

**Kingston Planning Board
December 14, 2010
Public Hearing**

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, Vice Chair
Dan Mastroianni
Chuck Hart, BOS representative

Ernie Landry
Glenn Coppelman
Adam Pope, Alternate

Members Absent: Richard St. Hilaire, Alternate; Marilyn Bartlett, Alternate;

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

Mr. Pope will be a voting member for this evening's meeting.

Board Business

Critical Correspondence:

- Invoice received from Civil Construction; signed by the Chairman.
- Invoice for the copy machine, signed by BOS.
- Copy of Planning Enforcement request for Smith on Exeter Rd., sent to BOS; Mr. Hart told the Board that a Cease and Desist had been sent out by the BOS.

MM&S to accept the minutes of Nov. 16, 2010 as amended; on p. 3, "Mr. Landry" reviewed with BudCom, should be "Mr. Wilson" reviewed. (Motion by Mr. Coppelman, second by Mr. Alberts) Motion carried, 6-0-1 with Mr. Pope abstaining.

Regulation/Ordinance Changes

The Board reviewed the regulation changes that had been proposed by the sub-committee with the possibility of adopting at the January 4th public hearing; some of the changes are for ordinances and would require Town meeting vote.

The Board discussed the language proposed to the ZBA ordinance. Mr. Coppelman asked if it was appropriate to not mention the specific RSA's. Mr. Greenwood explained that it was more typical to refer to the enabling legislation; whereas the authority is given in those RSA's, he recommended having the RSA numbers referenced.

MM&S to move the proposed changes to the ZBA ordinance to the January 4th public hearing. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Petitioned Warrant Article

Mr. Alberts recused himself and stepped away from the table during this discussion.

Mr. Greenwood explained that petitioned warrant articles are required to be reviewed by the Board of Selectmen to confirm the signatures and make sure the article is in proper warrant form; he questioned whether the last line in the article would work as written. Mr. Hart stated that the Board of Selectmen had not reviewed the article yet. Mr. Greenwood stated that the last sentence states that it would supercede other warrant articles and he questioned whether that was legal. Mr. Wilson asked “what if” the Board supported the article as written and then the BOS reviewed it and it was found not to be in the correct form. Mr. Alberts, speaking as a resident proposing the article, confirmed that the Planning Board was not re-zoning the lot located within the HDC and this was a legally posted hearing. Mr. Greenwood explained that the posting for this hearing allowed the Planning Board to discuss the submittal but it did not meet the requirements for the 10-day publication for the public notice for the Board to vote on the article; the Board could still post this for the January 4th hearing with the Board of Selectmen reviewing prior to that date. There was discussion on the amendment process; Mr. Greenwood explained that any substantive changes would require an additional public hearing; if the article was changed at the January 4th hearing, it would need to be continued to Jan. 18th. The Board determined that there were no other ordinances being proposed that would be a conflict with this petitioned article. Ms. Faulconer asked to encourage the Board of Selectmen to have the last sentence’s legality reviewed; she stated that often residents refer to previous articles to establish wording for their proposals; if this went forward as written, it would encourage all future proposals to have the same language. Mr. Alberts discussed procedural questions about the warrant based on Mr. Greenwood’s comments. He noted that the wording in the petitioned article gave him permission to amend the article. Mr. Hart asked about issues associated with the language as presented; he stated that it was a point well-taken that people do review old warrants when writing an article.

ACTION ITEM: Mr. Hart will have the BOS review the language and make sure the language is in proper form.

Mr. Alberts officially withdrew the last sentence of the petitioned article starting with “the passage” and ending with “and election”.

Mr. Wilson confirmed that the next meeting on January 4, 2011 would be the time for the public hearing.

MM&S to move the citizen’s petition to the January 4, 2011 public hearing. (Motion by Mr. Mastroianni, second by Mr. Hart) **PUNA** (of the members voting, Mr. Alberts had recused himself)

Mr. Alberts returned to the meeting as a Board member at this time.

Split-Zoning Discussion

Mr. Greenwood said that due to the required changes in the zoning descriptions, 7 Districts needed amending: SFR, RR, SFR-Ag, HD, C-I and C-II. He added that the Board can send this forward to the public hearing; the full language changes will be available by the time the public posting is published.

MM&S to bring the split-zoning changes forward to the January 4, 2011 public hearing. (Motion by Mr. Coppelman, second by Mr. Mastroianni)

Board discussion continued: Mr. Wilson explained the process by which the zoning of the lots was established; Mr. Hart suggested that the zoning clarification could be an issue for someone who had a large lot that the back part was in rural residential. Mr. Wilson said that the review process was done slowly; he didn't think that there was a problem created anywhere other than possibly with horses.

Board vote on the motion: Motion carries 6-0-1 with Mr. Alberts abstaining.

Mr. Mastroianni suggested that these changes could be posted on cable to public notification; Mr. Hart said that the warrant articles could be put on the web site; Mr. Coppelman suggested a notation being added to the TV notices to refer people to the web site.

Blasting Ordinance

Mr. Wilson stated that the Board had determined that this was not going forward this year; it will be continued to be discussed next year.

Board Business, Continued

Mr. Wilson reviewed the CIP meeting; the three building proposals were discussed including the level of urgency for each and different funding possibilities. He stated that the Highway Garage is in the works to be done by using funds from the interest in the landfill fund. He announced that the library is having a meeting at 9:00 on Friday at the Fire Department.

Wind Energy

Mr. Wilson reminded the Board that he had an action item to find out information about kilowatts; he stated that in good areas, larger ones are installed and they sell the surplus back to the energy company. He added that a rating of 2 – 10 KW per house is pretty standard. Mr. Greenwood said that the numbers that he had gotten were from OEP. Mr. Wilson stated 50 should be sufficient for anything in the Town; he said that the Board may

want to cap the residential KW's at a much smaller number due to the noise based on the current technology.

Mr. Greenwood explained that he had made three changes to the proposal based on the past meeting: Page 3 – 3C – applicability, the last line was added. Mr. Wilson said that if using the current technology, it should be prohibited in the SFR zone. Mr. Greenwood said if and when the technology changes, the ordinance can be changed. He continued by referring the Board to page 5's changes. Mr. Pope referred to Windham's ordinance; he suggested removing the language regarding a disapproving abutter. The Board discussed setbacks; there was discussion regarding those requirements including whether the setbacks would be for any structures or structures requiring a certificate of occupancy. Mr. Landry questioned the additional setback. Mr. Pope preferred keeping in language requiring the 150%. Mr. Wilson said that a large turbine won't be able to meet the 150% requirement. Mr. Pope suggested keeping (i) and changing (ii) to say 150% of the tower height from all abutting property lines; (ii) starts with "the said system", ends at "property lines". There was discussion about the wording for residential use. Mr. Wilson suggested that the possibility of SFR turbines may be approved at the discretion of the Planning Board. Mr. Wilson commented that he didn't think that the towers should be disallowed entirely in the SFR zone. Mr. Greenwood reminded the Board that Mr. St. Hilaire was adamant that it should not be allowed in SFR; he added that the Board could adopt "special exception-type" of language for use in the SFR zone. Mr. Wilson re-iterated the possibility of the Board not needing to prohibit in the SFR zone. Mr. Pope suggested that the Board could change to noise limits for the SFR zone; Mr. Wilson noted that the systems would need to comply with the noise ordinance; Mr. Pope asked if the Board thought the ordinance should refer to the noise limits in the noise ordinance; Mr. Greenwood said that the ordinance says 60 decibels; Mr. Landry said that this was during the day. Mr. Wilson suggested allowing systems in the SFR zone with a small KW limit; 2 to 10 KW is pretty typical. There was discussion about KW limits in the SFR zone and meeting the noise ordinance. Mr. Wilson said that keeping these limits would stop a big monstrous tower from going next door in a residential neighborhood.

ACTION ITEM: Mr. Greenwood will make the changes discussed and bring back to the Board.

Mr. Landry said that all the zones should meet the noise ordinance; Mr. Pope added or "60" as not all the zones have limits. Mr. Landry referred to the Telecommunications Ordinance and the 125' from height of tower requirement. Mr. Greenwood explained that telecommunications towers are commercial where as wind energy systems can be used for single family use and isn't commercial.

MM&S to move the Wind Energy Ordinance forward to the January 4th public hearing. (Motion by Mr. Alberts, second by Mr. Hart) PUNA

Plan Review

The first plan submitted was for Millbrook RV Park; the Board added to the public hearing on January 18th at 6:45.

The applicant asked to waive the engineering fees.

MM&S to waive the engineering fees to \$2500. (Motion by Mr. Pope, second by Mr. Mastroianni) **PUNA**

The second plan submitted was for the First Congregational Church; the Board added to the public hearing on January 18th at 7:30.

ACTION ITEM: The Board is asking for the Health Officer to attend the January 18th hearing for both proposals.

ACTION ITEM: The Board confirmed that both proposals will be given to the Town Engineer for review (after receipt of the engineering fees for Millbrook RV Park).

Board Business, continued

Mr. Hart discussed a Selectmen's proposal for a bond being presented to the library; Mr. Wilson discussed efficiency standards and the associated costs. The energy efficiency of Town Buildings was reviewed; building updates were discussed.

MM&S to adjourn the Board's final meeting of 2010 at 8:45. (Motion by Mr. Hart, second by Mr. Coppelman) **PUNA**