to state that no residential structure can exist within the fall zone-and they have to have that much radius, 110% of the tower height. You cannot encumber someone's property and tell someone in Hampstead that they can't build on a portion of their own property because there is a cell tower there.

Mr. Coffin referenced the letter from their engineer (letter from Valmont dated 1/22/2024) regarding the structural failure, modes of the monotower; use the term theoretical failure point of the cell tower and predicted mode of a wind induced failure would be local buckling. Mr. Coffin asked the applicant if this had been tested? Given the statement of the engineer that it was theoretical and predicted, do they know if the monopoles have been tested. Mr. Beaudoin answered that they have all been tested. Mr. Coffin asked, tested to the failure point? Mr. Beaudoin mentioned that they have all been engineered to break at the midpoint. Mr. Coffin said, they have been engineered to break, but have they been tested to their failure point? Mr. Beaudoin said they have been engineered to break at the mid or higher. Mr. Coffin responded saying that the answer is you don't think they have been tested to their failure. Mr. Beaudoin said that is not what he is saying. He is saying that these towers have been around for two decades within adjacent towns, right next to the Bedford police station and they haven't fallen down, they don't fall down. If they do, they are engineered to break at the midpoint or higher. So, it would fall down on itself. Mr. Coffin commented so if the stress riser is formed at the base and the failure mode was started at the stress riser, which is a defect in the metal that allows metal failure, they don't know how in fact it would fall and that is why they use those terms theoretical and predicted because the engineer is telling us with those words that it hasn't been put on in a laboratory or put in a testing situation to see where it will break if it actually does buckle.

Mr. Coffin explained that the reason he is bring this up is because you are then liable if you have a cell tower that does in fact fail and falls onto the abutting property.

- We as a Planning Board, especially a planning board in an adjacent town cannot encumber that property and tell that landowner they can't build a structure there.
- With all of the other factors affecting the moving of that structure, including allowing better access to the property owners backland on the existing road, the ability to bury the cable access to the tower completely, and the fact that the slope goes slightly up hill there that point closer to the Plaistow line than it is in the current location, they could have a shorter tower to get the same height over surrounding territory, or another 15/20 feet out of the existing tower height.

Mr. Coffin said the biggest factor here, that's not the health aspects because as the applicant pointed out it is not within the Board's purview, is the Town ordinance and the TCA do allow them to address the **aesthetic aspect** of it. There are a lot of abutters who have sent a lot of pictures that give a good idea of the visual impact on their land. He commented that he cannot understand why they would prefer to go with the current location than to move it back farther away from that line. The land on the Plaistow side is mostly town forest, as it is in Kingston. Mr. Coffin stated that they should seriously consider moving it, as the Chief Engineer for the Town had recommended that the fall zone falls completely within the Town boundaries. The Kingston Select Board's comments that were read at the first hearing ("What legal documents are needed since the 175' setback radius encroaches on the two adjacent lots?"), and the applicant responded that it wouldn't require any special legal agreements.

**Applicant:**

Mr. Beaudoin responded that if Verizon Wireless had the opportunity to site all their cell towers in the middle of 100 acres lot where no one could ever see it, there would be no fall zone issues they would always do that. The land has to be available for lease, they are limited in where they can go based on where their landlord will allow them to go and there are other certain technical requirements due to RF that they have to meet. They cannot unilaterally choose to put it wherever they want, they are restricted in that sense. Mr. Coffin asked what is the restriction that they keep citing here that keeps them from locating it 100 feet further away? Mr. Beaudoin explained that the land has to be available for lease. Mr. Coffin questioned that the 50-foot square is the only place that was available for lease. Mr. Beaudoin said that location was the arrangement with the landlord. Mr. Coffin replied that is the arrangement with the landlord for that location. Mr. Beaudoin said that is the only space available for lease. Mr. Coffin asked if you told them you needed to move it farther away from the property line the landlord would not lease you another piece of land of the same size a few hundred feet away that would meet their requirements? Mr. Beaudoin explained that was the arrangement made between Verizon's site acquisition folks and the landlord, and that he didn't have any direct communication with the landlord on that negotiation, so he can't give a definitive answer. Mr. Beaudoin went on to say that they are always trying to find the best location on the lot that will keep everyone happy, and they do not like to have these conversations where people think it is going to fall on their home. Mr. Coffin pointed out that when they were putting 140-foot pole 50 feet from a property line of a residence that should have set off flags. Mr. Beaudoin explained that he cannot say why the landlord chose to put it here, but that is what they were offered to lease.

Mr. Beaudoin clarified a few things, the compound is 50 x 50, the pole if it were constructed is 88 feet from the lot line. If it were to fall down, which it won't, it's designed to break at the midpoint or higher-so 70 feet or higher. If it fell down it would not go on anyone else's property but the landlord's property. The Town does not have a fall zone ordinance or language, what the Town has is 125% setback requirement, which they meet because the nearest offsite residential structure is 538 feet away, so they meet the Town ordinance. Placing on the applicant, extraneous terms and restrictions is unreasonable; they meet the ordinance. They can't say there's a fall zone when there isn't. Mr. Beaudoin said he takes issue with the fact that they are encumbering someone else's land because they are not. There is no requirement in the ordinance to get an easement, there's no requirement in the ordinance that even refers to fall zone really, it is just a setback and they meet the setback by 100's of feet. They are just trying to meet the obligations of any applicant in the Town, they are looking at the plain language. He understands that Mr. Coffin may have issue with their engineer's report, it is not Mr. Beaudoin's opinion, the person who wrote it is an engineer and can provide the Board with his qualifications to help get more comfortable with the information if that's an issue. Mr. Beaudoin said they submitted other photographs in the supplemental application that shows these towers exist, they are all over and often next to gas pumps, near municipal buildings or residential homes.

Mr. Coffin pointed out that State law does give the Board the authority to consider an abutting Town's ordinances. Hampstead's zoning ordinance is that communication tower setbacks or the tower height plus 20 feet, which would mean this would be a 160-foot setback from property lines, not from residences. Mr. Coffin said Kingston's fall zone is you can't make it within 125% of the distance to the residence. There is not a residential structure there, but for the sake of the fact that the Town of Hampstead and the Town of Kingston are going to coexist side by side, the abutters have full legal standing here and standing to appeal the decision the Board makes; we try to respect our neighbors. The Town of Hampstead, Select Board has weighed in. The RSA is 674:53, "A Planning Board in determining whether an application satisfies its regulations may

consider the effect of the proposal on an adjoining municipalities.” This is something they take seriously and would expect them to respect Kingston’s abutters when they have a project.

Mr. Beaudoin pointed out that the citizens of Kingston could have revised their zoning ordinance to adopt the same provision as Hampstead but they chose not to. When an applicant comes to a town they have to look at the ordinance that’s relevant and they meet the Town’s ordinance. Ms. Duguay spoke saying that the RSA also gives the Board permission to look at the abutting Town’s ordinance as well in consideration of the proposal. Mr. Beaudoin said fair, agree. Mr. Beaudoin shared that he can then read the Federal Law and that there is all sorts of overlapping jurisdiction; the Telecommunications Act of 1996 is supposed to preempt all state and local laws. Mr. Beaudoin read language from the Telecommunications Act, “establishes national standards that apply to zoning applications for wireless facilities and place limitations on local zoning authority. These standards preempt or override inconsistent state and local laws so they must be considered by zoning boards or commissions in making decisions on applications for wireless facilities or an applicant for an installation of a wireless communications facility to provide communications seeks zoning relief as required by the municipal zoning ordinance. Federal law imposes substantial restrictions affecting the standard for granting the requested relief the TCA provides that. The regulation of the placement construction and modification of personal wireless service facilities by any state or local government shall not quote “prohibit or have the effect of prohibiting the provision of personal wireless service”.” Mr. Coffin clarified that the Board cannot put any restrictions on it to make it prohibitively expensive or to prohibit it. However, moving it wouldn’t prohibit it. Mr. Beaudoin responded if it is not leasable. Mr. Beaudoin explained that job is to search, and if there is a gap in coverage they do their best to find landlords that have lots that are large enough to accommodate it. Sometimes they are able to put in right in the middle of the lot, other times their landlord tells them where they have to put it and that may not be where they are choosing to put it but that is what is available. That is what is going to give them the coverage they need to build out their network as allowed under the TSA. They will do their best to accommodate everyone here, it is not like they are trying to intentionally put it in a spot that everyone dislikes, they are trying to put it into a spot where it meets the zoning ordinance and does the job.

Mr. Coffin said let’s move on and say there isn’t an option to move the antenna, and as we discussed the last time that the alternative would be to camouflage it. He mentioned the pine tree camouflaging and a lot of the abutting comments had mentioned the pine tree camouflaging. Mr. Coffin added that when we get through the public comments they can address more about camouflaging.

Mr. Greenwood provided input that he disagrees with the applicant’s comment that there is nothing in the Town’s ordinance that the Board is predicting this discussion on. In Mr. Greenwood’s comment letter one of the 3 things that he pointed out in the second iteration is that there is an issue that hasn’t been resolved and needs to be resolved by the Board. It is the list of factors the Board is supposed to consider in relationship to a decision. The 2<sup>nd</sup> one of those factors is the nature (410.7., B.,3.b.). It reads, “Proximity of tower to residential development or zones.” He went on to say that in this case when you look at the impact of the tower being a quasi-industrial use on the viewshed in the proximity of residences that are clearly rural residential uses. They are not urban residences, they are not village residences, they are literally country residences. He pointed out that the ordinance does say the Board is supposed to make that determination and he cannot see in good faith, looking at the applicant’s response as a straight-faced response. The applicant is simply saying that they spoke with someone they

wanted to lease land from before hearing anything from the public and they made a decision that said that the only location on a 50-acre parcel is directly on the property line, directly behind homes. Granted they are in a different town than Kingston, but are nonetheless residential in nature and are not at all industrial in nature. And they are asking the Board to make a decision about a quasi-industrial visual being place right next to a residential area. He believes that the Town's ordinance says when the Board is looking at the factors for their decision they are supposed to look at that. Until the Board flushes this out, he will leave this comment as one that has not been addressed.

Mr. Beaudoin replied, has the broad rights. As an applicant they can see all they need is a CUP and site plan approval and there's no zoning relief required. The language Mr. Greenwood cited, "the proximity to residential neighborhoods," he totally agrees. But they look to the setback that the Town put in and they meet it by hundreds of feet. So, they look to guidance in the ordinance itself to say ok what would the Board think is reasonable, because they put in a specific figure 125% off from offsite residential structure so that is what they go with. That is how an applicant looks at an ordinance, what do we have to meet and how can we arrange the project and with their landlord, they are trying. Mr. Beaudoin noted that it is not like they are intentionally putting it in a location that is problematic. They thought it was the right spot.

Mr. Greenwood commented that it feels that way because you thought it was the right spot, but that was the applicant's thought upon having no public input. It was simply a look at what seemed to be the most convenient deal for the person who owns the land. Mr. Greenwood explained that he's not saying that they do not have the right to determine where on their site they want to allow that. Mr. Beaudoin said, right. He is simply saying that if their spot, where they feel comfortable allowing that on their property contradicts a Town ordinance that the applicant should take into consideration what and how that structure will impact a residence; he thinks it leads to some sort of impasse. Because the setback requirement is one of physicality but it's not the only issue that draws out what the impact of the structure is; that's done visually. In this case there are tons of areas where visually having more than 150 feet is legitimately required.

Ms. Duguay said she is not hearing in the response when Mr. Coffin brought it up that, that conversation has happened with the landlord and he hasn't been willing to do that if that were in fact feedback he was given; and the only condition under which the CUP would be considered by the Board. She said she didn't hear them say that would be a deal breaker for the lease.

Mr. Beaudoin said you didn't hear that because that would not be accurate. We haven't had that conversation because they haven't gone through the process to get all the public input. They can file an application with a proposed location. They have to sign up a lease, show the Board they are serious, the Board isn't going to consider a location when they don't have some land entitlement already. He said they cannot seek public input until they have a definitive agreement with the landlord. Mr. Beaudoin commented, point well taken and they are trying their best. He brought up again, that the TCA says does not take aesthetics into account, you can't consider health effects. It is, will this fill the gap and are there other locations available to the applicant. They are trying to show the Board that they did their homework, and this is a location that is

454 available to them right now.

455

456 Mr. Quintal's observation on the report from the engineer about the theoretical breaking of the  
457 pole, which is not a guaranteed, that's a theoretical comment. To him that is not justifying  
458 enough to the Planning Board that the protection of the abutter is being protected. He pointed  
459 out that it is not only the abutter it is another town.

460 Mr. Coffin suggested that the applicant go back to the property owner and ask about moving the  
461 tower to another location on the property.

462 Mr. Coffin brought up that they are up against a shot clock that ends **April 26<sup>th</sup>** and if it's not  
463 tolled by a request for continuance from the applicant to negotiate or whatever they need to, the  
464 Board will be forced into making decision by the next month's meeting.

465 Mr. Coffin raised a question about the generator in the application, and that they said the  
466 generator is solely for backup to the electrical back up, the battery backup system and only  
467 goes on then. Most of the sites run generator testing, and he questioned how often and what  
468 frequency will this be done? Mr. Beaudoin answered once a week for 30 minutes and they can  
469 be set to a time whenever they want. Mr. Coffin mentioned the type of muffling situation, the  
470 frequency that it generates, whether it creates ground vibration, is it a diesel generator, gas,  
471 liquified natural gas. Mr. Beaudoin said both types can be spec'd, the standard generator or  
472 diesel. Mr. Beaudoin said it is a dual tank generator on a cement block. He noted that the plans  
473 and specs probably have decibel levels and he can try and get those for the Board. Mr. Coffin  
474 said this will have an effect on the abutters, things like directing the direction of the exhaust,  
475 sound engineering and ground vibration. Mr. Coffin mentioned that he would not recommend  
476 diesel it's an annoying sound that carries great distances. This should be in the application and  
477 the applicant should come up with facts and figures on mitigation efforts. Mr. Beaudoin said if  
478 the Board would like plans and specs on the diesel generator that they would customarily put  
479 there they can certainly provide that by the next hearing.

480 **Public comment(s):**

481 Public comment opened at 7:46 PM.

482

483 #1. Stephanie Boule, 70 Ellyson Ave., East Hampstead –

- 484 - Ms. Boule said that most of the neighborhood could not come tonight. A letter was sent  
485 to other residents in the neighborhood that were not necessarily abutters. They have  
486 signatures from Ellyson, Catherine, Rosewood, and Sean Dr. neighborhoods (about 35  
487 signatures) that are against this proposal.
- 488 - Ms. Boule read the letter and provided a copy with the signatures to the Planning Board.
- 489 - She commented that for Verizon not to be fair and equitable to the neighborhood, they  
490 are saying they are within their rights, and they wanted to say they have rights too and  
491 this will definitely impact their homes, their kids-their kids play back there, and  
492 concerned about safety with it that close to their house.
- 493 - She understands health impacts cannot be considered by the Board, however, there is a  
494 perceived health concern and someone going to buy their house may not care what the  
495 FCC says and not buy a house because of the cell phone tower proximity disguised or

not. A cell tower disguised further back may be ok. They are open to relocating it. They are not saying no stay away, we understand, move it back. The recommendations of New Hampshire of 1500 feet would be ideal, but moving it back further would be a reasonable consideration.

#2. Doug Boule, 70 Ellyson Ave., East Hampstead –

- Brought up their concerns for the project.
  - o Close proximity to their house, 500 or 600 feet away.
  - o Will have an effect on their property values, environment, noise pollution.
  - o Safety and beauty of their neighborhood.
  - o He walked the site of on the day of the site walk with the Planning Board members, the day of the balloon test and he submitted pictures of the proposed tower location from many different spots.
- He is here tonight to ask that it be considered to relocating the tower to another spot on the property. There is 50+ acres that the property owner could choose from. This is a reasonable request and that all the land owners are treated equitably, the landowners on Ellyson shouldn't be at risk of losing property values while, while Mr. Kimball benefits from the lease payments he is going to get from Verizon.
- Relocating the tower further from their homes would be in accordance with the purpose and the goals stated in Kingston's Telecommunication Facility Ordinance, Article 410.2., B., it states reduce adverse impacts such facilities may create including but not limited to impacts on aesthetics environmentally sensitive areas historically significant locations flight corridors, health and safety by injuries accidents to person and property, and prosperity through protection of property values. Relocating the tower would also follow recommendations made in 2020 by New Hampshire Commission to study the environmental and health effects of evolving 5G technology.
  - o Aesthetics: the balloon test show the tower is going to be very visible from their street. It's unsightly and going to detract from the beauty of their neighborhood.
  - o Environmental: they see a lot of wildlife from their yards.
  - o Health and Safety: in the event of a storm or natural disaster the tower could fall.
  - o Prosperity through protection of property values: National Association of Realtors notes that a negative impact of 9.6% on property values within visible ranges of cell phone towers. HUD classifies cell phone towers as hazards and nuisance. It requires appraisers to make adjustments to value due to the effect on marketability. They should consider a solution that is equitable for both the landowner, Mr. Kimball, and all the landowners, such as them.
  - o Noise pollution: the diesel generator test is going to be a nuisance. Mr. Boule mentioned there is a lot of shooting on the property and if it may be a safety impact with the shooting and the cell phone tower (i.e., hitting the generator or the metal of the cell phone tower and ricocheted), could it be a potential hazard.

#3. Gary Sicale, 75 Ellyson Ave., East Hampstead –

- He's lived here for 26 years.
- Mr. Kimball (property owner of the proposed site) has plenty of land for this to be moved. Mr. Kimball and Verizon should talk about where this can be moved. Why does it have to right there? He asked the Board to ask the applicant to consider moving it and be vigilant about it.

#4. Richard Cagle, 86 Ellyson Ave., East Hampstead –

- He noted that he is one of the affected abutters for the proposed site.

- 546 - Thanked the Board for attending the site walk and seeing where the balloon was going to  
547 be located. He shared that after the Board left, Mr. Kimball, came by and chatted with  
548 them a while. They expressed some of their concerns to him and Mr. Cagle's was in  
549 particular, *if the cell tower was moved back a couple of feet away from his property line*  
550 *there would be a lot less to squawk about.* Mr. Cagle mentioned that Mr. Kimball said that  
551 he is open to that but it would require renegotiation. Mr. Cagle wanted to relay this  
552 conversation.

553  
554 #5. Kevin Bolduc, 60 Ellyson Ave., East Hampstead –

- 555 - He shared his sentiment on all of the concerns that were brought up today.  
556 - There are other reasonable solutions to go about and there is no reason on why it has to  
557 be right towards the property line as it is proposed. There are other areas on the  
558 property that would meet all of the requirements that were mentioned earlier.  
559 - In terms of property value, he has major concerns. They moved to this property in 2019  
560 because of the rural nature of the lot and the whole area. The appeal to be able to walk  
561 out to the town forest is not going to be the same when you walk out towards a chain link  
562 fence with barbed wire and a large looming tower. This could all be mitigated with some  
563 negotiation and other opportunities to relocate the tower somewhere else.  
564 - He thanked the Board for the consideration of the ordinances and the well-being of  
565 Hampstead residents as well.  
566

567 #6. Cheryl Kline, an abutter of the Kimball property, but not as close-it is across the beaver pond  
568 from Rosewood and the others.

- 569 - She brought up that there was someone at the first meeting that mentioned that they are  
570 in the process of negotiating for a tower in Plaistow with a different company. Why don't  
571 they put two towers there?

572 Mr. Greenwood explained as was discussed at the last meeting they hadn't applied to the  
573 Plaistow Planning Board before Verizon applied to the Kingston Planning Board. With due  
574 respect to other applications, which isn't what is before them. What is before the Board is a  
575 substantial application that the Board wants to work through.

576  
577 #7. Pam Hoffman, 18E East Main St., East Hampstead -

- 578 - They are not an abutter but located across from the site up on a hill but see the site very  
579 well.  
580 - The Boule's summed everything up with the health concerns and the aesthetics.

581  
582 Public comment was closed at 8:07 PM.

583  
584 **Board comment(s) cont.:**

585 Ms. Alessio mentioned that one thing she hasn't heard tonight is the consideration for the Town  
586 of Kingston because we have to follow our regulations and make decisions based on the  
587 regulations. We can have conditions, can make suggestions to the applicant to perhaps  
588 approach the landowner to see if we can find a more amenable location that's mutually  
589 agreeable. But if the Kingston Planning Board doesn't follow its own regulations it opens itself  
590 up to risk of suits from people that are not happy with any decision. She commented that it is  
591 great that so many of the neighbors from Hampstead came out to say they do not want it there  
592 but the bottom line is there may be another alternative, and that needs to be explored before  
593 any decision is made.

597 **Applicant:**

598 Mr. Beaudoin came back to the table and asked the Board for clarification on what the Board  
599 would like as far as providing more information for the next hearing. He went over a few items  
600 he had:

- 601 1. Plans and specs for the generator and information on the orientation of the exhaust.

602  
603  
604 The Board added the following:

- 605 a. **AESTETICS/CAMOFLAGUE:** Mr. Coffin explained that the camouflage aspect has  
606 changed a lot since the early 90's. He said he'd like for them to provide a photograph or  
607 representation of what the current state of art camouflage would be, to go towards the  
608 aesthetic arguments.  
609  
610 b. **LOCATION OF SITE:** Ms. Duguay stated that it would be helpful to know if definitively if  
611 that is the only location on the property that the landlord would entertain.  
612

613 Mr. Tersolo raised concern that the applicant has not had conversation with the landowner  
614 about the location. This is the 2<sup>nd</sup> hearing and the concerns about moving it were raised at the  
615 1<sup>st</sup> hearing about moving it and to come here today and say you haven't even had the  
616 conversation with him is a bit concerning to him. Mr. Beaudoin noted that he is not the site  
617 control guy. Mr. Fredette, is the person who had that conversation. It is not that they haven't had  
618 the conversation, it is just that he is not the person that has. He will provide more insight on this  
619 for the next hearing.  
620

621 Mr. Tersolo mentioned for the applicant to say that health concerns are not a factor, in  
622 the Board's decision they are not, but this is the second time they have said this, *they aren't to*  
623 *you as well*. This is 500 feet from a person's house. The studies that have been provided may  
624 say one thing but he could give 500 that say the exact opposite. It's 1500 feet. The space is  
625 there, they can do it, you need to have the conversation with the landowner, he doesn't  
626 understand why they say it is their only spot.  
627

628 Ms. Alessio said that there is the possibility to move it to another spot that may be  
629 conducive to Verizon and the landowners and that all of these other issues may be moot and  
630 easily resolved in an amicable way, and we want to try and do that first. If the spot they are on  
631 now is the only place to put the tower then we can go forward from there. If that is the only  
632 location and then everything else follows accordingly.  
633

- 634 c. **RF EVALUTATION:** Mr. Tersolo brought up what was said earlier that this was the only  
635 spot that you were given. He'd like to see the 3<sup>rd</sup> party RF evaluation, only because they  
636 said this is the only spot the tower can go at the last meeting.  
637

638 Mr. Greenwood said his comment was whether or not the Board wanted to hire a 3<sup>rd</sup> party  
639 reviewer to review their information. It's a perfectly legitimate thing to do and he's done it with ¾  
640 of the cell tower applications he's looked at. The science is pretty straight forward and he hasn't  
641 seen third party reviews that actually discounted by anything really measurable between what  
642 an applicant has brought in. It's absolutely something the Board could do, but if we are going to  
643 do it we need to step on getting someone to do it. That's a decision the Board needs to act on.  
644

645 Mr. Coffin said he defers to the Town Planner's experience on this he's done more than  
646 anyone else on this and if he doesn't think it is worth the time and expense, etc., and that it's not  
647 going to produce anything other than what we've seen on the charts the applicant produced. Mr.

Greenwood explained that so much information is gathered in making their initial report for where the coverages lie. To have somebody replicate it for the purpose of making sure it's okay that has not been something that he's seen happen.

d. **SITE PLAN:** Mr. Coffin brought up if there is any chance the applicant is going to come back with a different plan the Board would have to redo the CUP, so the Board should have a final plan if they are going to grant a continuation for this to get more information. They do not have to do it this time, but we are going to send them back for more information. Then we probably ought to wait to have that before we start evaluating because as Mr. Greenwood said, is the proximity question and that could change coverage and foliage if moved away from the property line. Then they could leave those trees which would be the best visual barrier to the tower.

Mr. Beaudoin said that it is the Board's pleasure on whether they want to vote tonight or request more information. To him It sounds like Board wants to request more information. He is happy to provide it for the next hearing. What he would like to know is if the Board is going to do a peer review or not. Mr. Beaudoin has a theory and said all of the people who do the peer review do not have all the equipment. Mr. Vellante does. It is up to the Board on whether they want to do this and because of the shot clock he does suggest that the Board would need to get going on this because it takes some time for those folks to get going.

Mr. Tersolo asked if information will be disseminated to Hampstead and is the Board going to be doing that? Mr. Greenwood said that he did respond to the Board of Selectmen when they did the inquiry to let them know that we post things electronically on our website.

Mr. Tersolo asked Mr. Beaudoin after the RSA that Mr. Coffin mentioned, do they have any intention of speaking to Hampstead? Mr. Beaudoin said he is happy to speak with anyone but it is not required to get the permit that they need to construct-not sure what purpose that would serve. Mr. Beaudoin stated that he responded in writing to the Hampstead Select Board's concerns and a copy of the letter is in his supplemental application. Mr. Beaudoin mentioned that in the supplemental application they did submit some additional photos, some surveys and appraisals in connection with the diminution of value of property and hope it will be helpful in the Boards review with a different perspective. He also commented on the health effects, again it isn't him saying health affects can't be considered, it is federal law.

e. **BOUNDARY SURVEY PLAN:** Mr. Quintal brought up a survey plan and would assume it has to be recorded in the Registry of Deeds (RCRD), so it would have to have a boundary survey plan. He saw on the resubmittal that there was a stamp on the plan but there was a note that said it wasn't a boundary survey. He doesn't know how this would comply with the RCRD. This should be checked out at the next meeting to make sure this process can get done properly. Mr. Beaudoin said they are happy to do whatever it takes to be recorded. But whether it's a condition to final approval or you want something the next time. These are just proposals they are not trying to provide something that's in recordable form so we'll do whatever it takes to the extent. **Mr. Greenwood said the Board requires a plan that is recordable at the registry.**

f. **CONSERVATION COMMISSION COMMENTS:** Mr. Coffin brought up the remarks from the Conservation Commission - on whether plantings and spotted turtles had been found in this area that may affect the project.

**Mr. Beaudoin recapped what the Board is asking for:**

- 1) Generator orientation of the exhaust of the generator.
- 2) Photographs of the current edition of the camouflage poles.
- 3) Response to the Conservation Commissions comment in connection with the potential for turtle habitat.
- 4) More definitive answers on the conversations with Mr. Kimball on whether or not the site can be pushed away. Mr. Beaudoin asked the Board if this is a possibility what do they want to see, how far away and how this would jeopardize the view from other properties. Mr. Coffin mentioned putting it on the other side of the road, slightly higher and closer to the areas that are not inhabited. Mr. Beaudoin said he is not trying to get them to pinpoint where, but trying to get the threshold of the primary concern. Is it the fall zone going over the line or is it some other concern? Mr. Coffin said there are multiple concerns; the fall zone is one, the other is the aesthetics and putting it that close to residential property line it's hard to mask that. If they go to the east, there's an area there and that there you can see the Plaistow line and they will still be a couple hundred feet from the Plaistow line. The concern with the fall zone wouldn't have houses anywhere near it, be much easier to mask it because there are trees in that area, they wouldn't have to run the communications and powerline up and over a road that is there. 500 feet would make significant improvements. He commented that they can look at the terrain maps, etc. Mr. Coffin added that it is the applicant's job to negotiate with the property owner and ask what his restrictions are, what he wants to use that land for over there other than sticking it next to the residential side.

**MOTION** made by Ms. Alessio **to continue the hearing to April 16, 2024 at 6:45 PM (at the Kingston Town Hall) with any changed plans due to the Planning Board office by April 4, 2024 by noon. Seconded** by, Mr. Coffin.  
**A vote was taken, all were in favor, the motion passed. (4-0-0)**

**Ms. Duguay explained to the public that there will be no further notice and this is the notice of the next public hearing which will be on April 16, 2024 at 6:45 PM and that any new plans will be posted on the Town website (Planning Board page) beforehand.**

*<Board note: this hearing ended at 8:35 PM>*

**PUBLIC HEARING #2:**

**Hawks Ridge of South Kingston, LLC**

**Mulligan Way & Bent Grass Circle**

**Map R3 Lot 4 LU 4020**

**Re-application for Limited Common Area (LCA) Adjustment and Amended Site Plan**

"Village at Granite Fields Condominiums". The intent of this application is to seek an approval for the owner/applicant to relocate one of the proposed age restricted, single family residential units from its current approved location to a new location that would be partially within the 1,000' setback from Route 125. The proposal is to relocate unit 20 from its original location on Mulligan Way to Bent Grass Circle just right of LCA 34.

The applicant submitted a request for continuation to the next Planning Board public hearing.

**MOTION** made by Mr. Coffin **to continue the hearing to April 16, 2024 at 6:45 PM (at the Kingston Town Hall) with any changed plans due to the Planning Board office by April 4, 2024 by noon. Seconded** by, Ms. Alessio.  
**A vote was taken, all were in favor, the motion passed. (4-0-0)**

749 **PUBLIC HEARING #3:**

750 **Applicant: Gerard Welch, MHOC, LLC**

751 Property owner: Colanton Real Estate Trust

752 **57 Depot Road**

753 **Map R28 Lot 1**

754 *<Board note: this hearing began at 8:38 PM>*

755  
756 Ms Duguay read the legal notice. This is a **Design Review Application** for a proposed  
757 conversion of an existing golf course to an age-restricted condominium development.

758  
759 Mr. Greenwood explained that the abutters did get notified but the discussion tonight is non-  
760 binding between either the applicant or the Planning Board and no decisions will be made.

761  
762 Mr. Greenwood provided the following review comments:

- 763 1) The plan is for market rate age restricted units, but the property is not  
764 zoned for this use. ZBA relief would be required.
- 765 2) The density calculations for the plan are wrong since age restricted  
766 housing is not allowed. The density is split between two acre per unit and  
767 three acre per unit density due to the presence of the aquifer protection  
768 district. Many less units would be allowed under the existing zoning than  
769 what is presented on this plan.  
770 If they go on the premise that this will be going to be standard zoning then  
771 the dwelling unit numbers would be much higher than they would under  
772 conventional zoning.
- 773 3) The development is split by the town boundary between Kingston and  
774 East Kingston and the Board would have to make a call on whether it is a  
775 project of regional impact.
- 776 4) A hydrogeologic study would need to be developed because of the  
777 presence of the aquifer protection zone.

778 **Applicant:**

779 Christian Smith, engineer with BA Beals Associates, PLLC representing the applicant on the  
780 project and Gerard Welch of MHOC, LLC (the applicant) were present.

781  
782 Mr. Smith explained that all of the homes proposed are cited in the Town of Kingston. In the  
783 Town of East Kingston is the club house, and a par 3 relocated-reconfigured nine hole semi  
784 private golf course for the residents and open to the public.

785  
786 **Department comment(s):**

787 **Fire Department:**

- 788 1. Homes comply with NFPA for one/two family dwelling.  
789 2. Club house comply with NFPA for assembly occupancy.  
790 3. Club house to have a Knox box installed.  
791 4. Club house to install NFPA 72 fire alarm.  
792 5. Site comply with Town of Kingston ordinance Article 1000 Fire Protection regulation  
793 (cistern).  
794 6. Site comply with all subdivision regulations.  
795 7. Comply with any pertinent codes or ordinance not listed above.  
796

**Kingston Conservation Commission (CC):**

3/14/24 Kingston Conservation Commission comments:

“These are preliminary comments as this is a conceptual plan.

This site abuts Kingston’s Route 107 Town Forest, which comprises 10 acres of high value wetland with only 2.5 acres of upland. Nearly the entire property falls within Connect the Coast’s (Nature Conservancy) **prioritized habitat for wildlife corridors**, and abuts Rockingham Planning Commission’s Wildlife Action Plan for Kingston’s **highest valued habitat**. We will be very aware of that as future plans come before us.

See maps below (maps available in the Planning Board office)

If the Planning Board approves the conceptual plan, the Conservation Commission will monitor closely to ensure that all wetlands are protected, and that buffer values are correctly calculated according to Kingston’s point system. In order for wetlands and their buffers to fulfill their utility to wildlife, a percentage of upland must also be preserved in as natural a state as possible. Many of the homes on the conceptual plan fall too closely to wetland boundaries to allow for sufficient buffer if the homes are to have back yards.

We are assuming that a regional impact study will be done, as East Kingston will want to weigh in on this proposal.”

**Town Engineer comment(s):**

Mr. Quintal explained that this is a design review and no engineered plans were provided. For his brief review of this he had a few comments, 1) the wetlands will need to be accurately located and comply with the wetlands setback as mentioned by the Kingston Conservation Commission. 2) Stormwater management has to be addressed. 3) Waste and disposal systems have to be shown where they’ll be located.; and 4) a traffic impact, DOT approval would also be required.

**Applicant:**

Mr. Smith mentioned that they have an existing conditions survey that is done by Lavelle. The conceptual plan was for an age-restricted development, knowing for well upfront, and why they are before the Board preliminarily that this is not allowed by the zoning on this particular property. They know their options may be to go to the Zoning Board of Adjustment or wait until next year for possible rezoning. They are here to see if the Board has any general input.

The applicant provided information on Greenland as an example to show the differences between a conventional and age-restricted subdivision. The development fiscal impact of a property, the property would have facilitated 71 single family conventional homes or 168 single family detached condominiums in the age restricted development. These are all required to be two bedroom, in the age-restricted. The conventional was a mix of three and four bedrooms. When Mr. Welch went through all of the impacts on the municipality what he found is that on an annual basis essentially conventional subdivision that was nearly 100 units less than the age restricted was at about a half a million dollar deficit to the town, it was costing municipalities from their services. With the age restricted it was 1.42 million. Mr. Welch will be having the work done specific to this project as well. Mr. Smith commented that this seems like a huge win for

the municipality. This type of housing is still needed in Rockingham County because every one of these they have ever gotten approved, they literally can't build the houses fast enough.

Mr. Smith said that he did read through Mr. Greenwood's comments and what they used for their density calculations were based on the actual age restricted housing zoning in Kingston and doesn't apply to this particular property. All of this will have to be dealt with at the Zoning Board of Adjustment.

Mr. Smith described the conceptual drawing. In the Town of Kingston, it would facilitate at two units per acre, 96 units and what they have proposed is 64. In East Kingston there will be a club house with a pool amenity, pickleball courts, horseshoe pits-something like this; and a par 3 semi-private 9 hole golf course. He showed some photos of Three Ponds in Brentwood to show the sample ideas for the residences.

**Public comment(s):**

Public comment opened at 9 PM.

#1. Kenneth Cabral, 18 and 26 Pow Wow River Rd., Kingston –

- He said some of his property abuts this property. He didn't see any tax map information or the powerline coming through with the easements. He asked if there was a better plan on file with all the abutters.

Mr. Greenwood said no and explained that this is a design review, they can bring any plans they want to this meeting. As discussed, this doesn't even comply with the Town's zoning.

- Mr. Cabral mentioned that there is a wetland and conservation area that is behind his property.

Ms. Alessio clarified that the applicant is here to go over what they want to do on the property and they still have to go to the ZBA for relief because it does not comply with the zoning in that part of Kingston for what they want to use it for. Assume the Planning Board likes the idea they would go to the ZBA to request a variance to put an age-restricted development in that area. In which case they would have to develop the plans that would address Mr. Cabral's concerns where the wetlands are, where the power lines are, where the different lot lines are. This is what they would like to do it is not the detail at this point.

#2. Josh Mills, 139 Depot Rd., East Kingston –

- He asked for clarification on the word semi-private. Is it residents as well as open to the public?

Mr. Smith said that's correct.

#3. Laurie Farmer, daughter and son-in law own 28 Pow Wow River Rd., Kingston

- Commented that an over 55 development isn't bad and asked about the number of units (64).

Mr. Smith mentioned that what they used for density calculation is the old Kingston age-restricted housing formula. What they may get handed from the ZBA he is not sure. The entire property has about 70 acres of upland.

- Ms. Farmer pointed to the back part of the property on the conceptual sketch and asked if they plan on developing it. Mr. Smith said what they propose there is two water wells and nothing else.
- She asked if they were planning on developing more of the front of the property.

- She asked if the residents and the public will have access to the club house. Mr. Smith that is the current plan.
- Asked if these are all single family homes. Mr. Smith said yes.
- Ms. Farmer wanted clarification on what it was going to look like in the back area.
- The fact it was a golf course and probably had very treated surfaces with chemicals, does this go through any kind of process?

Mr. Smith said the drinking water well will be tested. The wells will have to be tested and permitted through the groundwater bureau (DES).

#4. Tom Soterakopoulos, 34 Pow Wow River Rd., Kingston –

- He mentioned he is an abutter.
- This is a proposal for a change in use. Are they looking for input from the Planning Board?

Mr. Greenwood said yes, they are looking for feedback from the PB in a non-binding discussion is all that they can do.

- Mr. Soterakopoulos stated that the over 55 housing has less impact on the Town. Would be better than having single family homes spread out there and having a larger impact.

#5. Lisa Bouchard, 26 Pow Wow River Rd., Kingston –

- She said she is all for this type of project. With a housing shortage this is fantastic.

Public comment closed at 9:14 PM.

**Town Planner comment(s):** Mr. Greenwood explained that the Town has over the years developed those areas that they felt they wanted to have age-restricted housing and it was generally under the premise that underwrote it was to locate it up around Town services. That's why you see them located near the center of Town. This would not be there at all. His preference is if this is going to be done is to do it through doing a zoning amendment as opposed to the ZBA trying to rationalize a variance for hardship when they can develop completely legitimately as single family. This discussion should center more on whether this is desired by the Town and wants more age restricted housing. We should amend the zoning ordinance the proper way instead of sending them down the path varying our zoning ordinance.

Ms. Alessio said that it is a terrific idea and mentioned that age restricted housing does have an impact on Town services because it generates a lot of ambulance calls. She noted this location isn't that far off the center of Town and she has no objections to it personally. The golf course is a nice touch to it.

Ms. Duguay said the perceived hesitation around changing the zoning ordinance would be time, the time it would take to do it. We just came off Town meeting. A zoning ordinance amendment wouldn't be voted on until the 2<sup>nd</sup> Tuesday of March 2025.

*<Board note: This hearing ended at 9:26 PM>*

**BOARD BUSINESS**

Ms. Duguay read from the legal notice:

- A. The Board will vote to change the **Notice Requirements for Public Hearings** from being published in a newspaper of general circulation to be posted on the home page of the Town's website in accordance with RSA 675:7.I.(b). The following Town regulations and Planning Board Rules of Procedures will be updated to reflect this change.
  - a) Article 904: SITE PLAN REVIEW REGULATIONS, section 5. Site Submission Requirements, **F. Fee for legal advertising** (904.5.F.).
  - b) Article 905: SUBDIVISION REGULATIONS, section 905.14. Submission Requirements, A. Application for Subdivision, 2. Fees, c. **Legal Notice Publication** (905.14.A.2.c).
  - c) Planning Board **By-laws, Rules of Procedure and General Governing Rules. Section 9. Notice of Public Hearing.**

**PROPOSED AMENDMENT TO THE SITE PLAN REVIEW REGULATIONS:**

- a) Remove section 904.5., F. in its entirety. "~~F.—Fee for legal advertising~~".

Replace with the following new language:

- 904.5., F.                      Notice to the general public will be accomplished by posting a legal notice on the Town web site home page as well as in two other locations in Town.

**PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS:**

- b) Remove section 905.14., 2., c., in its entirety. 2. Fees, ~~c. Legal Notice publication~~.

Replace with the following new language:

- 905.14., 2., c.,              Notice to the general public will be accomplished by posting a legal notice on the Town web site home page as well as in two other locations in Town.

- c) **Amend the PLANNING BOARD'S RULES OF PROCEDURE AT SECTION 9.0 NOTICE OF PUBLIC HEARING by changing the second line of the section to read as follows:**

Notice to the general public shall also be given at the same time by posting at two public places in Town and on the Town of Kingston website home page.

**MOTION** made by Ms. Alessio **to approve the zoning regulations a., b. and c.** (shown in the public notice) **as proposed. Seconded** by, Mr. Coffin. **A vote was taken, all were in favor, the motion passed. (4-0-0)**

B. **Article 907: PERFORMANCE GUARANTEE PROCEDURES, section 4.A.**

**MOTION** made by Mr. Coffin to continue to the April 16, 2024 public hearing at 6:45 PM, the change to the proposed language for Bonding to the of road and utility work to add the term "or sale of any parcel". Seconded by, Ms. Alessio. A vote was taken, all were in favor, the motion passed. (4-0-0)

**Approval of the February 6, 2024 meeting minutes**

**MOTION** made by Mr. Coffin to accept the 02/06/2024 minutes as written. Seconded by, Ms. Alessio. A vote was taken, all were in favor, the motion passed. (4-0-0)

**Approval of the February 20, 2024 meeting minutes**

**MOTION** made by Mr. Coffin to approve the 02/20/2024 minutes, *with the exception of line 232, change the word "stand" to "standard"*, as amended. Seconded by, . A vote was taken, all were in favor, the motion passed. (4-0-0)

**Correspondence:**

**Invoices for approval-**

- 1) Civil Construction Management invoice #24016, dated 03/04/2024, review of the Eversource site plan, Map R18 Lots 18, 29, 29A and 35B for \$75.  
Approved by the Board.
- 2) Civil Construction Management invoice #24017, dated 03/04/2024, review of the L.E.R. and McDonough lot line adjustment, MapR23 Lots 59, 0 and 63 for \$150.  
Approved by the Board.

**Letter from Michael DiGiammarino, Elm Grove Companies re: Millbrook RV Park, 99 RT. 125, Map R10 Lot 5.**

Ms. Duguay read the letter to the Kingston Planning Board from Mr. DiGiammarino. They intent of the letter is to inquire about setting up a permanent trailer food-selling operation in the park aimed at servicing both the campground residents and the public

**Board discussion:**

The Board discussed this request:

This would have to be a seasonal truck because of the Town's campground ordinance. If they wanted to do year round, that would require a completely amended site plan and satisfy all the inspections and regulations. The Town does have a food truck ordinance. The Board brought up that a site plan review would be required. Mr. Greenwood asked for what degree of site plan are being asked for. Mr. Coffin mentioned an expedited site plan. Mr. Coffin explained that the septic system requirements are significantly different for food preparation, have to have a certified food prep kitchen available and a septic system that is designed for food preparation and there are all kinds of permits and state requirements for a food preparation facility. If they are trying to get year round use that is not part of the expedited site plan. It needs to be made clear in the site plan if opened up to the public there are other restrictions that go with that. That really is a change of use, it is not just for the camp ground. That would be a change in traffic.

Mr. Coffin brought up that they started excavation near Mill Pond, filling of wetlands and dumping of material there. He noted that part of a site plan is you have to be in compliance with your existing site plan.

Mr. Greenwood said they have to do an amended site plan for the food truck. They should also be asked about the construction activity that appears to be going on there that shouldn't be that close to the water. The Board of Selectmen should be informed of this.

**Mr. Greenwood will send a letter to Mr. DiGiammarino in response to his letter and invite him to a meeting to talk more about his request. [A.I. 1-03.19.2024]**

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

The Board discussed this subject at the February 6, 2024 meeting and again tonight. At the 2/06/2024 meeting the Board voted to remove this page from the Town's ordinance book, however, it was raised by the Board of Selectman that this page is used to identify the dates zoning ordinances are updated.

The Board agreed to changed their decision to reinstate Article Preamble III with language that reflects amendments through the **current date** and agree that we do not have to go back and capture all the past zoning amendment dates and update Preamble III.

Board of Selectmen should be notified of this recommendation and notify the Planning Board on whether or not they approve this change before amending the Article.

**MOTION** made by Ms. Duguay **to make a recommendation to the Board of Selectmen to reinstate Article Preamble III Amendments, amended to read a) reflects amendments through the following date with the current date. Seconded** by, Mr. Coffin. **A vote was taken, all were in favor, the motion passed. (4-0-0)**

**Planning Board Application and Legal Advertising Fees** topics will be moved to the next Planning Board meeting.

**ADJOURNMENT**

Ms. Duguay declared the meeting adjourned at **9:57 PM.**

**\*Next Public Meeting is scheduled for Tuesday, April 2, 2024. Subject to change.\*\***