

**Kingston Planning Board
Public Meeting
January 25, 2011**

The Chairman called the meeting to order at 6:44 PM. There were no changes to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman
Jay Alberts, Vice Chairman
Ernie Landry

Glenn Coppelman
Adam Pope, Alternate

Members Absent: Chuck Hart, BOS representative, Dan Mastroianni, Rich St. Hilaire (alternate), Marilyn Bartlett (alternate).

Danna Truslow
Aquifer Protection Ordinance Update

Ms. Truslow distributed a packet of information to the Board. She explained that she had met with Mr. Greenwood and Ms. Rouillard to review the highlights of the last meeting; the Board prioritized the goals that had come out of that meeting. Tonight's meeting was to review the prioritizations; Ms. Truslow wanted to be clear on the Board's rankings and make sure nothing was missing.

The prioritized topics were reviewed starting with *Water Quality*. Mr. Greenwood stated that the protection of water quality was the impetus of adopting the ordinance in the first place; it was important to make sure that was protected. Mr. Wilson said that the assumption was that the water quality was worth protecting; when his own well was drilled he was told the quality was such that it was "sellable". Mr. Coppelman added that even if the water was not of the highest quality if it could be treated that it could still be used for commercial and residential uses.

Baseline quality was discussed next. Ms. Truslow stated that she had hoped to have information based on the wells that had already been placed that had testing and reporting requirements, but that testing information was not available. Some information is available at certain sites, such as the Ottati and Goss site, but there is no information available on areas such as those around the lakes that might have had seasonal use turned into year-round use and now have issues with nitrate loading. She suggested that getting more baseline information is a project for the Board to possibly determine as a future project.

ACTION ITEM: Check with the Lakes Study group for any baseline information that they had done that might be available.

ACTION ITEM: Board to request copies of data for well-testing on sites that had this requirement (Golf Courses, barrel factory as examples) to get the data collection going again.

ACTION ITEM: Check with the Health Officer and DES on well-testing results of wells done in Kingston for additional baseline data.

Ms. Truslow re-iterated that this might be a project for the Town to take care of for the future.

Prohibited Use Flexibility was next on the list of priorities. Ms. Truslow said that land-use restrictions had been questioned and asked if there was anything in particular. Mr. Wilson explained that the discussions have been whether some of the prohibited uses were outdated based on current technology for uses such as car washes and dry cleaners. He asked if the restrictions were still necessary or outdated. Mr. Alberts said that the ordinance prohibits junkyards and laundries but he was under the impression that uses such as industrial laundries is now considered “clean”; he asked to be corrected if he had the wrong impression. Ms. Truslow stated that if very strict regulations are not enforced, there could be problems; if the waste streams aren’t cleaned up in house, then problems can occur. Mr. Alberts said that his impression is that no one can get away with anything any more. Ms. Truslow answered that she doesn’t think that is necessarily true; if there is no enforcement than problems do occur. Mr. Wilson asked if the Board asked a dry cleaner, for example, to prove that the use is “clean”, should the Board allow or deny. Ms. Truslow suggested that instead of looking at every possible use, she looked at the information regarding State of the Art practices for Aquifer protection. She noted that prohibited uses still include dry cleaners and junkyards so there is enough possibility of contamination to keep those uses prohibited. She noted items for review when considering uses such as spill control, monitoring, follow-up, record keeping and oversight needed for the uses. Lesley Hume asked the Board to clarify who was in charge of enforcement for the Aquifer. Mr. Wilson stated that the Town Engineer will be following up for new development for Stormwater Management, the problem being enforcement for existing development. Mr. Greenwood added that often it is the Building Inspector who would look at the need for enforcement but that overall, it is the Board of Selectmen. He explained that often there is a conflict with the Building Inspector finding issues and the Board of Selectmen enforcing those issues; adding that this is not only the case in Kingston as, with Boards of Selectmen, it often becomes a political issue for them.

Ms. Truslow moved on to *Reduce and Limit How and What are the Vulnerable Aquifer areas*. Mr. Coppelman if there were different levels of protection depending on the value of different areas of the Aquifer. Ms. Truslow stated that there were a number of ideas available about this issue which she would like to get into later in the meeting. There were existing reports available noting the most productive areas and aspects of the Aquifer.

Impervious Surfaces and Stormwater Management (3a) was the next topic. Mr. Wilson questioned whether parking lots should be required to be paved or not. Mr. Greenwood said that it would be beneficial to determine the types of activities that could be undertaken for more commercial development without impairing the water resource; he added that this is always a conflict. He continued that he would hope to either resolve the conflict or feel comfortable in the decision based on the available information. Mr. Coppelman hoped that the report would answer whether proper on-site development using stormwater management techniques and promoting on-site recharge could allow for additional impervious lot coverage.

Commercial and Industrial Development (3b) was next on the priorities list. Ms. Truslow agreed that this went hand-in-hand with 3a; it was important to determine what uses might have on the underlying aquifer. Mr. Greenwood asked if Ms. Truslow had determined whether it was common to have commercial and industrial zones co-terminous with Aquifer districts. Ms. Truslow stated that while she did not get into other town's land uses in that depth, it did come through that various items do allow for certain activities; there might be multiple tiers of protection.

Ms. Truslow stated that she would review **Enforcement and Oversight** and **Protective Measures** later. Mr. Coppelman asked if there were ideas/guidance of how enforcement is done in other towns; Ms. Truslow said some information was available.

Ms. Truslow referred the Board to the hand-outs: Aquifer Protection Ordinance Comparison, Northborough, MA and Prohibited Uses. She reviewed and explained the spreadsheets; summarized the ordinances. She explained that Cape Cod is basically an entire Aquifer and therefore is pretty cutting-edge when dealing with sand and gravel resources. She added that Scarborough, ME is also a sand and gravel environment and theirs is similar to the Cape's model; Hollis has a fairly recent ordinance, their BMP's are pretty extensive and can be updated to conform with NHDES. Mr. Coppelman noted that they have a similar type of Aquifer as Kingston, stratified drift. Ms. Truslow stated that they also have a 15% lot coverage restriction. Ms. Truslow referred to Northboro's ordinance which has three ways of treating the Aquifer and reviewed that chart; she explained that the ordinance gets more restrictive the closer it gets to the primary recharge area. Ms. Truslow also explained that the Northboro and Cape Cod ordinances were in tonight's packet, the NH model is in the last meeting's hand-out. Ms. Truslow referred to Kingston's prohibited uses; she pointed out that items listed in the definitions section also talks to uses that would have to be specially treated; she will update that information for the next meeting.

Ms. Truslow told the Board that she had confirmed that the SE NH Water Supply Evaluation done a couple of years ago was still the best available information; simulations had been done on wells and how much water could be pumped and showed what the effect would be if 5 million gallons/day were extracted in the Pow Wow area/Greenwood Pond area and the areas of contribution. She explained that since there are no municipal wells, the thinking was to potential use instead of actual use in order to speak to the value of the area. This map was reviewed. The Board discussed areas of small community wells such as Ann's Landing, HAWC off of Hunt Rd. Ms. Truslow said that when reviewing ways to protect the Aquifer, it was important to also look at zoning; the highest value aquifer has the largest potential for large water withdrawals. She encouraged the Board to review Northboro's ordinance with its three zones. She cautioned that if oversight and enforcement is a problem, a more complex ordinance is tougher to enforce. Mr. Coppelman stated his concern that lower containment areas that might have lower enforcement can possibly contaminate higher areas. Ms. Truslow confirmed that even if the area is not the magnificent resource, it is still a significant resource that provides for a lot of local usage.

Stormwater management was discussed including whether there are current scientifically based items that are worth considering that are not currently in the ordinance as untreated stormwater is

the highest contamination source and it was necessary to use the most up-to-date stormwater techniques and BMP available.

Ms. Truslow continued by discussing the next steps in the process. She expected that instead of having 3 meetings as initially discussed, there would be 4 prior to crafting the new ordinance in order to meet to discuss recommendations after summarizing the Board's comments and priorities.

Mr. Wilson described a meeting that he had attended concerning geo-thermal wells and the impact that this might have; he added that strong regulations were being considered and wondered if that should be worked into the ordinance. Ms. Truslow stated that this seemed to be the wave of the future and that NHDES was looking into potential issues of geo-thermal wells. She agreed that this is worth looking into for the ordinance; the change of water chemistry could be the issue for geo-thermal wells possibly causing water quality impacts. Mr. Wilson said that most of the "open-loop" systems had 50 foot setbacks. There was discussion on the possible impacts for "open-loop" and "closed-loop" systems. Ms. Truslow will add this to her "to-do" list and send information to the Board for their review prior to the next meeting.

There was comment about tiered levels of protection with the flip-side being the problem of enforcement if the ordinance was too complicated. Ms. Faulconer suggested that it was vital to have the Board of Selectmen involved in these discussions as the enforcement of a complicated ordinance would fall on them; any significant enforcement would also be a financial issue that would need to be addressed with the Board of Selectmen. She suggested that a dollar figure be established for the enforcement of this ordinance so specifics could be addressed.

ACTION ITEM: The Board agreed to invite the Town Engineer, Town Inspectors and the Board of Selectmen to the next meeting and the final meeting.

ACTION ITEM: Mr. Greenwood will meet with the Town Engineer to work on an estimate for enforcement costs.

The next meeting with Ms. Truslow will be on February 22, 2011 from 6:30 to 8:30 PM. Ms. Truslow will send out recommendations within the next two weeks so the Board can review and provide comments back to her prior to the meeting.

Board Business/Correspondence

- Legal file was passed around with Konover decision
- Letter from BOS to Building Inspector re: Smith/Exeter Rd. was read
- Letter from BOS re: horses was read including letter from Attorney Loughlin; the BOS is asking for PB opinion. Mr. Greenwood stated that this opinion appears to be contrary to his opinion in the past. The letter was given to Mr. Greenwood for his review.
- Bond list was reviewed; Ms. Faulconer recommended two bonds be released as there was nothing pending, after Mr. Greenwood's review costs were charged; Mr. Wilson signed the two releases.

- Email was received by Mr. Alberts re: amending minutes of January 4, 2011; this will be reviewed at the time those minutes are scheduled to be approved.
- Town and City Magazine

Plan Review:

Mr. Wilson noted at this time that Mr. Pope will be a voting member at this meeting. The Board reviewed plans submitted by Brox Industries to construct a concrete plant.

MM&s to put the Brox application on the Feb. 15, 2011 meeting at 6:45. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**

Mr. Landry asked the Board would be submitting a letter in support of the Water District warrant article. Mr. Wilson explained that the Board had decided to have Mr. Wilson, as PB Chairman, write a letter explaining the split-zoning article and write a letter from the Board, hopefully in conjunction with the BOS, opposing the Ash Drive article. Mr. Wilson read the citizen’s petition for the Water District. The Board consensus was unanimous for Mr. Wilson to write a letter of support.

ACTION ITEM: Three letters to be written: joint letter from the Board and BOS re: Ash Drive; Letter signed by the chair explaining split-zoning; support for the Water District signed by the Board members.

MM&S to approve the December 14, 2010 minutes as written. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Library Trustees

Nichols Memorial Library

The Library Director, Sara Scyz, members of the Library Board of Trustees, Lesley Hume, Elaine Van Dyke, Danielle Genovese, Jane Christie and Mary Magnusson and their architect, Ron LeMar appeared before the Board to give their presentation for the proposed new library. Also present from the Historic District Commission was Chairperson Virginia Morse and Vice-Chairperson Judy Ruben.

Mr. LeMar explained the process by which the current proposal was chosen which included reviewing the Town’s 2007 Master Plan and proposing a design that was consistent with Kingston’s architecture while also being cost effective, sustainable and energy efficient. He also reviewed the current library building noting existing conditions and over-crowding. He explained that while designing the proposed building, nationally recognized library programming was reviewed which would have required a 13,569 square foot building; they reviewed the actual current needs for the Town along with a 20-year projection and a 50-year projection; initial planning organization for the building; uses, staffing. By keeping a single story building, the additional square footage required for fire stairs, elevator, duct risers, additional bathroom on the second floor was eliminated. He added that they kept the building space needs as “tight” as possible while still meeting code and handicap accessibility requirements allowing for the

building proposal to be for 8,957 square feet. The design also allows for future “kindle” check-outs where books can be downloaded and “borrowed” electronically instead of buying the books.

The conference room is 24 x 36; Ms. Hume and Ms. Van Dyke visually showed what that space is; the Fire Department had been consulted to confirm that the space would be adequate and meet safety codes. It was explained that this would be a “building within a building” able to be used and operated with the rest of the library closed; it would have its own HVAC system. Mr. LeMar continued that the building can be operated with the current staffing due to better placement of services within the building.

The site itself was discussed; well-placement was noted; DES does not see any problems with any wetlands proximity; there is room on the site for an additional building of 8,000 square feet if needed for the Town; a limited number of trees will be removed to keep the site wooded. Future expansion capability, which is not anticipated for decades, was shown on the plan; there is the ability to build this with the appropriate fire walls to eliminate the need to sprinkle the building. Since the building is less than 10,500 square feet, per NFPA rules and in discussion with the Fire Department, there is no requirement to add a sprinkler system to the building.

Mr. LeMar explained that they tried to keep with the surrounding architecture in the Town; the building is accented with cultured stone (a “green” product) to keep with the current “stone” library; the wood on the building is actually a fiber-cement with a lifetime warranty and a 30-50 year warranty on the coating, depending on the choice.

The multiple energy efficient systems proposed for the building were explained along with the costs and long-term operational costs comparisons used to determine the choices; the example given was the choice to spend \$14,000 more in insulation that would reduce the HVAC costs by \$50,000.

The project costs were reviewed:

- Furniture costs: \$187,126
- Contingency: \$50,000
- Performance and Payment Bonds: \$43,026
- Builders Risk Insurance: \$16,549
- Clerk of the Works: \$6,000
- On-site Material testing: \$7,700
- Utility Connections: \$8500
- Move-in Costs: \$5000
- Building Cost (including site work, construction and fees): \$1,876,099

Total cost being \$2.2 million; there are capital reserve funds available to defray the total request. It was explained that these are “not to exceed” project costs. A generator is included in the costs.

Ms. Hume discussed the site plan and the access management that had already been worked out with the utilization of the shared driveway; Fire Department access and plowing for the Highway have been addressed with each department.

Mr. Coppelman asked if the plan was to “bond” the amount not covered by the Capital Reserve Fund. Ms. Hume explained that there were two approaches to fund the building. She stated that the Board of Selectmen had stated that their preference was for a bond; a 10 year bond at 4% interest would be \$430,000 in interest; for a \$250,000 home, depending on the type of bond, would add \$100 to \$70 to the tax bill each year. Ms. Hume continued that the alternative funding was what has been called the “Dump Fund”, the Irrevocable Trust that the Town had established. She explained that the three warrant articles needed to revoke the trust, withdraw funds from the trust and then re-establish the trust, had been reviewed by the Department of Revenue Administration and the Attorney General’s Office; no taxes needed to be raised for this proposal. When asked, Ms. Hume clarified that there was language stating that if the “three articles” passed, the warrant article would be moot so as not to raise and appropriate twice what was needed. She continued that the DRA explained that without this directive language, the DRA would only allow one article and that they would be the body that chose and they would chose the “dump fund” withdrawal as their preference to the tax payers would be one that had no direct tax impact. Ms. Hume stated that this was done as it was the recommendation of the Department of Revenue Administration. She did explain that the BOS objected to the “moot” language being added to the “landfill” alternative; they would have preferred it the other way. Mr. Greenwood asked if both choices required a 60% majority. Ms. Hume answered that the “landfill” choice required a simple majority, the same amount required to establish it. She also explained that currently the landfill funds, due to its Trust status, is earning 1.2% interest; it would be over 4% interest to borrow the money. Ms. Genovese added that currently there is about \$6.5 million in the fund; \$4.5 M will be put back in the fund and continue to earn interest.

Ms. Hume commended the Planning Board and CIP committee for working on establishing a road map for the needs of the Town; she discussed the building needs: the Highway Garage being built with current funds from the Landfill interest; the Fire Department has a 3-5 year window for their project with interest continuing to accumulate. She stated that the CIP does not have projects in it that can’t be sustained by utilizing the interest generated on \$4 M.

Ms. Van Dyke answered presumed questions on the use of the current building if the new building is approved. She stated that a number of people would like to use the building for appropriate purposes; she did add that the septic system will need to be fixed on the building regardless of the use. Ms. Van Dyke stated that it would be ideal as a use for the Historic Museum and Commission; there is heat and air that was not available in the current museum building that would better protect those items. She explained that the addition that had been previously proposed did not really take care of the needs of the Town – it did not provide for adequate parking; meeting space; there were no future expansion capabilities.

Virginia Morse stated that the HDC had originally thought that the expansion was a great idea but as an educator, she did agree that the addition wouldn’t do the job needed for the modern needs of a public library. She said that she appreciated the design with keeping with the flavor of the original library; she was excited that Kingston was so close to being on the verge of a new library; a Library Association 10-year study shows that a well-stocked library staffed by knowledgeable personnel actually helps raise test scores.

Mr. Coppelman asked how pro-active the Trustees were being in seeking out others in the use of the existing building. Ms. Van Dyke answered that the Alliance for Historic Preservation is willing to work with the Town for grant money for the building. She explained that part of the trust agreement would be to keep the building as a reading room possibly for historic documents. Ms. Genovese noted that the Historic Museum group have filed a Letter of Interest for the building. Preserving the structural and historical integrity of the building was discussed. Mr. LeMar stated that historic tax credits are available; Ms. Morse explained that the building being on the National Register of Historic places would make it high on the list for grants for restoration of the building.

Ms. Faulconer stated that there are many residents in Town that don't have access to the internet due to financial circumstances; many jobs are only able to be applied for over the internet; these residents rely on the services provided by the library and the current space needs are not adequate to fill the needs of the number of people who need these services. Ms. Morse added that not all children have access to computers when they are not in school.

Mr. Coppelman stated that he thought the design as presented was very good. Ms. Hume added that Bob Pothier has offered to help with architectural historical designs for the building. Ms. Van Dyke thanked the Board for letting come to tonight's meeting. In response to Mr. Alberts' question, Ms. Hume stated that a copy of the presentation was available on the library's web site.

MM&S to adjourn at 9:50. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**