

**Kingston Planning Board
August 24, 2010
Public Meeting**

Minutes

The Chairman called the meeting to order at 7:00 PM; there were no challenges to the validity of the meeting.

Members Present:

Rich Wilson, Chair
Jay Alberts, Vice Chair
Rich St. Hilaire, Alternate

Ernie Landry
Glenn Coppelman

Members Absent: Dan Mastroianni, Chuck Hart, BOS rep., Marilyn Bartlett, Alternate

Also present: Glenn Greenwood, Circuit Rider Planner, Dennis Quintal, Town Engineer (joined the meeting in progress), Ellen Faulconer, Administrative Assistant

Mr. Wilson noted that Adam Pope, Board alternate applicant was present in the audience.

Mr. St. Hilaire will be a voting member this evening.

Board Business

Critical Correspondence:

- Invoice from Civil Construction was received; approved by the Board and signed by the Chairman.
- Budget Submission packet was received; Mr. Wilson proposed adding a line to the Budget to allow the Health Inspector to attend the public hearings with the possibility of charging the expense back to the applicant. He stated that he felt that it was important to have the Health Officer present and that doing so might move the process along rather than postponing to get required clarification on a Health issue.
- Memo received from BOS regarding Wayne Kinney property and antique shop; the activity will be ended by August 31st.
- CIP meeting notice
- Notification of September 8, 2010 Groundwater Meeting; Mr. Greenwood explained that it is a recap of feedback received throughout the State.
- Municipal Ecolink included reminders of upcoming grant opportunities.
- Brochure for Alternate Energy Farms Tour
- ZBA minutes from August 12, 2010.

ACTION ITEM: Ms. Faulconer to email ZBA minutes to the Board members.

Board Vacancies

Mr. Wilson informed the Board that two letters had been received volunteering to fill the open Board positions; one from Adam Pope and one from Stanley Shallette. Mr. Wilson recommended keeping Mr. Shallette's letter on hold and review at another time. While reviewing the terms available for the open positions, Ms. Faulconer discovered that Mr. St. Hilaire had continued in his role as alternate per the Board's previous discussion, he needed to have this continuance formalized.

MM&S to continue Mr. St. Hilaire's alternate status for the 2013 alternate position. (Motion by Mr. Coppelman, second by Mr. Alberts) **Motion passed 4-0-1** (with Mr. St. Hilaire abstaining).

Mr. Wilson reviewed the open positions; Mr. Pope had expressed interest in the alternate position. Mr. Coppelman thought that the appointment to the alternate position would be appropriate; the Chairman appoints an alternate to fill a full-time position as needed; the appointment for the alternate position would also provide for more longevity in the position as it continued through 2012. Mr. Wilson agreed.

MM&S to appoint Adam Pope to fill the alternate position; term expires in 2012. (Motion by Mr. Alberts, second by Mr. Coppelman) **PUNA**

Mr. Pope's appointment papers were completed and given to him to get sworn in by the Town Clerk.

Board Business, Continued

Committee Updates:

HDC: Mr. Coppelman reviewed the meeting held on August 10th; an application on Main Street was reviewed but further information is required; Julie LaBranche, Senior Planner from RPC, did a presentation on form-based code zoning. Mr. Wilson noted that Newton has a Historic District membership drive that he found to be an interesting concept.

ZBA: Mr. Alberts reviewed the meeting held on August 12th; Tasback LLC was granted a special exception; an applicant at Wadleigh Point Road asking for a variance to enlarge a structure was continued to gather additional information.

CIP: Mr. Coppelman said that the CIP Committee had been reconstituted; the first meeting was this upcoming Thursday.

Board Vacancies, continued

Mr. Shallette joined the meeting at this time. Mr. Wilson explained that his letter was put on hold pending the court update. Mr. Shallette briefly spoke to the Board about the newspaper article. Mr. Wilson said that the Board did not want to say "no" as everyone is

innocent until proven guilty which is why the Board is keeping his letter to volunteer on file. Regarding remaining on a Board, Mr. Wilson agreed that if Mr. Shallette was already on the Planning Board he wouldn't be expected to leave the Board but that it wouldn't be right, at this time, to act on his letter one way or the other. Mr. Coppelman agreed with Mr. Wilson's point that it would not be appropriate to act at this time and the Board could re-address after there is an outcome.

Mr. Wilson clarified that the letter of intent to volunteer to fill a Board vacancy would be put on hold and the Board would hope to hear back from Mr. Shallette. It was explained to Mr. Shallette that there would be two elected positions to be filled in March along with an alternate position. There were no other opinions expressed by any Board members.

MM&S to postpone any decision on Mr. Shallette's letter pending a decision on the allegations; this was not a denial or affirmation; pending the return of Mr. Shallette expressing his continued interest. (Motion by Mr. Wilson, second by Mr. Coppelman) **Motion passed 4-0-1** (with Mr. Alberts abstaining).

Board Business, continued

MM&S to approved the minutes of July 27, 2010 as written. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

Workforce Housing Discussion

Mr. Greenwood explained that the hand-outs about affordability, given out previously, were recently emailed to the Board members.

<Board note: Mr. Pope provided the Board with his notarized appointment papers and joined the Board.>

Mr. Greenwood reviewed the process by which Workforce Housing had been adopted by the Town; he stated that a couple of areas in that Ordinance needed some additional work which the Board scheduled for discussion this evening. Mr. Wilson explained Ordinance adoption and occasional changes/updates for Mr. Pope's benefit.

Mr. Greenwood noted that the requirements of continued affordability needed to be in the Ordinance. He referred to section "B" as an example of how to achieve that goal; he said there is no standard per State law but the intent is to have it be "affordable" for some specified period of time. There was discussion regarding how the development was monitored for affordability. Mr. Greenwood explained that the SFR developments have it in the mortgage documents; rentals need income limits with an annual monitoring. He explained that Town's usually find a third party to do the monitoring such as the New Hampshire Housing Finance Authority (NHHFA). He explained that if this agency is used, then the NHHFA's restrictions must be followed and the development is subject to their lien documentation. Mr. Greenwood added that this would be a preferred method for developers and recommends this as at least one option.

Mr. Greenwood explained that Kingston is currently exempt from the Single Family requirement as the State requirement has been met; the Town would need to be re-evaluated every one to two years, at least initially. The requirements levels were reviewed. Mr. Greenwood said that the lien restriction would only apply to the multi-family units. He re-iterated the importance of addressing these issues in the Ordinance.

Mr. Coppelman, referring to section “A”, asked how the tax records get supplied. Mr. Greenwood answered that the NHHFA would get them; he explained that originally it would be the owner of the building with the requirement tied to the lease that needed to be updated yearly; if no longer qualifying they could no longer lease the unit. During discussion, it was clarified that the Town must allow for this type of development; not provide the housing itself.

The Board was in agreement that “page one” was good.

The Board reviewed page 2: Buffering. Mr. Greenwood stated that the most efficient way is to require a detailed landscape plan to act as exterior buffering. Mr. St. Hilaire noted that the second diagram shown in the “bufferyard” was not to scale and added that it needed to be shown to scale or removed. He referenced the last page of the material regarding the Bond for the plantings. He recommended that the bond be for more than one year and felt that 5 years might be more appropriate. Mr. Coppelman referred to language that said “portion of the bond” and commented that the amount of the portion should be specified. Mr. Wilson had no problem with 100% being required. Mr. St. Hilaire suggested at least requiring a Maintenance Bond for the landscaping. He suggested including these items as part of the overall Commercial Bond required for the entire development along with items like Stormwater Management.

At this point, the Board discussed the need for the proposed changes to address the scaling of the drawing; the bonding area to be addressed and expanded so that plantings/buffer screening/seeding to be a line in the overall Bond. Mr. St. Hilaire clarified that only a portion needs to be kept as maintenance to replace items that die; it should be kept for longer than one year which needs to be specific.

Mr. Coppelman returned to discussing specifications shown in “buffering”. He questioned whether the “9 trees and 9 shrubs” were sufficient for a 125 sq. ft. area. He suggested that there needs to be additional standards noted specific to buffering differences between residential to residential versus residential to commercial. Mr. Greenwood clarified that while this would be a commercial endeavor, the use is residential; he added that there is also the potential for multi-family residential abutting single family residential. The Board reviewed the possibility of specifying commercial use and residential use versus commercial zone and residential zone as this distinction would be clearer. Mr. Greenwood noted that buffering is a function of cutting down on residential conflict.

Action Item: Mr. Greenwood will re-write the proposal to address the single family use versus multi-family use and the multi-family use versus commercial use.

Mr. Wilson suggested adding in words to clarify that the planting of 9 trees and 9 shrubs is a minimum standard; Mr. Coppelman agreed and proposed adding language explaining that the lay-out was just a depiction of a possibility and add in a disclaimer of some type. The Board discussed options such as adding that the required buffering described is to act as screening for the development and the Planning Board will review on a per site basis; a landscaping plan will be required.

ACTION ITEM: Mr. Greenwood will work on amending the Buffering language and return to the Board.

Mr. St. Hilaire agreed with Mr. Coppelman that the 9 trees, 9 shrub proposal was insufficient as shown. The Board continued discussing language for the screening. Mr. Landry asked that there be a requirement to show how long the plantings would take to be filled in to provide the buffer. Mr. Wilson agreed that there should be a timeframe in which the Planning Board expects that the buffer will be filled in. It was suggested that the landscaper would be able to design to meet the required outcome; the Board could determine that 5 years could be the projection if that is how long the bond would be held.

Mr. Coppelman returned to language in section “A” regarding “no parking” in the buffer zone; he suggested that it no be specific parking and instead say no uses within the buffer. Mr. Greenwood suggested the possibility of allowing ornamental fencing which could also achieve the buffer intent; he proposed saying that the only thing allowed in the buffer area may be additional types of screening. The Board discussed accepting other suitable screening such as stockade fencing; concerns were raised about allowing fencing in place of plantings. While discussing requirements, it was clarified that site plan review would always apply to these types of developments; subdivision might also apply. Mr. Greenwood suggested the allowance of a stockade fence as an option; Mr. Coppelman thought it a good idea if not used to completely replace the vegetated cover. Mr. Landry discussed the possibility that commercial uses could be next to this type of development that would be visible over a stockade fence opposed to the visual buffer achieved by trees and plantings. He stated his belief that, with only the stockade fence, the quality of life is being diluted for the people in workforce housing; he would be opposed to using a stockade fence in place of landscaping but would be comfortable with it being used in conjunction with landscaping and a vegetated screen.

Mr. Coppelman addressed the language referencing mature height. The Board agreed that “6 ft. in height” should say “at least” 6 ft. in height; mature heights shall have the words “at least” added before the height. The Board discussed minimum height requirements.

ACTION ITEM: Mr. Greenwood to re-write the landscaping/buffering proposal; remove the language allowing display of goods in front yard buffer.

Mr. Coppelman stated that the language that says “may” require a bond should say “shall” require a bond; a measurable number needs to be established for Portion issues; the Board discussed going to five years.

Mr. Landry referred to 1E; he was concerned that an existing screen not be removed to meet the requirements of the ordinance; language needed to be added clarifying, as an example, that 50 evergreens didn't need to be removed to meet the rest of the requirements. Mr. Greenwood suggested adding "existing natural growth that is determined to satisfy the required screening would be allowed".

ACTION ITEM: Mr. Greenwood to add language that makes the Board's intent concerning buffering clearer; reflect minimum buffering requirements.

Plan Review: Diamond Oaks Golf Club, LLC

The Board reviewed the plans that were accepted for jurisdiction on August 17, 2010; review possible bonding for the development of the site.

Subdivision/Road Bonding

Mr. St. Hilaire stated that the Town of Brentwood's specifications had been sent out to the Board members; he explained that the Town needed to change bonding requirements with no final release until As-Built plans are accepted.

ACTION ITEM: Mr. St. Hilaire, Mr. Greenwood, Mr. Quintal and Ms. Faulconer to review the language to propose changes for the Board to review; meeting scheduled for Tuesday, Sept. 8th from 1:00 – 3:00 PM; the updated proposal to be ready for review on September 21st.

Driveway, Site Plan, Subdivision Diagram Updates/Language

Proposed language was distributed that goes along with the diagrams adopted at the last hearing.

ACTION ITEM: Ms. Faulconer to post hearing for Sept. 21st.

Board Business, continued

ACTION ITEM: Mr. Wilson to discuss the upcoming PREP grant with the Health Officer.

Mr. Wilson suggested that the Board review property adjacent to Rte. 125 and zoning; review tax maps for the possibility of "cleaning up" the zones per the work that Kathy Sanford was doing on those maps.

Work product for the TBG grant was discussed; the Board agreed to include preparation of smaller versions of the overlays for the Board to work with and one for the Selectmen's office to use.

MM&S to adjourn at 9:30. (Motion by Mr. Coppelman, second by Mr. Alberts) PUNA