

**Kingston Planning Board
October 5, 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, V. 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; Bart Noyes, Chairman, Energy Committee

Mr. Pope will be a voting member this evening.

Board Business

Meeting times:

Mr. Wilson asked the Board if they would be in favor of starting the meetings at 6:30 during the winter months; he added that any change would need to be unanimous so as not to affect anyone's ability to attend the meetings. Mr. Alberts agreed that even if just one person had a problem, the Board shouldn't make the change. All Board members stated that it wasn't a problem. The Board agreed to start the meetings at 6:30 beginning with the first meeting in November.

ACTION ITEM: Ms. Faulconer will remind the Board prior to the November 2nd meeting.

Mr. Wilson gave the Board members his cell phone number so he can be reached prior to the Board meetings in case they can't come to the meeting.

Oath of Office:

Mr. Wilson stated that it was suggested that he read the Oath of Officer as a reminder to the Board members; discussed upholding the Town of Kingston's rules and regulations. He noted that the Oath refers to the Board upholding the State's RSA's. He referred to the RSA's pertinent to the Planning Board including disqualification of members, training, removal of members. Mr. Alberts asked why this topic was being brought up. Mr. Wilson

replied that it was a reminder for the Board; something that was good to bring up on occasion.

By-laws:

Mr. Wilson informed the Board that there was a recently passed law clarifying that Alternates for the Planning Board can participate during the meetings; the by-laws needed to include this language. The Board reviewed Alternate procedures. Mr. St. Hilaire stated that during the Public Hearing process, it should be made clear who is a voting member. Mr. Coppelman suggested that the introductions should be made prior to each hearing, not just at the beginning of the evening. Mr. Wilson agreed. The Board discussed visual ways of clarifying who was or was not voting during the hearing/meeting.

ACTION ITEMS: Ms. Faulconer to obtain 10 “blocks” with red (not voting) and green (voting) sides for the Board members to visually show who is or is not voting during a hearing/meeting.

MM&S to add to the By-laws to allow participation of alternates at Planning Board meetings. (Motion by Mr. Coppelman, second by Mr. Hart) Motion carried 6-0-1, Adam Pope abstained.

Correspondence:

- Copies of SB 59, re: School Additions, were distributed to the Board.
- Letter from DES dated 9/25/10 re: Diamond Oaks Alteration of Terrain permit, asking for more information, was received.
- NH Broadband Mapping Program Information
- Memo re: Board members contacting Ms. Faulconer if they want to register for Law Lecture Series

ACTION ITEM: Order this year’s Law Lecture Series Books for the Board.

- DES notice of Stream Crossing Rules Workshop
- BOS minutes from 9/27/10
- Census report

Mr. St. Hilaire asked if a copy of SB 59 should be sent to the School for their information; the Board suggested that it would be better procedure to have the Board of Selectmen send the information to the School District.

ACTION ITEM: Mr. Hart will bring the SB 59 information, with the Planning Board’s recommendation, to the Board of Selectmen.

CIP:

Mr. Landry discussed his input with Open Space as a member of FOKOS, questioning whether the Planning Board would find his membership on the CIP Committee as a conflict. The Board agreed that there was no problem with Mr. Landry remaining on the CIP Committee.

Camp Lincoln Zoning Discussion

Jeff Gleason, Director at Camp Lincoln, introduced himself and their Board's Chairman, Lynn Gainty. He said that they would like to do work on the dining hall and other Camp programming. Mr. Greenwood told the Board that he had met with Mr. Gleason; he added that the Camp's expansion capability is a problem as they are in the SFR zone and therefore a non-conforming use. He continued that perhaps there was some way to amend the zoning ordinance to accommodate this use; he believes that the Town has valued Camp Lincoln as a worthy part of the Town. He added that during his discussion with Mr. Gleason it was clear that the Camp wanted to achieve a solution with the Planning Board rather than put forward a citizen's petition. He explained that he hadn't been able to come up with a lot of districts that were comparable with Single Family and Recreational or pseudo-educational uses.

Mr. Greenwood reviewed the problems associated with attempting "spot zoning" including granting additional rights to a few instead of many. The Board reviewed abilities of non-conforming uses to continue and maintain but that expansion was not allowed without ZBA relief. Mr. Gleason stated that their plan would be to add bathrooms in the dining hall and further develop the space and expand programming for use at other times than just the summer months. Mr. Greenwood explained that expansion of use would include additional days that the Camp would be being used. Mr. Alberts asked if the expansion would include commercial functions to raise funds for the Camp; Mr. Wilson questioned whether weddings on site would be allowed to be there free of charge. Mr. Gleason stated that they are a not for profit; there would be a minimal fee to pay for staffing. Ms. Gainty re-iterated that they are a non-for-profit agency; the dining hall would have an additional use on days with inclement weather. Mr. Hart stated that it appeared that the dining hall was just being modernized, not expanded. Mr. Wilson said the Camp would also be expanding hours and expanding uses. Mr. Coppelman re-iterated that expansion of hours is an expansion of use. Mr. Greenwood added that the plan to improve the Dining Hall would change it from a one season facility it would be at least a three season facility which is a lot more than is used now.

Ms. Gainty explained that grants were available to offer additional camps which their Board would like to continue and expand to the Camp Lincoln site as well as bringing Science camps to the site in the Spring.

Mr. Alberts asked if Mr. Greenwood had reviewed how other Camps throughout the State are zoned. Mr. Greenwood had not but assumed that many were in place before zoning and were in a similar situation as Camp Lincoln. The Board discussed problems associated with implied Spot Zoning. Mr. Wilson confirmed if there was a Citizen's Petition that changed the property as spot zoning, the Board could not back that petition. Mr. Greenwood suggested that the Board look at the area of Town instead of just the Camp. Mr. St. Hilaire noted that there were several large properties in that area of Town, including some that might have conservation easements that could also allow recreational uses, which might be part of an overall zone, thus eliminating the spot zoning issue. Mr. Coppelman suggested the possibility of an overlay district. Mr. Greenwood said that there

needed to be research done to establish some of the uses available on the Conservation lands in the area.

Mr. Greenwood suggested that the Board establish a subcommittee that might include representatives from Conservation and possibly FOKOS to try to establish something to propose to the Board; it would have to establish a different type of SFR, such as had been done with SFR-Agriculture, to distinguish it from other SFR zones. Mr. Greenwood added that it is already October, this endeavor would take some time and should include discourse with area residents and property owners. Mr. Gleason stated that they were also not interested in a hasty decision. Mr. Wilson explained that, due to timing for adopting Ordinance changes at Town meeting, this would take a minimum year and a half. Mr. Greenwood stated that the Board would also need to get the Board's attorney involved to double check the legalities of the proposal.

Mr. Coppelman noted that the Board had to also realize that entities like Camp Lincoln have existed under specific circumstances and the area has grown around them significantly under these circumstances and any significant expansion could have a serious effect on the areas residents. Mr. Greenwood stated that non-conforming uses are anticipated to eventually go away but a resource like Camp Lincoln shouldn't be looked at that way; it's unusual as a non-conforming use. Mr. St. Hilaire added that the traffic on Ball Road is an issue that needs to be addressed. He explained that busses used to bring the children to Camp, now they are dropped off individually by car causing traffic to have increased dramatically making it non-stop when the Camp opens and closes; he added that the entrance to the Camp has been improved. Mr. Greenwood said that an abutter who lived on Ball Road had already mentioned concerns about traffic associated with Camp Lincoln. Ms. Gainty confirmed that Camp Lincoln would certainly consider bussing again if that concession was needed.

ACTION ITEM: Get back to Camp Lincoln about establishing a Sub-Committee to discuss Camp Lincoln area zoning soon after the 2011 Town meeting.

Workforce Housing

A new law was passed out that dealt with enabling legislation for the affordability clause to be recorded. Mr. Greenwood distributing the Buffer Yard Diagram and explained the updates; during the Site Plan Review process, the Board could make the determination of the type of buffering required depending on each application and the need for buffering depending on abutting uses. He continued that they are just illustrations; the Board should receive landscape plans that also show the five-year growth plan showing that it will be adequate for the buffering use.

Mr. Wilson noted that the Board's previous discussion had said that it should say "minimum" of plantings. Mr. Pope stated that he could not find a section that actually requires the submittal of a landscape plan. Upon review, Mr. Greenwood agreed that it was implied but the text is not actually there. Mr. Mastroianni said that the scale on the diagram is not correct, it needs to say "not to scale".

ACTION ITEM: Mr. Greenwood to provide text requiring a landscape plan; add “minimum” to the plantings diagram; add “not to scale” to the diagram, bring language to the Board to finalize for the October 19th hearing to put forward for the November public hearing.

Board Business, continued

Grant:

Mr. Greenwood had briefly reviewed the grant; said it might be appropriate to feasibility study for Water District in the Industrial Zone; he asked if the Board of Selectmen was putting the Water warrant article forward this year. Mr. Hart said the BOS had not discussed warrant articles yet.

Town Mapping:

Mr. Wilson explained that the staff in the Selectmen’s office had been updating the maps and found some discrepancies or multiple zoning that they brought to the Planning Board’s attention. Ms. Faulconer clarified that they were not making recommendations for changes to the Board simply bringing to the Board’s attention; there were certain lots in Town that, due to the establishing language of zones, wound up splitting some of the zones into multiple districts. Mr. Coppelman stated that when the Commercial Zones were established, it was done by lot lines so the entire property was in the zone. The Board reviewed the language for the Historic District I zone, the tax maps should reflect that any lot with frontage in the zone puts the entire lot in HDI; this information should be given to the Town Tax Map Maker.

ACTION ITEM: Mr. Wilson will get a copy of the pertinent tax maps and draw the appropriate lines for HDI and give this to the Selectmen’s office for the Tax Map Maker.

ACTION ITEM: Mr. Wilson will also review the other properties on the list provided by the Selectmen’s office and highlight them on the tax maps for the Board to review.

Hand-outs:

- Impact Fees Law Lecture Series handbook was distributed to the Board members.
- The “draft” original Blasting ordinance was handed out to each Board member.

Public Comment:

Mr. Noyes asked to address items discussed during this and previous meetings. The Town census was discussed by the Board causing comments that the trend in Kingston, as well as most of New Hampshire, is stagnant growth for residents in their 20’s while the ages over 36-40 have doubled. Mr. Wilson announced that New Hampshire was recently voted the Best State to retire in, other than the weather; Mr. Coppelman said it was the most “graying” state.

Mr. Noyes then commented on the Board's previous discussion concerning Impact Fees stating that he strongly believes in the use of Impact Fees. He explained that if one accepts the premise that construction causes impact, the Town of Kingston, without Impact Fees, says it will spread that impact out over everyone; with Impact Fees, the Town says that the developer causing the impact will pay for it. Mr. Noyes continued that the Town currently has an Impact Fee ordinance that is in effect, it just needed the proper formula to implement it. He added that Newton already has an impact fee for the schools that was done by the gentlemen referred to by the Board at its September 28th meeting; if the Board elected to pursue the Impact Fee discussion, data to determine the formula should not be a burdensome cost. Mr. Wilson explained that the Board did add funds into its proposed budget to be able to pay for this review.

Mr. Noyes told the Board that the Energy Committee had met during a work session and intends to engage with the issue of Wind Turbines and will hopefully address this with the Planning Board.

- Mr. St. Hilaire suggested that Camper's Inn be looked at for compliance with the Town's Lighting Ordinance; new lights had been put up by Exeter-Hampton that didn't seem to comply. The Board questioned whether an Electric permit would have been needed; they questioned whether it was on Camper's Inn poles or the utilities poles. Mr. St. Hilaire noted that both local and state regulations require Dark Sky compliance by both the applicant and the utility.

ACTION ITEM: Mr. St. Hilaire to report back to the Board on Camper's Inn Lighting Ordinance Compliance prior to the Board sending a Compliance request to the BOS.

MM&S to adjourn at 8:50. (Motion by Mr. Hart, second by Mr. Mastroianni) **PUNA**