

**Kingston Planning Board  
November 30, 2010  
Public Meeting**

**Minutes**

The Chairman called the meeting to order at 6:35 PM; there were no challenges to the validity of the meeting.

**Members Present:**

Rich Wilson, Chair	Ernie Landry
Jay Alberts, V. Chair	Glenn Coppelman
Chuck Hart, BOS rep. (briefly joined the meeting in progress)	

Members Absent: Dan Mastroianni; Rich St. Hilaire, Alternate; Adam Pope, Alternate; Marilyn Bartlett, Alternate

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

**Aquifer Protection Ordinance Review  
“Kick-Off” Meeting with Danna Truslow**

Mr. Wilson turned the introductions over to Mr. Coppelman who introduced Rachel Rouillard, Exec. Dir. of PREP, Tom Falk from RPC who had helped with the GIS mapping and Danna Truslow, hydrogeologist, hired by PREP as a consultant to do the work applied for in the grant application. He noted that Kingston has a significant aquifer and the Town has protected the resource for its residents which could also be a future potential source of revenue. He continued that Kingston is faced with development needs and pressure; there is the potential for conflict with protecting the resource and providing commercial development for the tax base and in providing opportunities for its residents. The Aquifer Protection Ordinance was adopted in 1991; since then there has been additional information and data that can be issued to evaluate the resource; the Board had suggested that it was time to look at science and techniques to identify any possible changes in the Ordinance. Mr. Wilson re-iterated Mr. Coppelman’s point that the Board wanted a good balance, not favoring one over the other; the important thing to come away with was scientific justification for ordinance; either validating what exists or any recommended changes.

Ms. Truslow reviewed her plans for the Board which would start with the evening’s slide presentation to end with a brainstorming session to get a better sense of how the ordinance might change, one way or the other, so she could come back with possibilities at the January meeting.

Ms. Truslow explained the slide show presentation giving an overview of the Aquifer along with those features specific to Kingston including:

- Stratified Drift Aquifer (in Pow Wow Pond, over 100 feet deep)
- Hydraulic Conductivity and Transmissivity (USGS model done in 1980's shows Pow Wow River Aquifer is 4 million gallons per day: a significant resource).
- Map of Stratified Drift Aquifer in Kingston was shown and explained; the ponds are "kettles" formed by glaciers that were stuck in the sand and melted, forming the ponds. The three areas in Kingston: in the North – the Little River Watershed; in the Middle – the Pow Wow River Watershed; in the South – the Little River Watershed.
- Bedrock Aquifer – has a much lower transmissivity; underlays the entire Town; lies beneath the Stratified Drift Aquifer. Ms. Truslow explained that the majority of the water supplied to the residents comes from the bedrock aquifer and the source of that water comes from the stratified drift aquifer above it.
- Groundwater-Surface Water Interaction/Travel Time was reviewed – there can be a short travel time which explains the need for wellhead protections.
- Values and Benefits of the Stratified Drift Aquifer: provides recharge to Bedrock Aquifer; stores and transmits large quantities of water – lakes, rivers, springs; protects water quality.
- Potential impacts to the Aquifer: Quantity – excess extraction; impervious surfaces; compaction; changes in topography; land cover change (differences in vegetation); surface water extraction. Quality – Land conversion; contaminant sources (such as petroleum, hazardous materials, stormwater, road salt, landscape/agricultural chemicals, faulty septic systems).
- Aquifer Protection: Institutional (Local, State, Federal regulations) – in Kingston: Master Plan, Aquifer Protection Ordinance, State Permits and Reviews; the State has Groundwater Reclassification and Comprehensive Water Use Plan. Ms. Truslow had reviewed the Master Plan and Visioning relative to the Aquifer and water resource protection. In Kingston, several projects had been reviewed for a hydrogeologic study where monitoring had been requested (Lamplighter, Granite Fields, Rowell Estates) however none, or very little, monitoring had been provided to the Town so that data was unavailable.

Mr. Alberts asked Ms. Truslow how Kingston compared to other areas of the state in this matter and if Kingston had one of the best aquifers, as had been mentioned in the past. Ms. Truslow agreed that Kingston' aquifer was very extensive and unique due to the extensive sand and gravel, low elevation and stratified drift; the depth, continuity and surface water made it a significant resource. She compared it to that found in the Ossipee area and the Conway area of Mount Washington; the gallons-per-day in Kingston is a significant number; Rye produces about 400-500 gallons per day. Ms. Truslow reviewed the extensive testing and permitting process for large scale selling of water. The possibility of a Municipal Water District for the Town to have more control of this resource was discussed.

- Land Protection: Conservation Lands-overlying the stratified drift aquifers were displayed on the map; Wetlands were added – their existence helps to protect the

aquifer; Enforcement/Management – at the Town level, this would include the Health Officer and inspection of septic systems. Ms. Truslow added that she had met with Mr. Middlemiss and was impressed with his very clear records. She stated that she had hoped to review those projects that had required groundwater monitoring but was sorry to say that none have been done even though it was a condition of approval; since no information was available on the three projects mentioned earlier, no baseline water quality had been collected or evaluated; these projects would have begun with clean water and the testing would have possibly shown the impacts or the success of the controls that had been established.

- Potential Contaminant Sources were reviewed – there were 27 identified, all but 5 of them were over the aquifer; Homeowner and Community information is available from the State if water baseline is desired.
- Community wells and smaller sources have been identified by the State; many are vulnerable to contamination due to current land use.
- Tom Falk reviewed the Town map with urban features shown as an overlay; then added in the buffered roads, buffered water features and hazardous materials locations to end up with a map that showed the areas that are favorable or suitable for groundwater extraction; this information had been gathered by a DES Statewide study that had been done for all towns. He handed out a copy of the map “Favorable Areas for Development with Additional Features for Consideration”.

Mr. Greenwood noted that the Board had discussed the possibility of municipally owned areas in the Industrial zone which the map shows as one of the most favorable sites for groundwater extraction.

Mr. Coppelman stated his assumption that there was now better data than had been available at the time of the adoption of the ordinance. Ms. Truslow answered that it depended on the data; there was better information and technology of septic system design, hazardous waste techniques, the actual aquifer resource in light of climate change and population; there has been more work in areas of Aquifer Protection Ordinances in light of growth; there is more management within the zone, using Best Management Practices to make sure the Aquifer is maintained.

Mr. Wilson asked about the need for the Town to require an additional buffer for a well radius; Ms. Truslow said the additional 25 feet protects the well, not necessarily provide additional protection for the aquifer.

Ms. Truslow handed out the summary of the Kingston Ordinance with a summary of the State’s model ordinance; she wanted the Board to talk about what they do or don’t want to change; hear any concerns. Mr. Greenwood stated that the relevancy of the prohibited uses section is often questioned; he’d like this reviewed to determine if there are land uses that are no longer perilous to the groundwater; the existing list was taken from RPC with some taken from regulations developed for Cape Cod. Mr. Coppelman said that currently there is a three-acre minimum lot size over the Aquifer and wondered if this was still appropriate for all uses, as a one-size fits all, or whether it would be different depending on the use.

Mr. Wilson said the Board had talked about lot coverage in conjunction with “green” development and having a scientific basis for the requirements.

Ms. Truslow reviewed the “prohibited uses” section of the Kingston ordinances with the State’s model ordinance; she stated and pointed out that many were the same. Ms. Truslow noted that petroleum is extremely detrimental to the groundwater and if shouldn’t be in the valuable Aquifer area not on a day-to-day basis. Mr. Alberts felt that he needed to disagree with the prohibition of junkyards and petroleum as they are so regulated. The ability of petroleum to contaminate groundwater due to day-to-day operations was explained: a tablespoon can contaminate thousands of gallons of water. Ms. Truslow said uses like auto repairs now have more controls on BMP’s and inspections of the site.

The Kingston Ordinance discussion continued. Ms. Truslow read the definition for hazardous and toxic materials; she stated that the State’s prohibited uses are less restrictive but their on-site spill protection plans are a requirement.

Lot coverage within the Aquifer was reviewed. Ms. Truslow stated that Kingston allows up to 35%; the State’s allows no more than 15% or 2500 square feet. She added that more impervious surface leads to degrading of water quality. She said that Kingston could have better flexibility if BMP’s are used to minimize impact. She continued that the more dense the development is, the more there is a potential for contamination. Mr. Wilson asked if the Town should consider “pervious” pavement. Ms. Truslow answered that it would be worth considering; there is still the need to catch and filter the run-off; a good material is pavers that allow grass growing in the middle.

Mr. Coppelman read a line from the State’s ordinance that said that “The effectiveness of the Ordinance requires continued compliance and enforcement”. Mr. Wilson said that the Board has been looking at Stormwater Management enforcement. Mr. Greenwood stated that there needs to be a better understanding of appropriate stormwater management to get past the State’s 15% limitation. Ms. Faulconer suggested that the Board need to discuss the financial impact with the Board of Selectmen; the enforcement/compliance being discussed would have an impact on personnel which would have to be done in conjunction with development of the ordinance and the Selectmen’s development of the budget. Ms. Truslow stated that there may be the need to require fees as it would require people/infrastructure in the Town.

Mr. Wilson returned to the “impervious” surface discussion which is now only required for auto sales; he questioned whether there should be requirement for all development in the Aquifer Zone for added protection. Mr. Greenwood informed the Board that the “Target” parking lot in Greenland is a “pervious” surface and is being monitored by the Stormwater Center for several seasons. Other examples of areas with “pervious” surface were discussed. Ms. Truslow explained that it will take several years of testing or trials to see if it will work long-term.

Ms. Truslow stated that, based on the evening’s discussion, she did not think everyone was ready to start drafting an ordinance. Mr. Greenwood said that the Board should review the

ordinances distributed and check with other Towns' ordinances. Ms. Truslow said that she had met with the Health Officer and re-iterated that she was impressed with Mr. Middlemiss' tracking system for septic systems. She continued that Mr. Middlemiss had explained that setback requirements had been placed in the Health regulations as this gives more clout for enforcement due to DES regulations and State RSA's regarding enforcement of Health regulations; with this as a possibility for some of the requirements. The Board continued the discussion of the monitoring not occurring on the Granite Fields, Rowell Estates and Lamplighter sites. Mr. Coppelman suggested that if the Town doesn't have the personnel capacity to monitor the wells then perhaps the Town can hire an outside agent to do it. Mr. Wilson said that the Town would have to have the funds to do that. Ms. Rouillard commented that Newington has a Stormwater Ordinance that may be helpful for the Board to review. Ms. Truslow had reviewed Hollis' ordinance.

**ACTION ITEM: Ms. Truslow will do some more research; hit on points discussed at this meeting; get a report back to the Board in order to determine the discussion for the next meeting.**

Mr. Alberts asked if the discussion for the next meeting would include commercialization of the resource. Mr. Greenwood said that this was not part of the study included in the grant.

**ACTION ITEM:** Ms. Faulconer to email the minutes to Ms. Truslow.

Ms. Truslow said that she hoped to have the project completed by mid to late March. Ms. Rouillard noted that PREP might be able to expand the project a little due to extra meetings.

Mr. Wilson ended the discussion by re-affirming that the Board wants substantiation for the Ordinance.

<The Board took a brief recess; Mr. Hart left the meeting.>

### **Board Business**

Correspondence:

- A letter was received from Rte. 125 Truck and Auto; minutes from a previous review were read.

**ACTION ITEM: Ms. Faulconer to inform Rte. 125 Truck and Auto that the site has been approved for Auto Repairs; Auto Sales would be a Change of Use and require site plan review.**

- Letters read regarding Regional Impact of project in Danville.
- Letter received from Alternative Sales.

**ACTION ITEM: Mr. Greenwood/Ms. Faulconer to send letter to Alternative Sales to let them know if the escrow is returned as requested, it would revoke the approval.**

- Proposal for \$2000 copy machine (Ms. Faulconer discussed with Mr. St. Hilaire, he proposed \$1400 from Planning Board budget (that amount is currently in the budget for copier upgrade), \$600 from Highway so that Department would get the one the Board currently has.) (Board approved purchase by consensus vote; all in favor with Mr. Wilson abstaining)

**ACTION ITEM: Board approved purchase of copy machine; Ms. Faulconer to write up purchase order to present to the Board of Selectmen; confirm with Mr. St. Hilaire.**

- Legal Correspondence was distributed.
- Committee updates: Mr. Coppelman reviewed the actions of the last HDC meeting. Mr. Coppelman reviewed the actions of the last CIP meeting. Mr. Alberts noted that there was no ZBA meeting in November; he reviewed the actions of the meeting that took place in October.

**Blasting Ordinance:** Mr. Wilson explained that the he had not received the comments from the Fire Department yet; the discussion will be continued at the next meeting.

**Windmill Ordinance:** The Board will continue to review and discuss next week.

**Single-Zoning:** Mr. Alberts and Mr. Greenwood reviewed the work done by Mr. Wilson and Mr. Greenwood; no changes or discrepancies were found.

**ACTION ITEM: Mr. Greenwood will provide the list of lot changes to Ms. Faulconer ASAP.**

**Exeter Road:** Debra Smith's property was discussed in light of Board members seeing a new sign on the location; there was a question of an occupancy permit for the tenant.

**ACTION ITEM: Ms. Faulconer to check with Inspectors about an Occupancy Permit for the Exeter Road property.**

**ACTION ITEM: Ms. Faulconer to send a letter to Debra Smith inviting her to meet with the Board about the approved uses on the property as the number of cars on the site appear to be beyond the approval.**

**MM&S to adjourn at 9:15.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**