

**Kingston Planning Board  
Public Meeting  
March 1, 2011**

The Chairman called the hearing to order at 6:38 PM. There were no changes to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman  
Jay Alberts, Vice Chairman  
Richard St. Hilaire, Alternate

Glenn Coppelman  
Ernie Landry  
Adam Pope, Alternate

Members Absent: Marilyn Bartlett (alternate), Dan Mastroianni, Chuck Hart, BOS rep.

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; several members of the Conservation Commission.

Mr. Wilson confirmed that Mr. Pope and Mr. St. Hilaire would be a voting member during this evening's meeting.

**Danna Truslow**  
**Aquifer Protection Ordinance Evaluation and Update**

Ms. Truslow distributed the Interim report and recommendations for the Ordinance update. She reviewed the agenda for this evening's discussion; Ms. Truslow suggested reviewing her recommendations so the Board could ask questions and make recommendations on her recommendations to develop the template for the Ordinance.

She began with a review of what had occurred so far including the establishment of priorities and tasks; summarization of the current ordinance; Planning Board visioning; priorities and objectives; public water supplies and potential contamination sources; favorable ground water analysis maps. Ms. Truslow explained that the most vulnerable areas were determined by the greatest resource and potential for contamination; she added that since Kingston does not have a municipal water supply, it seemed logical to zone where the greatest resource is. Ms. Truslow explained that the USGS model developed in the 1980's established that 4 million gallons of water was available per day from the Pow Wow River Aquifer.

Ms. Truslow reviewed her recommendations including established two Aquifer Protection Zones described as Zones A and B; Zone A would have the greatest protection; Zone B would still have protection but have more flexible land use and lot sizing. She explained the map showing the two zones. The recommendations for Zone A were reviewed so the Board could see those items that exist and those that are missing in the model Aquifer Protection Ordinances included in Ms. Truslow's hand-out. Items discussed included maintaining the 3-acre minimum lot size; a conceptual Planning Board review prior to plan submission; stormwater and recharge

management; a cap of 15% impervious surface coverage for residential lots; if more than 15% lot coverage for commercial or multi-family lot coverage, a stormwater management plan would be required, for the benefit of groundwater and surface water protection, the total impervious lot coverage cap should be upgraded to less than 25%; all run-off recharges on the site; innovative stormwater management should be encouraged. Ms. Truslow stated that the Stormwater Center at New Hampshire is an excellent resource. The prohibited uses were almost word for word by the model ordinance which she agrees with; additional prohibitions include vehicle wash facility; commercial laundry; development or operation of manufacturing using petroleum based products such as asphalt shingles and asphalt products. She stated that it was important to keep petroleum production and petroleum products out of the groundwater. Mr. Alberts said that he disagreed with the prohibition of commercial laundries due to current technologies. Ms. Truslow stated that she had looked into this issue of commercial laundries and due to the discharge to groundwater and certain high chemical concentrations that particular use does not belong in Aquifer ground discharge. Mr. Alberts agreed that she knows more about this area than he did.

Zone B recommendations were reviewed including a 2 acre minimum lot size; less than 15% impervious surface coverage for residential lots; a stormwater management plan requirement for over 15% lot coverage for commercial, industrial or multi-family. Prohibited uses are the same with a couple of noted exception including allowing commercial laundries that use solvents on site; the use or generation of hazardous waste is increased from Zone A with stipulations. Additional recommendations within the draft proposal were reviewed. A blasting permit within the Aquifer is recommended because of the potential contaminants and potential damage that can be done by blasting; geothermal wells should be reported. Ms. Truslow cautioned that expansion or re-development will require adherence to the Aquifer Protection Ordinance; language referencing the enforcement of provisions of RSA 676 or RSA 485-c should be added for greater protection; enforcement of Best Management Practices for groundwater should be required; semi-annual inspections and the authority to charge inspection fees are recommended which could include a hydrologic study and report being submitted and third party review for certain projects. Additional protections and assessments were reviewed. Discussion continued concerning well registration and establishing assessment procedures.

Ms. Truslow encouraged additional land protection in the Aquifer Protection zone and suggested evaluating Aquifer Protection District groundwater if and when municipal wells were proposed; she urged the collection of data for future wells and follow-up of any wells with requirements for providing data.

Ms. Truslow stated that while Zone B would allow greater flexibility it will also require oversight; in order to reduce contamination of the Aquifer, stormwater management is crucial. She re-iterated that additional oversight is required for greater flexibility.

Mr. Wilson asked of semi-annual inspections would have a time limit or be forever. Ms. Truslow answered that when dealing with possible contaminants, it should be forever. She said it focuses attention from the facility to what must be maintained; the reviewer/inspector could be someone on staff or a third party reviewer; the health officer, for example, would need more time to review reports as they are submitted. She added that in order to have an independent report, most towns are the ones that hire the third party so they are working for the municipality.

Mr. Alberts discussed his interest in capitalizing on the possible economic benefits of the Aquifer. Mr. Coppelman stated that if the Aquifer was not protected, it couldn't be capitalized on; he felt it necessary to make decision on the proposals first and then discuss any economic value. He added that something needs to be established regardless of the Town meeting results on the water district article. Mr. Wilson re-stated that most of the changes being discussed would apply to Zone B with some changes for Zone A.

Dave Ingalls, of the Conservation Commission, discussed past actions regarding impervious surfaces, used car lots and the requirement for used cars to be on an impervious surface which then became an enforcement issue. Since the Planning Board is not an enforcing body, who does the enforcing of the ordinances. Mr. Coppelman asked Mr. Ingalls if he had any comments, on Ms. Truslow's proposal, on behalf of the Conservation Commission. Mr. Ingalls said that it would depend on what the Town is trying to achieve and added that it should be based on the Town's Master Plan. Mr. Wilson said that the Board was trying to see how it could help bring something to the Commercial Zones. Mr. Coppelman stated that Route 125 is in the center of the Town which has the highest yield Aquifer and the question is how to balance growth and protection. He continued that more science and information is available now since the APO was first established; the Board was trying to see if there are ways to propose its modification to still allow for development of land uses and keep the protection of the Aquifer.

Ms. Faulconer noted that the Board was still working on establishing enforcement of Stormwater Management and suggested those items should be established before changing anything that relied upon that enforcement. Mr. St. Hilaire said that he didn't agree with Ms. Faulconer but said that the Board should still go forward to make the recommendations. He also recommended that the Board go to the UNH Stormwater facility. Mr. Wilson said that it be good to work other items into the regulations such as rain gardens, requirements that pavement in certain areas such as subdivisions being pervious surfaces. Mr. St. Hilaire agreed that there is a lot that developers can do to eliminate impervious surfaces. There was discussion about fees; Mr. Wilson noted that if every business had to pay a \$100 fee, it would pay for a code enforcement officer. During discussion, it was noted that Manchester established a Stormwater District; Mr. Greenwood noted that Greenland is discussing this possibility; state law was passed two years ago to allow a Stormwater District. Mr. Truslow said that she is working on a project in Portland establishing a Stormwater Utility. Mr. St. Hilaire commented that it would be necessary to look at the existing restrictions in Zones A and B again; he questioned why a machine shop wouldn't be allowed in the Aquifer. Ms. Truslow explained that a machine shop/repair shop might be in the section that it was allowed with less than 25 gallons of a regulated substance. It was unclear whether that amount was weekly, daily, monthly.

**ACTION ITEM: Ms. Truslow to clarify whether the limit of 25 gallons of a regulated substance was daily, weekly, monthly?**

Mr. Landry asked if establishing a Watershed Protection Ordinance, per the Master Plan, would enhance the Aquifer Protection Ordinance. Ms. Truslow said that it would be good to include Stormwater requirements and uses allowed in the watershed. Mr. Landry confirmed that the aquifer gets recharged in a broader area. Ms. Faulconer confirmed with Ms. Truslow that there was no difference in the aquifers themselves for the two proposed zones, neither was capable of

better recharge, the difference was the amount of water. She added that due to the enforcement issues needed to protect the aquifer and costs involved, it was necessary to get Board of Selectmen involvement.

Mr. Quintal questioned why pervious pavement would protect Kingston's groundwater as he thought that the impervious surface requirement was for that protection; that by directing flow toward catch basins allowed the removal of hydrocarbons and this would not happen with pervious surfaces. She agreed that certain land uses may make sense but not all land uses would be appropriate; she added that it might be appropriate for residential sites and parking lots but not car lots; salt contamination on previous surfaces is still an issue; pervious coverage requires less salt usage. Mr. Quintal referred to Stormwater Development BMP's needed to purify run-off; he said that the idea of going to larger impervious areas were okay as long as the BMP principals are in place to make sure it matched pre-development conditions; it was necessary to determine the correct density without contaminating Kingston.

Ms. Faulconer asked if there was information about the water production in the two Aquifer B zones; Ms. Truslow did not have that information although she added that there was high production capacity at Granite Fields.

Ms. Truslow agreed with Ms. Faulconer's comments that changing Zone B would require implementation of Stormwater Management and BMP's which would require inspection and follow-up. Ms. Truslow stated that it was a cautionary note to protect the Aquifer.

Mr. Coppelman asked where the Board went from this point. Ms. Truslow stated that the interim report would need to eventually become a final report after the Board reviewed all the information and recommendations; establish what a new Ordinance would look like but there needed to be a lot of discussion. She suggested keeping the interim report as it is for now and then wrap things up as there was still the ability for one more meeting with the Board within the allowances of the grant. Mr. Wilson stated that Ms. Truslow would be added to an upcoming agenda, allowing the Board the ability to discuss and review the information. Ms. Truslow stated that she expected Mr. Greenwood to develop the ordinance with input from Town counsel. Mr. Greenwood said that he would attempt to prepare an ordinance after the Board's review and discussion.

Mr. Alberts would like Ms. Truslow to look into the prohibitive uses due to State and Federal regulations. Mr. Coppelman reminded the Board that one of the grant stipulations was to make the best effort to use some of the information that came out of Ms. Truslow's work.

**ACTION ITEM: Mr. Greenwood and Mr. Quintal to give estimates of enforcement/inspection fees for stormwater management and Aquifer Protection after the Board's discussion.**

While Ms. Truslow packed up her presentation materials, the Board took a five-minute break.

## **Correspondence**

- Mr. Wilson distributed the legal correspondence file to the Board members.
- Protest petition was received against the citizen's zoning petition.
- Transport plate application was received for 48 Exeter Road; Board consensus was to authorize the Chairman to sign as a denial of the application as it does not comply, return to BOS.
- Application received for driveway permit; informational for the Board.
- Letter in response to researcher denying request.
- Letter received from Joseph Kibbee re: Danville development; Ms. Faulconer explained that the BOS had also received the letter and were responding.
- Two invoices received from Civil Construction for reviews: Brox for \$642.50 and First Congregational Church for \$925 – okayed to pay by the Board; authorized the Chairman to sign.

**MM&S to approve the minutes of February 1, 2011 as written.** (Motion by Mr. Coppelman, seconded by Mr. Alberts) **Motion passed 5-0-1** (Mr. St. Hilaire abstained).

Mr. Greenwood brought an issue to the Board. He stated that an antique store proprietor, Lynn Coolen, wanted to do an expansion on the building; he explained that the regulations require a site plan; a site plan has been done but the regulations only provide for one expansion, that had been done already and this exceeds the maximum of 7% expansion per the regulations. The zone the use is in was reviewed and discussed. Mr. Greenwood stated that the expansion is at least 25% over the amount; he explained that he referred to Ms. Coolen to the original engineer with the idea that the costs might be less using the original plan with the original engineer. Mr. Coppelman agreed that referring the applicant to Paul Nichols was a good idea. Mr. Alberts asked if there was any way to go around the regulations to avoid the expense of an engineer. Mr. Greenwood said that he didn't see how it could be done however he said it is a regulation and can be waived by the Board. Mr. Alberts explained Ms. Coolen's proposal to the Board. Mr. Coppelman asked Mr. Alberts about the level of development he was having with the applicant. Mr. Alberts stated that he sells items at the shop and she had discussed the proposal with him; he said that he would recuse himself at the time if the Board decides he should. Mr. Wilson said that he would like to visit the site and suggested including it after the Brox site walk.

**ACTION ITEM: Ms. Faulconer to pull Lynn Coolen's antique store file for the Board's next meeting.**

**ACTION ITEM: Mr. Greenwood will contact Ms. Coolen to inform her that Board members may be visiting the site.**

Mr. Alberts announced that if Miss Coolen's request came before the Board, he would vote to waive the regulation requiring the engineered plan.

Mr. Wilson reminded the Board that Tuesday is Election Day.

**MM&S to adjourn at 8:40.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**