

**Kingston Planning Board
December 7, 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
Jay Alberts, V. Chair
Rich St. Hilaire, Alternate

Ernie Landry
Glenn Coppelman
Adam Pope, Alternate

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

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

Board Business

The compliance issue discussed at the last meeting regarding Debra Smith's property on Exeter Road was re-addressed. Ms. Faulconer stated that she had been informed by the Building Inspector that a letter was being sent regarding the lack of a business occupancy permit for the site. The Board authorized the Chairman to complete and sign the Compliance Enforcement Request and forward to the Board of Selectmen.

Blasting Ordinance

Mr. Wilson explained that the standing sub-committee met with the Fire Chief to review the Blasting Ordinance. It was their recommendation to wait a year to incorporate any recommendations Ms. Truslow may have regarding the impact blasting may have on groundwater; there were concerns with the level of review of blasting for the Fire Department and requirements for personnel that was in the proposed ordinance. Mr. Greenwood stated that, in the meantime, the State RSA's would be in effect.

ACTION ITEM: Keep the Blasting Ordinance on the agenda to continue for review in the upcoming year.

MM&S to table the Blasting Ordinance and not move it forward for the 2011 Town Meeting. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

Split-Zoned Lots

Mr. Greenwood provided the Board with the list of parcels that are being amended to eliminate the split-zoning of lots. Mr. Wilson stated that most of the HDC did not need a Town vote as they were already in the zone, based on the language in the ordinance, the tax map simply needed amending to comply with that language. The Board reviewed the ordinance and thought some of the conflicting language might need to be removed to avoid conflicts, not only in the HDC language but also in the description of the other zones. Mr. Greenwood confirmed that the SFR zones will change based on the Board trying to eliminate the split zoning. He agreed that the description of some of the zones would need to be changed to accommodate the Board's recommendations and be approved by Town vote.

ACTION ITEM: Mr. Greenwood will provide the appropriate language for the zoning changes for the Board's next meeting on Dec. 14th.

Mr. Wilson, for the record, noted that both Mr. St. Hilaire and Mr. Pope will be voting members for this evening's discussions.

Wind Energy Ordinance

Mr. Wilson reminded the Board that the Windham, Greenland and Model Ordinances had been previously distributed. Mr. Greenwood provided copies of the State's RSA; in the absence of a local ordinance, the State's RSA is in effect. The abutter notification procedure within the model ordinance was reviewed. Comments were made concerning the required comment period, abutter notification requirements, regional impact review requirements as issues traditionally under the purview of the Planning Board. Mr. Greenwood noted that it might be difficult for the Town's Building Inspector to make a determination of regional impact for a single parcel, as an example. The likelihood of the Town seeing proposals for multiple wind energy systems, due to limited opportunities, was discussed.

Mr. Coppelman stated that he had three comments on the model ordinance. The ordinance limits the systems to 60 KW; the other ordinances have a limit up to 100 KW. He wondered why the model was 60 KW. Mr. Greenwood said the 60 KW was for residential use and it is the standard; the 100 KW incorporates commercial and added that the trend appears to be more for commercial applications. Mr. Greenwood thought the Board might want to consider which districts would allow this use.

Mr. Coppelman's second comment on the model ordinance was on an item on page 5 under conditional use and the additional setback requirements in the case of an opposing abutter; he suggested adding language allowing the Board the ability to have additional setback distance but not keep the "harsh" language in the model ordinance. Mr. Greenwood said that language actually goes against the State RSA as an "unreasonable hindrance". He stated that the model ordinance was written before the State RSA was adopted.

Mr. Wilson asked the Board if they had issues with the districting. Mr. Alberts stated that the zone is where there is wind.

Mr. Coppelman's third comment referenced the "guy-wires" and their exemption from the small wind energy setbacks; he suggested that the Board add the requirement that they must meet minimum lot line setbacks. There was Board consensus on adding this. Mr. Wilson asked if the Board thought these systems needed to be limited at all; Mr. Greenwood thought they should be in both commercial and residential districts. Mr. Coppelman thought that the Board should get the HDC engaged in conversation about these systems being allowed in those districts and have any proposed language provided to the HDC Chairman.

Mr. St. Hilaire thinks that there should be greater scrutiny on wind energy systems for the SFR, HD1 and HD2 zones; he added that there should be greater review on items such as setbacks and noise attenuation until there is better technology and they are less obnoxious. Mr. Greenwood noted that the size of a standard two-acre lot just about prohibits this development although may fit on a three-acre lot. Mr. Wilson suggested that the Board consider allowing in all zones except HD1, HD2 and SFR without certain criteria being met.

ACTION ITEM: Mr. Greenwood will write new language based on the Board's discussion including the limiting the zoning and the requirement of Planning Board review.

The Board discussed the different requirements in KW for residential and commercial systems. Mr. Wilson stated that the Town doesn't have the geography to draw wind. Mr. Coppelman stated that Windham has different review procedures for non-residential units. Mr. Wilson suggested limiting residential to 60 KW. Mr. Coppelman read the recommendations from the model ordinance: 2-10 KW for residential, 10-20 KW for agricultural, 50 KW for small municipal systems, 100 KW is the largest municipal turbine permitted. The Board questioned what the minimum KW would be for an individual residential home; they agreed to limit residential KW to what was reasonable.

ACTION ITEM: Mr. Wilson will get the information for minimum KW for the Board.

Mr. Landry stated that there would be technical inconsistencies with the noise ordinance that would need to be addressed; he questioned the bonding or letter of credit section in case of abandonment. Mr. Wilson said a commercial site can require this under the site plan review but if it was residential it was not an issue; like signs, the Town can tell them to take them down but questioned how it would be enforced. He added that he thinks that the Ordinance should be brought forward and amended as technology develops. Mr. Greenwood confirmed that he will bring amended language back to the Board for their review.

ACTION ITEM: Ms. Faulconer to send the minutes to Virginia Morse, HDC Chairman.

Board Business, continued

Mr. Greenwood commented on the Lot Merger Plan received for Diamond Oaks; he explained that it is kind of messy but acceptable for signature however, they have to submit the appropriate form and bring in the fees. Mr. Wilson stated that he would sign the mylar after the paperwork had been received.

ACTION ITEM: Ms. Faulconer to contact the applicant (Diamond Oaks) about filling out the Lot Merger Form.

Mr. Wilson commented that the Board had had a productive year; he stated that this was in part due to Mr. Greenwood and Ms. Faulconer.

The Board was informed that Richard Senter was going forward with a subdivision application; there was a parcel of land that he wanted to donate to the Town. Mr. Alberts asked Mr. Landry if he knew the percentage of Open Space that the Town currently has. Mr. Landry stated that it was approximately 72% of the Town's goal but he added that there isn't a definition of "conserved" open space. He suggested that this should be something that the Conservation Commission got involved with; there were questions with including land that is not permanently conserved in the total open space calculation. Mr. Wilson agreed that without that clarification, that it was open to interpretation.

Mr. Alberts re-iterated that the next meeting is the last meeting and would also be the public hearing for any citizen's zoning petitions.

Mr. Greenwood reviewed the Regional Impact meeting on the Danville project. He's writing a letter to them; there are issues that should be addressed; it is an increase of 10% of their total population being added at one time. He commented that the representatives from Danville appeared less than receptive to the concerns raised at this meeting.

ACTION ITEM: Keep the Camp Lincoln zoning discussion on the upcoming agendas in 2011.

The Board was informed that the sub-committee had completed updates on site plan, subdivision and zoning corrections that would be available for review for the Board to adopt at a public hearing or move forward to Town meeting.

Mr. Greenwood notified the Board that he would be meeting with PREP on December 17th; the Board authorized Mr. Coppelman to attend the meeting if he was available. Mr. Greenwood stated that some of the work discussed at the previous meeting might be able to be done by RPC.

MM&S to adjourn at 7:45. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**