

**Kingston Planning Board  
Public Hearing  
March 16, 2010**

Chairman Norm Hurley called the meeting to order at 7:00 PM and introduced the members present: Glenn Coppelman, Ernie Landry, Jay Alberts, Richard Wilson, Dan Mastroianni, newly appointed Selectmen's Representative Chuck Hart and Circuit Rider Glenn Greenwood. He also confirmed that Mr. Wilson and Mr. Mastroianni had been re-elected at Town Meeting. Alternate Marilyn Bartlett joined the meeting in progress.

Mr. Coppelman informed Mr. Hurley that election of Planning Board officers should be the first item on the agenda. Mr. Hurley asked for nominations. Mr. Alberts nominated Mr. Hurley for Chairman; second by Mr. Wilson; motion passed with Mr. Hurley and Mr. Coppelman abstaining. Mr. Alberts moved to appoint Mr. Wilson as Vice-Chairman; motion passed unanimously with one abstention (Mr. Wilson). Mr. Wilson moved to re-appoint Mr. Coppelman as the Planning Board's representative to the Historic District Commission; second by Mr. Landry. Motion passed unanimously with Mr. Coppelman abstaining.

**Board Business:**

Mr. Hurley noted that Pope Emergency Housing must now have a utility license in order to comply with a change in State law.

He also announced that registration is now open for the seventeenth Spring Zoning and Planning Conference to be held at the Radison Hotel in Nashua on April 27, 2010. The cost is \$60.00.

Mr. Hurley read a notice from DES regarding "Fix a Leak Week" from March 15<sup>th</sup> to March 21<sup>st</sup> urging residents to fix leaky water connections as soon as possible. He also read another notice from DES on how to deal with mold. A third notice from DES dealt with the safety of drinking water in flooded areas.

Memo received from Ray Fournier relative to the cell tower project. Mr. Greenwood noted that this project will be discussed at the next work session on March 23<sup>rd</sup>.

Mr. Hurley announced that the Rockingham County Conservation District will conduct a workshop on Conservation Easements on April 17<sup>th</sup> from 6:30 to 8:30 PM in the Hilton Room at the County Home. Pre-registration is required by April 1<sup>st</sup>.

It was noted that the Board needs to discuss recording of plans with the Registry. Board needs to determine which pages of a multiple page plan need to be recorded.

Board discussed inviting NHMA (LGC) to address the Town Boards and Committees regarding their roles and responsibilities. Mr. Greenwood said NHMA will do this but wants more than just Kingston to participate. He will send a memo to the Selectmen regarding this and will contact the six towns abutting Kingston to see if any has an

interest. The tentative date for this workshop is May 4<sup>th</sup> at 7:15 PM. Mr. Greenwood will develop an informational flyer to distribute to our Boards and Committees and to the abutting towns.

**Family Pools**  
**3 Newton Junction Rd.**  
**Tax Map R9-86 and R9-87**

This is a continuation of the Public Hearing of February 16, 2010. Dennis Quintal and Dave Dufresne represented Family Pools. There were some items that needed clarification. Mr. Quintal said one item was the display area. The plan has been revised so that it is moved outside the buffer zone. The display area is now inside the building setback line so no variance is required. The second issue was the driveway on the east side of the building. They have decided not to change this at this time. If in the future they want to change it, they are aware that a variance from the ZBA will be needed. Mr. Quintal said he has not seen a review of this project by the consulting engineer but did talk with Mr. Greenwood. Mr. Greenwood said Mr. Walker had no problem with the changes and there was a letter on file regarding this. Mr. Hurley read from Mr. Walker's letter. He recommended erosion control devices be used during construction. The letter should be filed with the plan before recording. The fourth item was the merging of the lots. Mr. Quintal said the tax maps show two lots but there were originally three parcels. There were two deeded parcels and also a deeded parcel from the State of New Hampshire that was added. The three parcels need to be merged to make one lot. Mr. Quintal submitted a completed Voluntary Lot Merger form to the Board. Mr. Hurley read Dept. Head comments from the original review of December 11, 2009. He said their concerns have been addressed. Mr. Landry had concerns on the signage. Mr. Dufresne said there will be two signs; one over the other for the two businesses. Mr. Coppelman reminded him that there have been changes in the lighting ordinance that was passed at Town Meeting. Ms. Bartlett will replace Mr. Mastroianni to vote on this Public Hearing. Mr. Coppelman asked the Chairman to re-read the Police comments from the first review. Chief Briggs had recommended that the main entrance and exit be clearly marked with arrows. He was concerned with sight distance. Mr. Wilson recommended that the entrance and exit arrows be included in the plan. Mr. Greenwood re-iterated he wanted Mr. Walker's comments included. They will be included on page two for recording. Mr. Wilson moved that the Town record page two of the plan with three contingencies; arrows on the driveway, rip-rap maintenance and sign lighting must comply with the Town Ordinance. Mr. Coppelman added the signage must comply with all Town rules and regulations. Motion seconded by Mr. Alberts. Motion passed with Mr. Hart and Mr. Mastroianni abstaining. Mr. Hurley signed the Voluntary Lot Merger application and Mr. Greenwood will forward it to the assessor.

**Diamond Oaks Golf Club**  
**Tax Map R3, Lots 4, 4C and 13**

Mr. Hurley noted there was a Technical Advisory Committee Meeting relative to this project held on March 8, 2010. He gave a synopsis of that meeting. Attending were

Glenn Greenwood, Police Chief Don Briggs, Health Officer Larry Middlemiss, Fire Chief Bill Seaman, Fire Inspector Scott McLellan, Building Inspector Robert Steward, Town Engineer Dennis Quintal and Norm Hurley. Lynn Merrill represented Diamond Oaks. A number of concerns were expressed at this meeting including the entrance/exit. There is only one which is through a very long road. Lynn Merrill addressed the Board. She said there have been changes but the revised plan is not yet complete. The plan has gone from 44 two family/duplex units to 35 single family detached units. She also said the “condo docs” have been changed in order to comply with Attorney Loughlin’s requests. Ms. Merrill requested the Board to do a site walk of the property. She believes this would clarify a number of questions. Mr. Hurley stated a Site Walk was also highly recommended by the Technical Advisory Committee. Mr. Coppelman said he would like the Technical Advisory Committee to review the new plan before the site walk. Ms. Merrill said they could have a plan ready by this coming Monday. It was agreed that the site walk would be held at 9:00 AM, Saturday, April 10, 2010. The Technical Advisory Committee will meet on Monday, April 12, 2010 at 3:00 PM to review the new plan and discuss the results of the site walk. Mr. Greenwood will contact the Plaistow Planner since this project has been determined to have regional impact. He will also contact Newton. Ms. Merrill stated that as the plan is being revised, the engineer is trying to incorporate the Town Engineer’s comments into it. She suggested that the applicant’s engineer and the Town Engineer meet to discuss the revisions. The applicant’s engineer is Steve Cummings. Mr. Hurley read a letter from Town Counsel, Peter Loughlin. The letter was in reference to the proposed “condo” by-laws. Ms. Merrill said the Board should also have a letter that states all of Mr. Loughlin’s concerns had been addressed. Mr. Greenwood stated that Attorney Loughlin has requested that in the Planning Board review process if any new items or changes arise that he be informed. Mr. Wilson said he would like the private road to meet all Town standards. Mr. Landry said he would like to know if this project falls under Innovative Zoning or not. Mr. Hurley said he thought it was under Commercial/Mixed Use. He asked Mr. Greenwood to advise the Board as to which ordinance they should be using. Ms. Merrill said they have incorporated sections of various ordinances. Mr. Hurley asked for public comments; there were none. Mr. Wilson moved to continue this Public Hearing to Tuesday, April 20<sup>th</sup>, 2010 at 7:30 PM. Motion passed unanimously. This date is after the site walk and the Technical Advisory Committee meeting.

**Other Business:**

Mr. Hurley said at the March 23<sup>rd</sup> meeting, the Board must set up a schedule for gravel pit site walks.

The Board had also considered setting up policies for potential windmill sites. It was determined that this should be added to the ongoing agenda for further consideration. Any model ordinances should be reviewed.

There was discussion on Blasting Ordinance. It presently only covers ground water. This needs to be expanded to cover all blasting and have ground water incorporated in it.

It was noted that the Workforce Housing Article was passed at Town Meeting and Ms. Faulconer had advised that thresholds be established. Mr. Greenwood said the definition that the Board adopted establishes the thresholds. There were things, however, that might need to be added. Mr. Greenwood said he should probably take this as an Action Item. He would thing bring suggestions to the Planning Board. The Workforce Housing Ordinance will be discussed at the April 6<sup>th</sup>, 2010 Meeting.

Ms. Faulconer also wrote that the Board may want to consider the process for applying for grants from the Rockingham Planning Commission (RPC). Mr. Greenwood said the Board typically applies for a targeted Block Grant. That application usually comes out in June with a deadline for completion in late July or early August. Mr. Greenwood said the project cannot exceed \$6000 with a \$3000 match by the Town. He said Kingston budgeted \$2500 this year so the Town could do up to a \$5000 project. Mr. Coppelman said he had contacted the NH Estuaries Program regarding a grant and though grant money is not available at present, he was advised to contact them again around June.

Mr. Hurley noted the continuation of the by-laws discussion is next week. He asked the Board to review them before the meeting so they can make recommendations at that time. He would like to complete this as soon as possible and distributed to all members. He would also like the by-laws inserted in the front of the ordinance book.

Correspondence received from PSNH regarding what property owners need to know about developing within PSNH easements. Information given to Dennis Quintal, Town Engineer.

Mr. Alberts moved to accept the Minutes of February 16th, 2010 as written; second by Mr. Wilson; motion passed with three abstentions.

Mr. Wilson asked if the Selectmen were going to ask for a recount on the water protection article and if not, why not. He said there was only an eight or twelve vote difference. Mr. Hart said there would not be a recount. Selectmen had not discussed it and the time frame has now lapsed. Mr. Wilson also asked the Board to recognize the passing of Ken Briggs. Mr. Briggs had served as Town Engineer for many years without any charge to the Town. Mr. Hurley noted the passing of Brian Quinlan, longtime Chairman and member of the Conservation Commission. He requested a moment of silence in honor of these two outstanding volunteers.

Mr. Hurley announced DES will hold a Drinking Water Source Protection Workshop on Friday, April 30, 2010 from 9:00 AM to 4:00 PM at the Grappone Conference in Concord.

**YMCA Camp Lincoln**  
**67 Ball Rd.**  
**Tax Map R25-03**

Mr. Greenwood said the Planning Board had denied Camp Lincoln's request for an expansion of use so that they could apply to the ZBA for a Special Exception. The ZBA granted the Special Exception and they have now re-applied to the Planning Board. They wish to erect 30' x 32' storage garage for the residential structure and the existing camp facility. Mr. Wilson moved to take jurisdiction; second by Mr. Coppelman. Motion passed unanimously. Mr. Alberts moved to grant all the waivers as requested in the application; second by Mr. Wilson. Motion passed unanimously. Mr. Coppelman moved to lower the all engineering fees from \$5,000 to \$0; second by Mr. Wilson. Motion passed unanimously. Mr. Hurley said the proposal is the same as the last one. They are seeking to erect a 30' by 32' garage /storage area. Mr. Wilson moved to approve the proposal; second by Mr. Alberts. Motion passed unanimously. A Notice of Decision will be sent to Camp Lincoln.

**Other Business:**

Mr. Greenwood said there were some other things he wanted to bring before the Board. He said there will be a new tenant at Commerce Park on Route 125. It is an auto sales business. He said they have told him all the work is done through the internet. Mr. Greenwood and the Inspectors have told them they cannot have any vehicles on display outside because the Site Plan does not allow this. There is only room for about six vehicles inside. Mr. Greenwood said they do not seem to have a problem with that as they show pictures of the vehicles on the internet. If the inspectors see vehicles outside, they will report this to the Planning Board. Mr. Coppelman asked if repairs were involved. Mr. Greenwood said the business is for sales only.

Mr. Greenwood also stated that the owners of Memories Ice Cream have applied for a Building Permit. It is for the house and involves breaking through the barn wall. Mr. Greenwood believes the application is for a second floor addition. Robert Steward, the Building Inspector, asked him if that constituted a need for a new Site Plan Review. Mr. Greenwood told him he did not think it did because the Site Plan never talked about the residential property. It is going into a section of the barn but it is his understanding that it is not a section involved with the ice cream store. He does not believe there is any public access between the ice cream store and the barn. There is certainly no public access to the further end of the barn. Mr. Greenwood does not believe there is need for a new Site Plan. Mr. Coppelman it is only shown on the Site Plan as a residence. Mr. Greenwood said there is at least 75 ft. from the ice cream to the wall of the barn where they would break through for the addition. Mr. Greenwood does not believe there is any exterior change to the barn. Mr. Hurley said a certain fire separation must be maintained between the commercial and residential uses. Mr. Wilson asked about changes to lot coverage. Mr. Greenwood said there would not be any. Mr. Hurley said it is an issue between the Building and Fire Inspectors. He said it is not an issue for the Planning Board. Mr. Greenwood will get back to Mr. Steward.

Mr. Hurley noted there were some invoices that needed to be approved. One is from Dennis Quintal for review and changes to Article 900 for the meetings of February 16<sup>th</sup>, February 23<sup>rd</sup> and March 2<sup>nd</sup>. It is for \$420. The next invoice is for \$1105 for a site visit,

review and report on the Diamond Oaks project. Since there were no objections from the Board, Mr. Hurley approved payment.

Mr. Hurley also reviewed upcoming Conferences and Workshops. If Board members are interested in any of these, the information is available in the Planning Board Office. Mr. Coppelman said these workshops involve the updating of the five year Rockingham Development Plan.

There was also discussion of bonds still being held.

Mr. Quintal said he has been asked by Diamond Oaks about the use of porous pavement in place of designing storm water drainage. He would like the Board's input since we have an aquifer to protect. Porous pavement allows any drainage to run off into the ground. You don't have to have catch basins and storm water retention basins. Mr. Quintal said the area is either in the Aquifer Protection Area or very close to it. Mr. Coppelman said he would be very skeptical about porous pavement particularly in this area. Without proper maintenance, the little pores fill up resulting in the loss of infiltration and an increase in run-off. Mr. Quintal said with porous pavement, any spills will go through it rather quickly. He agreed with Mr. Coppelman that this is a maintenance issue. Mr. Hurley questioned if this location was the right place for it. Mr. Wilson agreed and said the Board should discuss this further. Mr. Quintal said it does work in some areas and is currently being tested at UNH. Mr. Greenwood said the new Target parking lot in Greenland is porous pavement and is being monitored by the UNH storm center. He said he has heard there have been problems. He would advise that the Board go slowly with porous pavement particularly with the size of this development.. Mr. Wilson said the current rules and regulations would not allow it. Changes would have to be made. Kingston presently requires an impervious surface.

Mr. Hurley questioned how far should the Board go in trying to accommodate all the recommendations of the Technical Review Committee, Mr. Greenwood said the TRC is comprised of Department Heads and they are our safety experts. He said we listen to their recommendations on the Diamond Oak project as we would on any project but ultimately it is a Planning Board decision. Mr. Wilson said the potential tax revenue from this project is enormous. Mr. Landry said he felt the Board should look at the buffer requirements. It seems the buffering should be scaled to the scale of the project. Mr. Hurley said the question arises whether workforce housing in the commercial district be considered residential or commercial. If it is considered residential, a 500 ft. buffer would be required. Mr. Greenwood said if it is a multi-family structure, it would be considered commercial.

Mr. Wilson moved to adjourn at 9:10 PM; passed unanimously.

Respectfully submitted,

Ann T. Sullivan