

**Kingston Planning Board  
September 21, 2010  
Public Hearing**

**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  
Chuck Hart, BOS rep.  
Rich St. Hilaire, Alternate

Ernie Landry  
Glenn Coppelman  
Dan Mastroianni  
Adam Pope, Alternate

Members Absent: Marilyn Bartlett, Alternate

Also present: Glenn Greenwood, Circuit Rider Planner, Ellen Faulconer, Administrative Assistant

Mr. Pope will be a voting member this evening.

**Board Business**

The non-critical correspondence folder was passed around for Board members' review.

**Critical Correspondence:**

- Copy received of Mr. St. Hilaire's appointment papers.
- Memo from Ms. Faulconer re: updating Master Plan chapters in conjunction with mapping project.
- Notice received from KCC announcing the appointment of Alicia Robinson as Chairperson.
- Packet received from CIP re: CIP request submissions; possible projects for the future were discussed including expansion of office space, future commercial water district.
- Stormwater Protection Grant application, due November 1<sup>st</sup>.

**ACTION ITEM: Mr. Greenwood will familiarize himself with the grant and get back to Mr. Wilson.**

- Copy of RPC TBG grant submittal. Mr. Greenwood stated that the grant had been awarded to the Town of Kingston.
- Memo from Ms. Faulconer re: Design Review Procedure and costs incurred by the Board.

**MM&S to amend the procedure for Design Review Application to include the requirement of a \$250 Engineering Bond for any required professional review. (Motion by Mr. Coppelman, second by Mr. Alberts) PUNA**

- Bond Balance list received from the Financial Officer.

**ACTION ITEM: Mr. St. Hilaire to review the Bond Balance list with Ms. Faulconer.**

- Receipt of 911 Mapping Information Notification
- DES notification of fall drawdown of the lakes.
- Copy of letter received from RPC regarding dues.
- Notification from RCCD of test pit on property on Hunt Road.
- Planning and Zoning Conference Notification. Mr. Coppelman encouraged Board members to attend.
- Law Lecture Series Notification.

### **Budget Discussion:**

Draft budget proposals were distributed to the Board. Mr. Wilson pointed out the new line for “In-house Consultant” which would be used to pay for the Health Officer to attend each month’s public hearing; he explained that this would have off-setting revenue due to this expense being charged back to the applicant. Mr. Wilson added that this would only happen if the application called for his input and stated that having the Health Officer present would help speed up the process.

Mr. Wilson told the Board that Ms. Faulconer had suggested that the Board purchase a “Map holder”; it would be portable so it could be brought from the office to the meetings. With the grant received for the map project, this would provide a place for them to be stored while still available for the Board’s use. He was asking if the Board would recommend purchase within this year’s budget. Ms. Faulconer explained that there had been funds allocated to purchase additional equipment for the current copy machine; this use of this purchase seemed to be able to be taken care of with existing equipment. Mr. Wilson asked Mr. Hart about purchasing it with this year’s office equipment funds. Mr. Hart told the Board to write up a purchase order for the item.

**ACTION ITEM: Ms. Faulconer to write a purchase order for the map holder and clips.**

### **Minutes:**

**MM&S to accept the August 3, 2010 minutes as written. (Motion by Mr. Alberts, Second by Mr. Coppelman) Motion carries 5-0-2, Mr. Pope and Mr. Mastroianni abstaining.**

**MM&S to accept the August 17, 2010 minutes as written. (Motion by Mr. Alberts, second by Mr. Coppelman) Motion carries 6-0-1, Mr. Mastroianni abstaining.**

- Mr. Coppelman received a copy of a disc from RPC by the New Hampshire Housing Finance Authority, "Meeting the Workforce Housing Challenge" to provide to the Planning Board. This is also available on the NHHFA website.

## **Diamond Oaks Golf Club, LLC**

### **Public Hearing**

Mr. Wilson opened the hearing which is a continuation of the hearing from last month. Ms. Merrill, Mr. Cummings, and Mr. Dufresne were present and joined by Attorney Sullivan. Ms. Merrill stated that they had prepared some answers raised at the last meeting and asked to hear Department Head comments.

Mr. Wilson read comments from the Kingston Conservation Commission (see attached) which included issues with the Open Space being used as a Golf Course; no Wetland Scientist Stamp on the plans; wanted to review the Wetland Function Study. Ms. Faulconer noted that she had recently provided a copy of that study to the KCC. Mr. Greenwood stated that he had sent a copy of the Wetland Study to the Rockingham County Conservation District for their review; he would contact them regarding the results of their review.

### **ACTION ITEM: Mr. Greenwood to contact RCCD about the Golf Course Wetland review.**

Mr. Wilson read the comments from the Fire Department (see attached) which included comments regarding the need for clarification of the "storage" designation in the clubhouse; elevator icon shown; fire suppression requirements of either sprinkler system, fire pond or cistern; 20 foot minimum access; knock box key system; NFPA code 101 requirements; signage and house number sequencing. Ms. Merrill said that the elevator icon was a mistake; there was no need for an elevator in the clubhouse. Mr. Cummings stated that he will check on the fire protection details. He added that he had spoken with Police Chief Briggs who asked for lighting at the intersection of Rte. 125. Mr. Alberts stated that he had spoken with Chief Briggs who had contacted DOT and was all set with the project. Mr. Wilson noted that the Lighting Plan had been sent to the Energy Committee on Sept. 9, 2010 and the Board had not received a response from them yet.

Mr. Cummings stated that he had responded to Mr. Quintal's comments in a hand-out that he then presented to the Board (see attached); he added that Mr. Quintal received these comments today.

Mr. Greenwood confirmed that he and Mr. Quintal had reviewed the pages of the plan that would need to be recorded. Mr. Greenwood said that any page showing a Town line would need Plaistow's endorsement as well as Kingston's; it is a requirement at the registry. Mr. Wilson asked to confirm that this plan is not of regional impact. Mr. Greenwood explained that there are 6 items, including aquifer and wetland impacts that

make something of regional impact; for development proposals the issue is usually traffic but this is not at the level of regional impact.

Mr. Cummings referred the Board to page 3, #7; he said that there are phasing lines that show how the buildings will be phased, but as to utilities and roadwork, he has questions about bonding issues that would have an impact on how the project would be built out. He asked the Board to discuss and clarify how the bonding would work.

Mr. St. Hilaire commented that the proposed road was not going to be a Town road. Mr. Wilson asked what the procedure had been for projects such as Ash Drive; Mr. Alberts added the projects at Lantern Lane and Valley Road; he suggested that there wouldn't need to be a bond since it was going to be a private road. Mr. St. Hilaire stated that he could not recall what had happened on those projects. He suggested that there be some research done to answer the question.

**ACTION ITEM: Ms. Faulconer to research the road bond history for Valley Lane, Ash Drive, Lantern Lane and Rowell Estates.**

Mr. St. Hilaire noted that Valley Lane was supposed to be a private road but there was a bankruptcy procedure; there were negotiations between the Town and bank attorneys and it became a Class V road. Mr. Coppelman asked if this was a situation that the Board needed to assume could happen at some point and have that guide the Board in making a decision regarding the construction and the bonding. Mr. St. Hilaire stated that the Town got burnt once; he said that the research will show if the Town let the other projects go forward without posting road bonds. Mr. Cummings stated that the intent would be to build as they go; in conjunction, he said that it would matter how the Building process would be allowed. Mr. Dufresne said that the project should be done in two phases; the main road and the loop as the first phase and not paving the road until they had to get Occupancy Permits; he explained that there would be building going on until before the road was paved but the road would be paved before an Occupancy Permit would be issued. He continued that the second phase of the roadwork would be the road with the cul-de-sac; the binder would be put down before the Occupancy Permit would be issued. He re-iterated that the binder would be put down before the issuance of an Occupancy Permit. Mr. Dufresne stated that the top coat would not be done until the project was significantly built out; when all the truck traffic was done. Mr. Dufresne stated that there could be a lot of building that went on without the binder coat. Mr. Wilson confirmed that the Board wanted to wait on this decision until the research was done about the other projects. Mr. Coppelman said that he thought that the decision should be made more on the possibility of exposure to the Town rather than what had been done; if the Town hadn't done road bonds in the past didn't necessarily mean that the Board should continue that practice if there is valid reason for protecting the Town by doing a bond; he added that the Board was not obligated to perpetuate a practice if it wasn't the best way to do things. Mr. Wilson stated that the other side of that argument was that it was a private development and what recourse did those residents have against the Town anyway if the project did go bankrupt. Mr. Coppelman explained that the Town is still responsible for providing services to those residents. Mr. Wilson said that if the road wasn't put in, it would be the private residents

against the association. Mr. Greenwood said not issuing a Certificate of Occupancy until the road was substantially complete would provide assurances for the Town; he added that this is fairly common in other Towns to not require a bonding mechanism for a private road. He said that it would be important to require a Site Plan Agreement that includes this issue of not granting a Certificate of Occupancy until the binder coat of the road is put down. Mr. Alberts agreed with this approach. Mr. Greenwood said that this protected the Town from having residences being in the lurch, which was the case at Valley Lane that had residents already living in the buildings. Mr. St. Hilaire said that the other road issue that the Town had a problem with was Rowell Estates and it was proposed as a private road but the lawyers that drew up the Condo. Docs./agreement had the individual deeds recorded that noted that it was a Town road; this is still pending; the proposal before the Board has the condo. docs. stating that it is clearly a private road. Attorney Sullivan added that the Attorney General's office does require that the developer produce evidence of financing for all of the site improvements and requires that there be a financing plan in place. In response to Mr. Wilson, the applicant confirmed that it would not be an issue for the Board to require binder, Monumentation and other items in the regulations prior to issuing Occupancy Permits. Prior to any Board proposal on this action, Mr. St. Hilaire reminded the Board members that some research was going to be done before making any decisions at this time.

**ACTION ITEM: Reminder: Any Site Plan Agreement for Diamond Oaks would include language that would require road binder, Monumentation, regulation/ordinance compliance prior to any issuance of Certificate of Occupancy.**

Mr. Alberts thought, that due to the discussion, the Board could make a determination that bonding was not required for a private road; but that looking at the past history was not a problem. Mr. Alberts asked what the deadline was for the Board to make a decision; Mr. Greenwood said that the plan was accepted for jurisdiction on August 17<sup>th</sup> making it at about 33 days.

Mr. Wilson noted that there was no information received from the Health Officer and asked if that meant that all of those issues had been addressed. Mr. Cummings stated that there is a final plan to submit to the Health Officer which had not been done yet; he will do that within the next week or so; he said that the Health Officer will probably have comments at that point. After bringing to the Health Officer, he is then going to bring to DES for their approval.

Mr. Wilson explained that Dennis Quintal, the Town Engineer, had left a message that he was still waiting on information and updated plans from Mr. Cumming; that was part of the reason that he was not at the meeting tonight since there were no new plans or answers to his comments from the last meeting, he would not be able to have any new information for the Board. Mr. Cummings said that he emailed a set of plans to Mr. Quintal today; he expects Mr. Quintal will have comments for next month's hearing. He added that the new set of plans was very thorough. He continued that one of Mr. Quintal's comments had to do with phasing and he will put a phasing schedule together on the plan; he stated that this answered his question to number 7. He returned to his list, referring to number 11; he

shows a gravel parking lot for overflow for the golf course/clubhouse and Mr. Quintal suggested asking the Board for a waiver. Mr. Cummings did not see the need for a waiver. Mr. Greenwood reviewed the regulation and agreed with Mr. Cummings that there wasn't anything that disallowed gravel parking. Mr. St. Hilaire thought that the only place that referenced that was in vehicle sales. Mr. Cummings suggested that it had something to do with not being able to mark the parking but this would be an overflow area. Mr. St. Hilaire was a proponent of the gravel parking per Stormwater drainage specifications; he added that this should be encouraged to have more recharge area and less impervious surface and less Stormwater run-off. Mr. Cummings stated that there wouldn't be parking there during the early spring because the golf course wouldn't be open in the wet season or the winter; Mr. Wilson disagreed with Mr. Cummings due to the possibility of functions being held in the golf course during those seasons. Mr. Cummings confirmed that there was no parking in the Aquifer; Mr. Cummings stated that it was not planned to have the golf course open in the winter.

Mr. Cummings referred to sheet 4, #17 and #18; concerning no buffer between 14 and the green on the 18<sup>th</sup> green; he stated that no buffer was being provided at that location and the same thing for unit 32. Mr. Quintal suggested that due to the closeness of those units, there could be domestic problems; Mr. Cummings stated that he didn't have a comment; he suggested it was the same as residential use in a condominium with four people living in it. He has the construction sequence that he will address based on tonight's discussion.

Mr. Alberts said he was comfortable with the gravel parking. He stated that 17 and 18 appeared to be marketing issues, nothing to do with the Planning Board. He said that there was the bonding issue, the septic; Mr. Greenwood had to track down the RCCD report.

Mr. St. Hilaire referred back to the last meeting's discussion about waiver requests; he reviewed the plan with Mr. Quintal and the first two waivers, road lay-out and street construction, were fine with him and he has no problem with the waivers being granted. He continued that the present design's curve radius is fine; it is a private, residential neighborhood; 20 ft. will be okay and the corners are such that fire trucks can get in and out; the only problem that they need to work on and figure out is parking; there is never enough parking in places like this.

Mr. Wilson read the waiver requests, dated July 28, 2010.

**MM&S to waive the requirement for connections for future development (Layout of streets).** Motion by Mr. Alberts, second by Mr. Pope. **PUNA**

**MM&S to waive 905.11 J, Street Construction, and agree to that shown on the project's plans.** (Motion by Mr. Alberts, second by Mr. Pope) **PUNA**

**MM&S to waive section 208.5 C section 1, regarding the minimum distance between buildings; from between 40 and 50 feet (depending on the units) to 30 feet, as shown on the project's plan; a distance of 25 feet was determined after discussions and meetings with Kingston Fire and Police; all buildings will be sprinkled in accordance**

**with NFPA 13D and approval of the Kingston Fire Department.** (Motion by Mr. Alberts, second by Mr. Pope) **PUNA**

Since the Board had previously confirmed that the age requirement met federal law, the applicant withdrew the request for that waiver (number 4 in the letter); the applicant withdrew the waiver request for number 5 in the letter regarding buffering. The Board confirmed acceptance of the buffering by motion.

**MM&S to accept the 50-foot setbacks and 25-foot landscaped buffering as proposed.** (Motion by Mr. Alberts, second by Mr. Pope) Mr. Coppelman asked how this differed from the requirements in the Market Rate Elderly Housing. Mr. Alberts stated that the landscaped buffer zone required a minimum of 25 feet which may consist in whole or in part of existing natural growth. Mr. Cummings said that the 25-foot buffer was within the project. Mr. Wilson asked if this was between units; Mr. Cummings clarified that it referred to the perimeter of the project. Mr. Cummings stated that there was a note on the first page that mirrored the language in the Ordinance. **Motion carried 6-0-1, with Mr. Coppelman abstaining.**

Mr. Alberts asked if there was a clear route being taken by the Board. Mr. Wilson confirmed that the Board would be waiting for the Health Officer's comments after the plan was submitted by to him; the KCC comments; phasing plan; RCCD comments; verify bonding issues; storage area clarification for the Fire Dept. Mr. Alberts explained why the Board did not have comments from the Chief of Police and stated that the Chief was asking that a "window be left open" in case there were any other safety concerns about lighting at the intersection at Rte. 125 and be amenable to working with him. Ms. Merrill confirmed that the area in the clubhouse marked storage was being clarified; the use will be defined and be on the plans. Mr. Wilson suggested that the Planning Board be notified of this in a letter so it can be sent to the Department Heads; he gave these plans to Mr. Quintal today and will provide the Planning Board with plans after review with the Town Engineer. Mr. Wilson said that the change in use may affect items such as parking that would have to be addressed by the Planning Board.

Mr. Coppelman confirmed that the Lighting Plan had been received and sent to the Energy Committee chairman. Mr. Cummings stated that there will be lighting at the Intersection; it was premature to show specific site lighting. He added that the lights on the residences will be less than 100 watt lighting; it will meet the Ordinance; there will be no street lights other than what is shown on the plan. Ms. Merrill suggested that the Building Inspector will review for compliance. Mr. St. Hilaire commented that the Town does not encourage street lighting as it becomes an expense and tax burden to the Town; the development needed to be Energy Star Compliant and Dark Sky Compliant; the proposed lighting had been reduced since the initial submission.

Mr. Landry asked for clarification of the Open Space easement; at the last meeting, Mr. Coppelman asked how that is being legally constructed and Attorney Sullivan referred to page 13 of the condo docs which has a paragraph talking about it. He questioned whether that paragraph specifically meets the requirements of the ordinance; he did not find that in

the minutes. Mr. Wilson said that there was a vote about meeting the Open Space requirements. Mr. Landry said that the motion seemed to refer that the acreage meets the requirement for Open Space to allow the development to proceed, that it had the density; he continued that it didn't sound to him that it met the requirements of the Ordinance regarding the Open Space requirement that it be held permanently as Open Space. Mr. St. Hilaire asked if there would be a document prepared defining the Open Space, who controls it, and that somehow the Town of Kingston is involved in any possible changes; he said that he hadn't seen that yet but that there needed to be, like any other Open Space agreement that the Town had with any other of the Conservation Easements, there needed to be a separate document that is recorded; defining the Open Space, who maintains it; who checks on it yearly. He stated that this needed to be separate from the condo. docs.

Attorney Sullivan disagreed; she said that it was specifically stated in the condo. docs that the property is subject to an Open Space easement for the benefit of the association; specifically say what it will be limited to – recreational activities; she continued that the final document will describe the metes and bounds of the Open Space easement. She reiterated that the Open Space easement is for the benefit of the unit owners association but subject to the rights of the owner of the golf course unit to conduct recreational activities; it also states that if there is any change in that, it would require the approval of the association and the Town of Kingston.

Mr. Landry addressed Attorney Sullivan's comments; he explained that one of her comments, regarding the possibility of any change in the easement; he said that the Ordinance states that it is permanently restricted for Recreation, Open Space, or Conservation. He explained that he didn't understand the permanent restriction with language allowing a change upon agreement by the Homeowner's Association and the Town of Kingston; he continued that there shouldn't be a change if it is permanently restricted. Attorney Sullivan agreed that it is a permanent easement; the language regarding the change of use requiring Town approval was to address the concern expressed by the Board if someone wanted to do something different than a golf course. She said that this prevented the golf course owner from doing something different, other than recreation, without an approval from the association and the Town. Attorney Sullivan explained easements and said that the parties to an easement can change things but if they agreed, they would still need to come to the Planning Board.

Mr. Alberts said that this was to offer the Board the comfort and latitude that any changes wouldn't be on the association's shoulders it would also be on the Town of Kingston's shoulders. He added that any changes to the Open Space that they wanted to convert; he imagined would require the consent of the voters of the Town of Kingston. Mr. Landry stated that his position was that this latitude lessens what the requirement is that the Ordinance is looking for; he said that most ordinances that relate to Open Space are perpetual easements that don't change regardless of what the parties' intents are. Mr. Cummings stated that they can be changed; nothing is permanent. Mr. Landry stated that he tended to disagree. Attorney Sullivan explained that there are many different types of easements and gave an example of an easement of 100 acres, given to the Town, so it would never be developed; it's a conservation easement, it can be farmed, whatever. She



continued that it could be changed if the parties agreed; she said that it would be difficult, she believed that it would require Town vote; but something could happen where the Town wanted to build a school and we are going to do a taking; she said that things could happen; nothing is permanent even though the easements say “perpetual” but the parties to an easement could change their minds. She discussed a current case of an easement established in the 1880’s.

Mr. Coppelman agreed that by having the language as proposed, it invites the opportunity and he doesn’t think it is the Association’s right to want to make that change; the Ordinance says that it is supposed to be a permanent easement held in perpetuity.

The applicant asked for a five-minute recess.

Attorney Sullivan, after speaking with her client, asked what the Board wanted done. They thought that this was the language that the Board wanted. Mr. Alberts said that he felt that the Board had already voted and rendered its decision so he would like to leave it as is. He said that this was done so it wouldn’t be a prolonged discussion. Mr. Landry disagreed that this decision had been rendered; he referred to the motion at the meeting which he said basically said that what they declared as Open Space in this plan does meet the requirements of Open Space; he added that this was about as general a motion as one could have and as open-ended a motion as one could have; he doesn’t think that the Board actually voted on this issue of Open Space.

Ellen Faulconer, as a member of the public, stated that she did not have a problem with the proposal per se. She stated that, having listened to the minutes, it was her recollection that the motion being discussed was in reference to the density; the Open Space easement was not part of that discussion; it had been brought up at other discussions but not during that motion. She continued that the Conservation Commission has raised the question of the Open Space and the permanent easement; she was concerned about the permanent easement issue as the language as presented gives the opportunity to change it. She continued that, while working for the Planning Board, she has spent several hours tracking down, on the Board’s behalf, past developments that have forgotten to provide the permanent easements and to file them at the Registry. Ms. Faulconer said that this was the first application of this sort that the Board is not talking about requiring a permanent easement; she expressed that this was a concern for her; she added that there had never been an Open Space easement that allowed for the possibility, in the language, for the change with the agreement of the owners and the Planning Board; this would be a change from past practice; she wondered how the Planning Board was waiving a requirement in an Ordinance.

Mr. Wilson asked Mr. Landry how he would like the document worded, if he needed it to say permanent easement. Mr. Landry said that it needed to say that it was permanent; he preferred to have a document like on the other developments that was a stand-alone document with an easement permanently restricting the use of that property. Mr. Coppelman said that it could be both a stand-alone document and referenced in the condo. docs. Attorney Sullivan said that there was no problem with a separate, permanent,

recreational easement for the benefit of the association; it is a permanent easement in the declaration; she said there is nothing that says it is a temporary easement, there is no such thing. Mr. St. Hilaire said that it could be a nature walking trail, for example. Ms. Merrill said that it could be a wildlife refuge. Mr. St. Hilaire re-iterated his original comment that all the other conservation easements that the Board has seen has been a stand-alone, recordable document that describes the easement which can refer to the existing plan, explains the easement, who benefits from the easement, who maintains the easement and who checks on the maintenance of the easement. He continued that he didn't believe that there has been a single Conservation Easement yet where this hasn't been the case. Attorney Sullivan clarified that this is an Open Space Recreational Easement for the benefit for the Association. Attorney Sullivan will have the document within the next two weeks. Mr. Coppelman said that, for his satisfaction, if the language was the same as the language currently in the condo. docs, then having a separate document is still an issue; the language inviting the possibility of change is still an issue for him. Attorney Sullivan stated that nothing could be done with the Open Space easement that would throw the project into non-compliance without coming back before the Board; she will take out reference to returning to the Board if the Board wants; she will remove the section of the language about coming back to the Board with a change. Mr. Wilson suggested that Attorney Sullivan discuss the issue with Attorney Loughlin.

**ACTION ITEM: Ms. Faulconer will send the minutes to Attorney Loughlin for his review and discussion with Attorney Sullivan.**

**MM&S to continue the Diamond Oaks public hearing to October 19, 2010 at 7:30 PM.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

<Board Note: Mr. Mastroianni left the meeting at this point; Mr. St. Hilaire is now a voting member of the Board.>

### **Board Business, Continued**

**CIP Committee:** Mr. Coppelman told the Board that the CIP Committee had their first meeting; at that time, the Committee's Vice Chairman told them that she had to resign from the Budget Committee due to her being appointed as a part-time department head. The Committee would like her to continue to remain on the Committee but wanted the Planning Board approval. The Planning Board, by consensus, agreed that it was not a problem to have Ms. Faulconer remain on the Committee.

### **Public Hearing: Driveway, Subdivision, Site Plan Review**

Mr. St. Hilaire explained that the Board had previously adopted the new diagrams for these chapters; this was adopting language referencing the diagrams.

**MM&S to accept the amended version of the Driveway Regulations as presented.** (Motion by Mr. Alberts, second by Mr. Hart) **PUNA**

**MM&S to accept the amended version of the Site Plan Regulations as presented.**  
(Motion by Mr. Hart, second by Mr. Coppelman) **PUNA**

**MM&S to accept the amended version of the Site Plan Regulations as presented.**  
(Motion by Mr. St. Hilaire, second by Mr. Hart) **PUNA**

### **Workforce Housing**

Mr. Greenwood handed out new language based on the Board's past discussion; he reviewed the changes and recommended that the Board read and review the proposal for discussion at next week's meeting. Mr. Coppelman raised questions about the diagram that had been reviewed and had suggested changes. Mr. Greenwood is in the process of updating the diagram and will bring in for the next meeting. Mr. Landry reminded the Board of the discussion concerning the developer putting in sufficient plantings to fill-in the buffer within a specific time period. Mr. Coppelman added that this goes along with the 5-year bonding requirement.

**ACTION ITEM: Mr. Greenwood to add in Mr. Landry's comments as item "G"; bring in updated diagram.**

Mr. Alberts asked about the Board deciding to restrict Workforce Housing to the C-III zone and wondered if it met the spirit of the law. Mr. Greenwood said that it did; the Town needed to provide the ability to have multi-family affordable housing and after review and discussion decided to place in this zone. Ms. Merrill agreed that the Town does meet the Workforce Housing requirements. She suggested that it should be allowed in other areas of Town and encourage more workforce development. Mr. Wilson asked her to be more specific; Ms. Merrill suggested that Marshall Road was already identified as high density elderly and thought that it could be appropriate for Workforce Housing; she also suggested areas that are rural residential could be allowed for this as well as a big field on North Road.

Mr. Wilson stated that he felt that this would be too much of an undertaking for the Board this year. Mr. Landry commented that it was too premature for the Board to have anything prepared for Town meeting; he suggested that the Board needs to take at a global, well-reasoned look at the Town and Zoning before making changes. Mr. Wilson stated that the Board should wait to get the overlay maps and then be able to have a better view of the Town. Ms. Merrill suggested changing parcels of a certain size instead of zones. Mr. Wilson was concerned of the Board acting too quickly.

Mr. Greenwood explained that the Board picked this zone because it was already primarily residential; commercial uses weren't appearing to be optimal for the development of this area. He was more comfortable with seeing how this worked in a specific zone rather than having it spread out. Mr. Alberts stated that he was comfortable with whatever decision the Board made. Mr. St. Hilaire stated that the Town is currently in compliance with the State and shouldn't change impetuously; any changes should be well thought out. He

added that the Ordinance is less than 6 months old and thought the Board should see how it develops.

The Board will continue this discussion at the next meeting.

### **Windmill Ordinance**

Mr. Greenwood handed out a model ordinance; he stated his concern that this ordinance says that it is allowed in all zones and suggested that the Board look at this carefully. He explained that while pleased the Board is reviewing this ordinance, when looking at wind generation maps, Kingston doesn't really have wind resources. He proposed that the Board needs to look at the potential of this being a real activity in Kingston. Mr. Wilson thought that the point of developing the Ordinance was to have the ability to prohibit in areas; he suggested determining where it was plausible and saying that it could go in those areas. Mr. St. Hilaire stated that he has spoken with two experts who said that Kingston was not really good for wind power. Mr. Coppelman suggesting reviewing to determine possible placement as the Board's next step in developing this ordinance. There was Board consensus on this plan of action.

### **Telecommunication Ordinance**

This change was to update the Ordinance to include zones that have been added since the Telecommunications Ordinance was adopted. The Board decided to move this to the October 19<sup>th</sup> public hearing.

### **Road Bonding**

The subcommittee of Mr. Quintal, Mr. St. Hilaire, Mr. Greenwood and Ms. Faulconer has met to review changes which led to possible other changes. They will meet again on October 4<sup>th</sup> and return to the Board.

### **Outdoor Lighting Ordinance**

The Board had met with the Energy Committee Chair who had proposed language changes to the Ordinance. The Board is still waiting for the language to be sent to them. This will be re-addressed upon receipt of that paperwork.

### **Sign Ordinance**

The Board needs to review conflicting section of the Ordinance regarding the size of signs for Residential In-home Occupation. The language needs to reflect the chart in the Ordinance and be changed at Town Meeting.

**ACTION ITEM: On p. 303-6, section 303.3C-1, Home Occupation: should say that sign can't exceed two square feet; schedule public hearing on October 19, 2010.**

### **Board Business, Continued**

**Grants:** Mr. Coppelman told the Board that the Estuaries Grant had been awarded to the Town to review the Aquifer Protection Ordinance; their staff is currently locating a consultant to work on the project. Mr. Alberts congratulated Mr. Coppelman on the work he did to receive this grant. Mr. Coppelman said that they will be contacting the Board to review the scope of the project.

**Camp Lincoln:** Mr. Greenwood told the Board about a meeting he had with Jeff Gleason from Camp Lincoln; they have been struggling with the problem of expanding a non-conforming use and would like to have the discussion of possibly making a zoning change to have them be conforming. They would like to meet with the Board about a possible zoning amendment; Mr. Greenwood would like to invite them to a work session but feels it should be properly noticed to abutters. Ms. Merrill said that the YMCA Camp had previously agreed that all the campers to the site would be bussed in; that is not happening and the traffic is out of control. Mr. Alberts asked if that agreement was written down anywhere; Ms. Merrill said that would have to be checked, she didn't know.

**ACTION ITEM:** Ms. Faulconer to review the Camp Lincoln folders for any conditions.

**ACTION ITEM:** Mr. Greenwood will review possibility of zoning changes, abutter notification, for the Camp Lincoln area and return to the Board prior to extending an invitation for them to speak with the Board.

**Impact Fees:** This had previously been added to next week's agenda for discussion; the Board decided to leave it on the agenda. Ms. Faulconer told that Board that she had gone to a training session that recommended that, due to budget shortfalls, municipalities take a look at their fee schedules.

**MM&S to adjourn at 9:45.** (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**