

**KINGSTON PLANNING BOARD  
MARCH 19, 2024  
PUBLIC HEARING/MEETING  
MINUTES**

Ms. Duguay called the meeting to order at **6:45 PM**; there were no challenges to the legality of the meeting.

Ms. Duguay introduced the Planning Board (“PB” or “Board”).

---

**MEMBERS PRESENT:**

Robin Duguay, Acting Chair	Peter Coffin
Electra Alessio, BOS Representative	Rob Tersolo

**ABSENT:** Lynne Merrill, Chair

**ALSO PRESENT:**

Glenn Greenwood, Town Planner  
Dennis Quintal, Town Engineer  
Robin Carter, Land Use Admin.

---

**PUBLIC HEARING(s)** (in these minutes)

Cellco Partnership, d/b/a Verizon Wireless’, Off Hunt Rd., Map R1 Lot 1	Pg. 1
Hawks Ridge of South Kingston, LLC, Mulligan Way & Bent Grass Circle, Map R3 Lot 4 LU 4020	Pg. 15
Gerard Welch, MHOC, LLC, 57 Depot Rd., Map R28 Lot 1	Pg. 16

**BOARD BUSINESS**

**Resignation of Steve Padfield, Planning Board Member:**

Ms. Duguay read Mr. Padfield’s formal letter of resignation dated March 15, 2024.

<b>MOTION</b> made by Mr. Coffin to accept Mr. Padfield’s resignation with regret. Seconded by, Mr. Tersolo. <b>A vote was taken, all were in favor, the motion passed. (4-0-0)</b>
---

**PUBLIC HEARING**

**PUBLIC HEARING #1**

*Continued from 02/06/2024*

**Cellco Partnership, d/b/a Verizon Wireless’  
Off Hunt Road  
Map R1 Lot 1**

*<Board note: this hearing began at 6:43 PM>*

Cellco Partnership, d/b/a Verizon Wireless’ application for the necessary **Conditional Use Permit** and **Site Plan** approval to construct and operate a 140’ wireless telecommunications facility off Hunt Road.

This is the 2<sup>nd</sup> public hearing on this proposal.

47 Mr. Greenwood, Town Planner, gave a status update on this proposal.  
48     ▪ There was a site walk on February 17, 2024 to look at the location of the facility as well  
49 as performed a balloon test to show what the height of the 140-foot monopole tower  
50 would look like.  
51     ▪ The applicant has provided a revised site plan that has addressed the majority of his  
52 questions that were identified in the first plan.  
53     ▪ The Board has received a series of photo graphs from the applicant that were a result  
54 photo shopping in the tower from different vantage points, using the balloon that was  
55 there and substituting in what the actual tower would look like. This information as well  
56 as the revised plan was put on the Planning Board page (under plans) of the Town  
57 website.  
58

59 **Applicant:** Present on behalf of Verizon Wireless' were, Mark Beaudoin of the law firm Nixon  
60 Peabody and Keith Vellante, Sr. RF engineer for the project (of C Squared Systems, LLC). Chip  
61 Fredette who was present at the last public hearing and the site walk was not able to be present  
62 tonight.  
63

64 Mr. Beaudoin explained that at the last meeting the Board requested that a balloon float be  
65 conducted. It was conducted on February 17, 2024. He mentioned he was not present but  
66 understand that the weather was clear and not too windy.  
67     • As part of the balloon float they submitted a photo simulation packet on March 13, 2024.  
68 It shows where all of the photos were taken from and shows the red balloon, the bottom  
69 of the balloon is 140' above ground level.  
70     • They also provided superimposed pictures of what the structure would look like if it were  
71 constructed in that location.  
72     • They submitted an updated site plan addressing some of the concerns of staff, the Fire  
73 Chief and Town Engineer.  
74     • They also tried to address some of the concerns of the Board and the abutters in the  
75 supplemental application they submitted on March 13<sup>th</sup> in connection with the fall zone,  
76 health effects and diminution of value.  
77

78 Mr. Beaudoin offered to go through the information provided if the Board would like.  
79

80 Ms. Duguay brought up that the Board has received several comments via email from the public  
81 and read them into the record. Prior to reading these comments she read the comments  
82 submitted by the Kingston Conservation Commission and the letter provided from the Town of  
83 Hampstead, Board of Selectmen.  
84

85     ▪ **Kingston Conservation Commission Comments dated March 14, 2024:**  
86     "Conservation has concerns regarding the location of the tower, and  
87 work being done there. The area is on a south facing rise with sandy  
88 soil, prime turtle nesting grounds with the very large and important  
89 wetland complex nearby.  
90 We advise Cellco to consult with NH Fish and Game Nongame before  
91 any construction begins. Endangered Blanding's turtles and threatened  
92 spotted turtles have probably been recorded in this area."  
93  
94  
95  
96



152 be moved further from our neighborhood on Mr. Kimball's property? The proposed tower is 50  
153 feet from our neighbor's property and if it falls in that direction it would land on their property  
154 even if it broke in half. Can Verizon make the tower to look like a tree? I have seen this type  
155 while traveling in New Jersey. Attached are pictures I took. The one with the circle around the  
156 balloon is from Rosewood Ave. the others are from Ellyson Ave. A concerned neighbor, David  
157 Heidler”

158  
159 4. Kirsten and Nicholas Lander, 90 Ellyson Ave., East Hampstead, NH  
160 “Hello, I am writing to you with concern of the possible Verizon cell tower that is proposed to be  
161 installed behind my property.  
162 Please see pictures attached while the balloon was out. One is taken from by back deck.  
163 Another from my kitchen window. Then taken of my house with clear view of the tower above  
164 my house.  
165 This is very unappealing and will affect our property values. Please consider moving the tower  
166 to a more remote location, away from abutting properties. Thank you, Kirsten and Nicholas  
167 Lander”  
168

169 5. Meredith Prince, Rosewood Circle, East Hampstead  
170 “To the members of the Kingston planning board, My name is Meredith Prince. I apologize  
171 for such a last minute email, but I understand there is a meeting tonight that will address  
172 the proposed cell phone tower that will abut my neighborhood in East Hampstead. I am  
173 now, unfortunately, unable to attend this meeting, so I wanted to formally address my  
174 family's concerns.  
175 My husband and I, our two children, and our two dogs, are residents at 7 Rosewood Circle in East  
176 Hampstead. We are concerned that this cell phone tower will undoubtedly reduce property values of  
177 many in this neighborhood. People are drawn to this very quiet neighborhood due to the beautiful  
178 Victorian and colonial style homes, with underground power and cable lines. Many homes are also  
179 surrounded by conservation land. It has such an elegant charm to it. Adding this cell phone tower,  
180 visible for the majority of homes on Ellyson and some on Rosewood Circle, will unfortunately be a huge  
181 “eye sore” and dramatically take away from the elegance of the neighborhood. Many towns like  
182 Hampstead and Kingston have that adorable, small town vibe that many of its citizens are drawn to—  
183 cell phone towers as visible as this just really take away from that and will, I believe, steer potentially  
184 buyers away from our neighborhood, as well as other surrounding neighborhoods/properties in  
185 surrounding towns.  
186 Our biggest concern is the potential health risk of living in such proximity to this tower. There are many  
187 children and young families that live in this neighborhood and it seems there is not enough research to  
188 show the serious long term effects the transmission from these towers could potentially cause. In my  
189 opinion, having better cell service is just not enough reason to put so many people's lives in potential  
190 harm's way, especially where there are so many young children involved.  
191 For these reasons, my family asks that you reconsider, and deny having this cell phone tower built at  
192 this location. We seriously thank you for reconsidering this matter, The Prince Family Rosewood Circle  
193 Residents”  
194

195 **Town Planner comment(s):**

196 Mr. Greenwood noted that he provided his first round of comments (dated January 15, 2024).  
197 The applicant has submitted revised plans. Of the 14 comments he had there are only 4 that  
198 haven't been resolved and are shown on his updated memo to the Board dated March 18, 2024.  
199 The remaining items are issues being brought before the Board for consideration. The  
200 remaining items need to be discussed with the Board and it is up to the Board if they want to do  
201 additional RF engineering review and having a further discussion to some sort of resolution  
202 about the fact that the fall zone doesn't remain entirely on the property of the site. The following  
203 is an update of Mr. Greenwood's comments to the Planning Board:

- 204 1) “The applicant has submitted information detailing the need for this tower based upon  
205 RF engineering information. The Planning Board has the opportunity to have this  
206 information verified by a third-party independent review. Is this desired by the Board?  
207 ~~2) State law at RSA 4:7 indicates that all municipalities within 20 miles shall be notified if they would be able to~~  
208 ~~see the facility. I don't believe the facility will be seen beyond Hampstead and Plaistow but I can only see~~  
209 ~~that Plaistow was notified. If Hampstead was not we should continue this hearing and notify them. (The~~

- 210 applicant should have offered an indication according to topography for those municipalities that may see  
 211 this but it is not a requirement for them. This is my oversight not Robins.)
- 212 3) The fall zone for the tower goes onto property in Hampstead? Is it correct that although  
 213 our ordinance requires a setback equaling 125 percent of the tower height that this  
 214 monopole is designed to fall vertically and not horizontally?
- 215 ~~4) Does the Board want to see a balloon test to illustrate the visual extent of the proposed tower?~~  
 216 ~~5) The site is fairly remote, does the Board want additional screening of the site beyond the forested nature of~~  
 217 ~~its present location?~~  
 218 ~~6) Is a site walk warranted?~~
- 219 7) There is a list of Factors to be considered in granting a Conditional Use Permit (CUP)  
 220 found at 410.7, B., 3. The Board should review these as they consider the CUP. From  
 221 my perspective the nearness of residential structures in Hampstead is a concern.
- 222 ~~8) The applicant has agreed to both co-location for other providers and public safety antennae location for fire~~  
 223 ~~and police. These should be conditions of any approval.~~
- 224 9) Bonding for removal and /or abandonment of this tower can also be considered by the  
 225 Planning Board.
- 226 ~~10) For recording purposes, the plan will require the stamp of a Licensed land surveyor.~~  
 227 ~~11) The zoning table should indicate that the property falls within the Wetlands Conservation District.~~  
 228 ~~12) Any plans for recording need to have an endorsement block for the Planning Board signature.~~  
 229 ~~13) The site plan needs to indicate pre and post impervious coverage totals.~~  
 230 ~~14) An electronic version of the final plan set must be provided."~~

231  
 232 **Town Engineer comment(s):**

233 Dennis Quintal, Town Engineer informed everyone that he sent his original comments on  
 234 January 12, 2024. For the information that he received today (the supplemental application  
 235 dated March 13, 2024), he needs more time to look the information and revised plans over to  
 236 see if there are any other comments he might have with the comments he already submitted in  
 237 the past.

238  
 239 In regard to his previous review on the January 12<sup>th</sup> review:

- 240 1. The wetlands stamp is on the plan but hard to read, only part of the stamp was on the  
 241 plan that he could see.
- 242  
 243 7. The drop zone – he has read the letter submitted by the engineer (from Valmont)  
 244 about how if it did break it would break in half, and stated that’s an opinion by one  
 245 engineer. Being that close to the property line is always a concern for abutters of a  
 246 failure of a structure like that. A full drop zone for the radius is probably not uncalled  
 247 for, it’s certainly something that could be put on the plan and enforced. As far as the  
 248 location of it, he does not see why it can’t be moved away from the property line.

249  
 250 **Board comment(s):**

251 Mr. Coffin pointed out that Mr. Quintal addressed what is one of the biggest concerns. During  
 252 the site walk we looked at an area that was further away but the same distance to the State  
 253 highway and was closer to the Plaistow border. Site wise and elevation it has quite a few  
 254 advantages and doesn’t seem to be any real reason why it can’t be located there. In the  
 255 applicant’s original presentation, they said the land owner wanted to maintain access to his back  
 256 property. However, the location where it is immediately adjacent to his road whereas if it was  
 257 moved towards the Plaistow line, the road would be completely unaffected. Additionally, the  
 258 underground cables that they said would feed the power and signals to the tower have to come  
 259 out of the ground go up a pole, go across his access road, back down and over to the facility.  
 260 Which may make it unsightly but would make it susceptible to damages from wind storms and  
 261 other things and the large equipment he uses for harvesting trees. The biggest thing that is  
 262 driving this is the **fall zone** and the tower is located at the absolute minimum distance for the

263 Town setback regulations from the property line. The fact that our regulation, the fall zone is  
264 created to state that no residential structure can exist within the fall zone-and they have to have  
265 that much radius, 110% of the tower height. You cannot encumber someone's property and tell  
266 someone in Hampstead that they can't build on a portion of their own property because there is  
267 a cell tower there.

268  
269 Mr. Coffin referenced the letter from their engineer (letter from Valmont dated 1/22/2024)  
270 regarding the structural failure, modes of the monotower; use the term theoretical failure point of  
271 the cell tower and predicted mode of a wind induced failure would be local buckling. Mr. Coffin  
272 asked the applicant if this had been tested? Given the statement of the engineer that it was  
273 theoretical and predicted, do they know if the monopoles have been tested. Mr. Beaudoin  
274 answered that they have all been tested. Mr. Coffin asked, tested to the failure point? Mr.  
275 Beaudoin mentioned that they have all been engineered to break at the midpoint. Mr. Coffin  
276 said, they have been engineered to break, but have they been tested to their failure point? Mr.  
277 Beaudoin said they have been engineered to break at the mid or higher. Mr. Coffin responded  
278 saying that the answer is you don't think they have been tested to their failure. Mr. Beaudoin  
279 said that is not what he is saying. He is saying that these towers have been around for two  
280 decades within adjacent towns, right next to the Bedford police station and they haven't fallen  
281 down, they don't fall down. If they do, they are engineered to break at the midpoint or higher.  
282 So, it would fall down on itself. Mr. Coffin commented so if the stress riser is formed at the base  
283 and the failure mode was started at the stress riser, which is a defect in the metal that allows  
284 metal failure, they don't know how in fact it would fall and that is why they use those terms  
285 theoretical and predicted because the engineer is telling us with those words that it hasn't been  
286 put on in a laboratory or put in a testing situation to see where it will break if it actually does  
287 buckle.

288  
289 Mr. Coffin explained that the reason he is bring this up is because you are then liable if you  
290 have a cell tower that does in fact fail and falls onto the abutting property.

- 291     ▪ We as a Planning Board, especially a planning board in an adjacent town cannot  
292     encumber that property and tell that landowner they can't build a structure there.
- 293     ▪ With all of the other factors affecting the moving of that structure, including allowing  
294     better access to the property owners backland on the existing road, the ability to bury the  
295     cable access to the tower completely, and the fact that the slope goes slightly up hill  
296     there that point closer to the Plaistow line than it is in the current location, they could  
297     have a shorter tower to get the same height over surrounding territory, or another 15/20  
298     feet out of the existing tower height.

299  
300 Mr. Coffin said the biggest factor here, that's not the health aspects because as the applicant  
301 pointed out it is not within the Board's purview, is the Town ordinance and the TCA do allow  
302 them to address the **aesthetic aspect** of it. There are a lot of abutters who have sent a lot of  
303 pictures that give a good idea of the visual impact on their land. He commented that he cannot  
304 understand why they would prefer to go with the current location than to move it back farther  
305 away from that line. The land on the Plaistow side is mostly town forest, as it is in Kingston. Mr.  
306 Coffin stated that they should seriously consider moving it, as the Chief Engineer for the Town  
307 had recommended that the fall zone falls completely within the Town boundaries. The Kingston  
308 Select Board's comments that were read at the first hearing ("What legal documents are needed  
309 since the 175' setback radius encroaches on the two adjacent lots?"), and the applicant  
310 responded that it wouldn't require any special legal agreements.

311  
312  
313

314 **Applicant:**

315 Mr. Beaudoin responded that if Verizon Wireless had the opportunity to site all their cell towers  
316 in the middle of 100 acres lot where no one could ever see it, there would be no fall zone issues  
317 they would always do that. The land has to be available for lease, they are limited in where they  
318 can go based on where their landlord will allow them to go and there are other certain technical  
319 requirements due to RF that they have to meet. They cannot unilaterally choose to put it  
320 wherever they want, they are restricted in that sense. Mr. Coffin asked what is the restriction  
321 that they keep citing here that keeps them from locating it 100 feet further away? Mr. Beaudoin  
322 explained that the land has to be available for lease. Mr. Coffin questioned that the 50-foot  
323 square is the only place that was available for lease. Mr. Beaudoin said that location was the  
324 arrangement with the landlord. Mr. Coffin replied that is the arrangement with the landlord for  
325 that location. Mr. Beaudoin said that is the only space available for lease. Mr. Coffin asked if you  
326 told them you needed to move it farther away from the property line the landlord would not lease  
327 you another piece of land of the same size a few hundred feet away that would meet their  
328 requirements? Mr. Beaudoin explained that was the arrangement made between Verizon's site  
329 acquisition folks and the landlord, and that he didn't have any direct communication with the  
330 landlord on that negotiation, so he can't give a definitive answer. Mr. Beaudoin went on to say  
331 that they are always trying to find the best location on the lot that will keep everyone happy, and  
332 they do not like to have these conversations where people think it is going to fall on their home.  
333 Mr. Coffin pointed out that when they were putting 140-foot pole 50 feet from a property line of a  
334 residence that should have set off flags. Mr. Beaudoin explained that he cannot say why the  
335 landlord chose to put it here, but that is what they were offered to lease.

336  
337 Mr. Beaudoin clarified a few things, the compound is 50 x 50, the pole if it were constructed is  
338 88 feet from the lot line. If it were to fall down, which it won't, it's designed to break at the  
339 midpoint or higher-so 70 feet or higher. If it fell down it would not go on anyone else's property  
340 but the landlord's property. The Town does not have a fall zone ordinance or language, what the  
341 Town has is 125% setback requirement, which they meet because the nearest offsite residential  
342 structure is 538 feet away, so they meet the Town ordinance. Placing on the applicant,  
343 extraneous terms and restrictions is unreasonable; they meet the ordinance. They can't say  
344 there's a fall zone when there isn't. Mr. Beaudoin said he takes issue with the fact that they are  
345 encumbering someone else's land because they are not. There is no requirement in the  
346 ordinance to get an easement, there's no requirement in the ordinance that even refers to fall  
347 zone really, it is just a setback and they meet the setback by 100's of feet. They are just trying to  
348 meet the obligations of any applicant in the Town, they are looking at the plain language. He  
349 understands that Mr. Coffin may have issue with their engineer's report, it is not Mr. Beaudoin's  
350 opinion, the person who wrote it is an engineer and can provide the Board with his qualifications  
351 to help get more comfortable with the information if that's an issue. Mr. Beaudoin said they  
352 submitted other photographs in the supplemental application that shows these towers exist, they  
353 are all over and often next to gas pumps, near municipal buildings or residential homes.

354  
355 Mr. Coffin pointed out that State law does give the Board the authority to consider an abutting  
356 Town's ordinances. Hampstead's zoning ordinance is that communication tower setbacks or the  
357 tower height plus 20 feet, which would mean this would be a 160-foot setback from property  
358 lines, not from residences. Mr. Coffin said Kingston's fall zone is you can't make it within 125%  
359 of the distance to the residence. There is not a residential structure there, but for the sake of the  
360 fact that the Town of Hampstead and the Town of Kingston are going to coexist side by side, the  
361 abutters have full legal standing here and standing to appeal the decision the Board makes; we  
362 try to respect our neighbors. The Town of Hampstead, Select Board has weighed in. The RSA is  
363 674:53, "A Planning Board in determining whether an application satisfies its regulations may

364 consider the effect of the proposal on an adjoining municipalities.” This is something they take  
365 seriously and would expect them to respect Kingston’s abutters when they have a project.  
366

367 Mr. Beaudoin pointed out that the citizens of Kingston could have revised their zoning ordinance  
368 to adopt the same provision as Hampstead but they chose not to. When an applicant comes to  
369 a town they have to look at the ordinance that’s relevant and they meet the Town’s ordinance.  
370 Ms. Duguay spoke saying that the RSA also gives the Board permission to look at the abutting  
371 Town’s ordinance as well in consideration of the proposal. Mr. Beaudoin said fair, agree. Mr.  
372 Beaudoin shared that he can then read the Federal Law and that there is all sorts of overlapping  
373 jurisdiction; the Telecommunications Act of 1996 is supposed to preempt all state and local  
374 laws. Mr. Beaudoin read language from the Telecommunications Act, “establishes national  
375 standards that apply to zoning applications for wireless facilities and place limitations on local  
376 zoning authority. These standards preempt or override inconsistent state and local laws so they  
377 must be considered by zoning boards or commissions in making decisions on applications for  
378 wireless facilities or an applicant for an installation of a wireless communications facility to  
379 provide communications seeks zoning relief as required by the municipal zoning ordinance.  
380 Federal law imposes substantial restrictions affecting the standard for granting the requested  
381 relief the TCA provides that. The regulation of the placement construction and modification of  
382 personal wireless service facilities by any state or local government shall not quote “prohibit or  
383 have the effect of prohibiting the provision of personal wireless service”.” Mr. Coffin clarified  
384 that the Board cannot put any restrictions on it to make it prohibitively expensive or to prohibit it.  
385 However, moving it wouldn’t prohibit it. Mr. Beaudoin responded if it is not leasable. Mr.  
386 Beaudoin explained that job is to search, and if there is a gap in coverage they do their best to  
387 find landlords that have lots that are large enough to accommodate it. Sometimes they are able  
388 to put in right in the middle of the lot, other times their landlord tells them where they have to put  
389 it and that may not be where they are choosing to put it but that is what is available. That is what  
390 is going to give them the coverage they need to build out their network as allowed under the  
391 TSA. They will do their best to accommodate everyone here, it is not like they are trying to  
392 intentionally put it in a spot that everyone dislikes, they are trying to put it into a spot where it  
393 meets the zoning ordinance and does the job.  
394

395 Mr. Coffin said let’s move on and say there isn’t an option to move the antenna, and as we  
396 discussed the last time that the alternative would be to camouflage it. He mentioned the pine  
397 tree camouflaging and a lot of the abutting comments had mentioned the pine tree  
398 camouflaging. Mr. Coffin added that when we get through the public comments they can  
399 address more about camouflaging.  
400

401 Mr. Greenwood provided input that he disagrees with the applicant’s comment that there is  
402 nothing in the Town’s ordinance that the Board is predicting this discussion on. In Mr.  
403 Greenwood’s comment letter one of the 3 things that he pointed out in the second iteration is  
404 that there is an issue that hasn’t been resolved and needs to be resolved by the Board. It is the  
405 list of factors the Board is supposed to consider in relationship to a decision. The 2<sup>nd</sup> one of  
406 those factors is the nature (410.7., B.,3.b.). It reads, “Proximity of tower to residential  
407 development or zones.” He went on to say that in this case when you look at the impact of the  
408 tower being a quasi-industrial use on the viewshed in the proximity of residences that are clearly  
409 rural residential uses. They are not urban residences, they are not village residences, they are  
410 literally country residences. He pointed out that the ordinance does say the Board is supposed  
411 to make that determination and he cannot see in good faith, looking at the applicant’s response  
412 as a straight-faced response. The applicant is simply saying that they spoke with someone they

413 wanted to lease land from before hearing anything from the public and they made a decision  
414 that said that the only location on a 50-acre parcel is directly on the property line, directly behind  
415 homes. Granted they are in a different town than Kingston, but are nonetheless residential in  
416 nature and are not at all industrial in nature. And they are asking the Board to make a decision  
417 about a quasi-industrial visual being place right next to a residential area. He believes that the  
418 Town's ordinance says when the Board is looking at the factors for their decision they are  
419 supposed to look at that. Until the Board flushes this out, he will leave this comment as one that  
420 has not been addressed.

421 Mr. Beaudoin replied, has the broad rights. As an applicant they can see all they need is a CUP  
422 and site plan approval and there's no zoning relief required. The language Mr. Greenwood  
423 cited, "the proximity to residential neighborhoods," he totally agrees. But they look to the  
424 setback that the Town put in and they meet it by hundreds of feet. So, they look to guidance in  
425 the ordinance itself to say ok what would the Board think is reasonable, because they put in a  
426 specific figure 125% off from offsite residential structure so that is what they go with. That is how  
427 an applicant looks at an ordinance, what do we have to meet and how can we arrange the  
428 project and with their landlord, they are trying. Mr. Beaudoin noted that it is not like they are  
429 intentionally putting it in a location that is problematic. They thought it was the right spot.

430 Mr. Greenwood commented that it feels that way because you thought it was the right spot, but  
431 that was the applicant's thought upon having no public input. It was simply a look at what  
432 seemed to be the most convenient deal for the person who owns the land. Mr. Greenwood  
433 explained that he's not saying that they do not have the right to determine where on their site  
434 they want to allow that. Mr. Beaudoin said, right. He is simply saying that if their spot, where  
435 they feel comfortable allowing that on their property contradicts a Town ordinance that the  
436 applicant should take into consideration what and how that structure will impact a residence; he  
437 thinks it leads to some sort of impasse. Because the setback requirement is one of physicality  
438 but it's not the only issue that draws out what the impact of the structure is; that's done visually.  
439 In this case there are tons of areas where visually having more than 150 feet is legitimately  
440 required.

441 Ms. Duguay said she is not hearing in the response when Mr. Coffin brought it up that, that  
442 conversation has happened with the landlord and he hasn't been willing to do that if that were in  
443 fact feedback he was given; and the only condition under which the CUP would be considered  
444 by the Board. She said she didn't hear them say that would be a deal breaker for the lease.

445 Mr. Beaudoin said you didn't hear that because that would not be accurate. We haven't had that  
446 conversation because they haven't gone through the process to get all the public input. They  
447 can file an application with a proposed location. They have to sign up a lease, show the Board  
448 they are serious, the Board isn't going to consider a location when they don't have some land  
449 entitlement already. He said they cannot seek public input until they have a definitive agreement  
450 with the landlord. Mr. Beaudoin commented, point well taken and they are trying their best. He  
451 brought up again, that the TCA says does not take aesthetics into account, you can't consider  
452 health effects. It is, will this fill the gap and are there other locations available to the applicant.  
453 They are trying to show the Board that they did their homework, and this is a location that is

454 available to them right now.

455

456 Mr. Quintal's observation on the report from the engineer about the theoretical breaking of the  
457 pole, which is not a guaranteed, that's a theoretical comment. To him that is not justifying  
458 enough to the Planning Board that the protection of the abutter is being protected. He pointed  
459 out that it is not only the abutter it is another town.

460 Mr. Coffin suggested that the applicant go back to the property owner and ask about moving the  
461 tower to another location on the property.

462 Mr. Coffin brought up that they are up against a shot clock that ends **April 26<sup>th</sup>** and if it's not  
463 tolled by a request for continuance from the applicant to negotiate or whatever they need to, the  
464 Board will be forced into making decision by the next month's meeting.

465 Mr. Coffin raised a question about the generator in the application, and that they said the  
466 generator is solely for backup to the electrical back up, the battery backup system and only  
467 goes on then. Most of the sites run generator testing, and he questioned how often and what  
468 frequency will this be done? Mr. Beaudoin answered once a week for 30 minutes and they can  
469 be set to a time whenever they want. Mr. Coffin mentioned the type of muffling situation, the  
470 frequency that it generates, whether it creates ground vibration, is it a diesel generator, gas,  
471 liquified natural gas. Mr. Beaudoin said both types can be spec'd, the standard generator or  
472 diesel. Mr. Beaudoin said it is a dual tank generator on a cement block. He noted that the plans  
473 and specs probably have decibel levels and he can try and get those for the Board. Mr. Coffin  
474 said this will have an effect on the abutters, things like directing the direction of the exhaust,  
475 sound engineering and ground vibration. Mr. Coffin mentioned that he would not recommend  
476 diesel it's an annoying sound that carries great distances. This should be in the application and  
477 the applicant should come up with facts and figures on mitigation efforts. Mr. Beaudoin said if  
478 the Board would like plans and specs on the diesel generator that they would customarily put  
479 there they can certainly provide that by the next hearing.

480 **Public comment(s):**

481 Public comment opened at 7:46 PM.

482

483 #1. Stephanie Boule, 70 Ellyson Ave., East Hampstead –

- 484 - Ms. Boule said that most of the neighborhood could not come tonight. A letter was sent  
485 to other residents in the neighborhood that were not necessarily abutters. They have  
486 signatures from Ellyson, Catherine, Rosewood, and Sean Dr. neighborhoods (about 35  
487 signatures) that are against this proposal.
- 488 - Ms. Boule read the letter and provided a copy with the signatures to the Planning Board.
- 489 - She commented that for Verizon not to be fair and equitable to the neighborhood, they  
490 are saying they are within their rights, and they wanted to say they have rights too and  
491 this will definitely impact their homes, their kids-their kids play back there, and  
492 concerned about safety with it that close to their house.
- 493 - She understands health impacts cannot be considered by the Board, however, there is a  
494 perceived health concern and someone going to buy their house may not care what the  
495 FCC says and not buy a house because of the cell phone tower proximity disguised or

496 not. A cell tower disguised further back may be ok. They are open to relocating it. They  
497 are not saying no stay away, we understand, move it back. The recommendations of  
498 New Hampshire of 1500 feet would be ideal, but moving it back further would a  
499 reasonable consideration.  
500

501 #2. Doug Boule, 70 Ellyson Ave., East Hampstead –

- 502 - Brought up their concerns for the project.
  - 503 ○ Close proximity to their house, 500 or 600 feet away.
  - 504 ○ Will have an effect on their property values, environment, noise pollution.
  - 505 ○ Safety and beauty of their neighborhood.
  - 506 ○ He walked the site of on the day of the site walk with the Planning Board
  - 507 members, the day of the balloon test and he submitted pictures of the proposed
  - 508 tower location from many different spots.
- 509 - He is here tonight to ask that it be considered to relocating the tower to another spot on
- 510 the property. There is 50+ acres that the property owner could choose from. This is a
- 511 reasonable request and that all the land owners are treated equitably, the landowners on
- 512 Ellyson shouldn't be at risk of losing property values while, while Mr. Kimball benefits
- 513 from the lease payments he is going to get from Verizon.
- 514 - Relocating the tower further from their homes would be in accordance with the purpose
- 515 and the goals stated in Kingston's Telecommunication Facility Ordinance, Article 410.2.,
- 516 B., it states reduce adverse impacts such facilities may create including but not limited to
- 517 impacts on aesthetics environmentally sensitive areas historically significant locations
- 518 flight corridors, health and safety by injuries accidents to person and property, and
- 519 prosperity through protection of property values. Relocating the tower would also follow
- 520 recommendations made in 2020 by New Hampshire Commission to study the
- 521 environmental and health effects of evolving 5G technology.
  - 522 ○ Aesthetics: the balloon test show the tower is going to be very visible from their
  - 523 street. It's unsightly and going to detract from the beauty of their neighborhood.
  - 524 ○ Environmental: they see a lot of wildlife from their yards.
  - 525 ○ Health and Safety: in the event of a storm or natural disaster the tower could fall.
  - 526 ○ Prosperity through protection of property values: National Association of Realtors
  - 527 notes that a negative impact of 9.6% on property values within visible ranges of
  - 528 cell phone towers. HUD classifies cell phone towers as hazards and nuisance. It
  - 529 requires appraisers to make adjustments to value due to the effect on
  - 530 marketability. They should consider a solution that is equitable for both the
  - 531 landowner, Mr. Kimball, and all the landowners, such as them.
  - 532 ○ Noise pollution: the diesel generator test is going to be a nuisance. Mr. Boule
  - 533 mentioned there is a lot of shooting on the property and if it may be a safety
  - 534 impact with the shooting and the cell phone tower (i.e., hitting the generator or
  - 535 the metal of the cell phone tower and ricocheted), could it be a potential hazard.

536  
537 #3. Gary Sicale, 75 Ellyson Ave., East Hampstead –

- 538 - He's lived here for 26 years.
- 539 - Mr. Kimball (property owner of the proposed site) has plenty of land for this to be moved.
- 540 Mr. Kimball and Verizon should talk about where this can be moved. Why does it have to
- 541 right there? He asked the Board to ask the applicant to consider moving it and be vigilant
- 542 about it.

543  
544 #4. Richard Cagle, 86 Ellyson Ave., East Hampstead –

- 545 - He noted that he is one of the affected abutters for the proposed site.

546 - Thanked the Board for attending the site walk and seeing where the balloon was going to  
547 be located. He shared that after the Board left, Mr. Kimball, came by and chatted with  
548 them a while. They expressed some of their concerns to him and Mr. Cagle's was in  
549 particular, *if the cell tower was moved back a couple of feet away from his property line*  
550 *there would be a lot less to squawk about.* Mr. Cagle mentioned that Mr. Kimball said that  
551 he is open to that but it would require renegotiation. Mr. Cagle wanted to relay this  
552 conversation.

553  
554 #5. Kevin Bolduc, 60 Ellyson Ave., East Hampstead –

- 555 - He shared his sentiment on all of the concerns that were brought up today.
- 556 - There are other reasonable solutions to go about and there is no reason on why it has to  
557 be right towards the property line as it is proposed. There are other areas on the  
558 property that would meet all of the requirements that were mentioned earlier.
- 559 - In terms of property value, he has major concerns. They moved to this property in 2019  
560 because of the rural nature of the lot and the whole area. The appeal to be able to walk  
561 out to the town forest is not going to be the same when you walk out towards a chain link  
562 fence with barbed wire and a large looming tower. This could all be mitigated with some  
563 negotiation and other opportunities to relocate the tower somewhere else.
- 564 - He thanked the Board for the consideration of the ordinances and the well-being of  
565 Hampstead residents as well.

566  
567 #6. Cheryl Kline, an abutter of the Kimball property, but not as close-it is across the beaver pond  
568 from Rosewood and the others.

- 569 - She brought up that there was someone at the first meeting that mentioned that they are  
570 in the process of negotiating for a tower in Plaistow with a different company. Why don't  
571 they put two towers there?

572 Mr. Greenwood explained as was discussed at the last meeting they hadn't applied to the  
573 Plaistow Planning Board before Verizon applied to the Kingston Planning Board. With due  
574 respect to other applications, which isn't what is before them. What is before the Board is a  
575 substantial application that the Board wants to work through.

576  
577 #7. Pam Hoffman, 18E East Main St., East Hampstead -

- 578 - They are not an abutter but located across from the site up on a hill but see the site very  
579 well.
- 580 - The Boule's summed everything up with the health concerns and the aesthetics.

581  
582 Public comment was closed at 8:07 PM.

583  
584 **Board comment(s) cont.:**

585 Ms. Alessio mentioned that one thing she hasn't heard tonight is the consideration for the Town  
586 of Kingston because we have to follow our regulations and make decisions based on the  
587 regulations. We can have conditions, can make suggestions to the applicant to perhaps  
588 approach the landowner to see if we can find a more amenable location that's mutually  
589 agreeable. But if the Kingston Planning Board doesn't follow its own regulations it opens itself  
590 up to risk of suits from people that are not happy with any decision. She commented that it is  
591 great that so many of the neighbors from Hampstead came out to say they do not want it there  
592 but the bottom line is there may be another alternative, and that needs to be explored before  
593 any decision is made.

594  
595  
596

597 **Applicant:**

598 Mr. Beaudoin came back to the table and asked the Board for clarification on what the Board  
599 would like as far as providing more information for the next hearing. He went over a few items  
600 he had:

601 1. Plans and specs for the generator and information on the orientation of the exhaust.

602

603

604 The Board added the following:

605 a. **AESTETICS/CAMOFLAGUE:** Mr. Coffin explained that the camouflage aspect has  
606 changed a lot since the early 90's. He said he'd like for them to provide a photograph or  
607 representation of what the current state of art camouflage would be, to go towards the  
608 aesthetic arguments.

609

610 b. **LOCATION OF SITE:** Ms. Duguay stated that it would be helpful to know if definitively if  
611 that is the only location on the property that the landlord would entertain.

612

613 Mr. Tersolo raised concern that the applicant has not had conversation with the landowner  
614 about the location. This is the 2<sup>nd</sup> hearing and the concerns about moving it were raised at the  
615 1<sup>st</sup> hearing about moving it and to come here today and say you haven't even had the  
616 conversation with him is a bit concerning to him. Mr. Beaudoin noted that he is not the site  
617 control guy. Mr. Fredette, is the person who had that conversation. It is not that they haven't had  
618 the conversation, it is just that he is not the person that has. He will provide more insight on this  
619 for the next hearing.

620

621 Mr. Tersolo mentioned for the applicant to say that health concerns are not a factor, in  
622 the Board's decision they are not, but this is the second time they have said this, *they aren't to*  
623 *you as well*. This is 500 feet from a person's house. The studies that have been provided may  
624 say one thing but he could give 500 that say the exact opposite. It's 1500 feet. The space is  
625 there, they can do it, you need to have the conversation with the landowner, he doesn't  
626 understand why they say it is their only spot.

627

628 Ms. Alessio said that there is the possibility to move it to another spot that may be  
629 conducive to Verizon and the landowners and that all of these other issues may be moot and  
630 easily resolved in an amicable way, and we want to try and do that first. If the spot they are on  
631 now is the only place to put the tower then we can go forward from there. If that is the only  
632 location and then everything else follows accordingly.

633

634 c. **RF EVALUTATION:** Mr. Tersolo brought up what was said earlier that this was the only  
635 spot that you were given. He'd like to see the 3<sup>rd</sup> party RF evaluation, only because they  
636 said this is the only spot the tower can go at the last meeting.

637

638 Mr. Greenwood said his comment was whether or not the Board wanted to hire a 3<sup>rd</sup> party  
639 reviewer to review their information. It's a perfectly legitimate thing to do and he's done it with ¾  
640 of the cell tower applications he's looked at. The science is pretty straight forward and he hasn't  
641 seen third party reviews that actually discounted by anything really measurable between what  
642 an applicant has brought in. It's absolutely something the Board could do, but if we are going to  
643 do it we need to step on getting someone to do it. That's a decision the Board needs to act on.

644

645 Mr. Coffin said he defers to the Town Planner's experience on this he's done more than  
646 anyone else on this and if he doesn't think it is worth the time and expense, etc., and that it's not  
647 going to produce anything other than what we've seen on the charts the applicant produced. Mr.

648 Greenwood explained that so much information is gathered in making their initial report for  
649 where the coverages lie. To have somebody replicate it for the purpose of making sure it's okay  
650 that has not been something that he's seen happen.

651  
652 d. **SITE PLAN:** Mr. Coffin brought up if there is any chance the applicant is going to  
653 come back with a different plan the Board would have to redo the CUP, so the Board should  
654 have a final plan if they are going to grant a continuation for this to get more information. They  
655 do not have to do it this time, but we are going to send them back for more information. Then we  
656 probably ought to wait to have that before we start evaluating because as Mr. Greenwood said,  
657 is the proximity question and that could change coverage and foliage if moved away from the  
658 property line. Then they could leave those trees which would be the best visual barrier to the  
659 tower.

660  
661 Mr. Beaudoin said that it is the Board's pleasure on whether they want to vote tonight or request  
662 more information. To him It sounds like Board wants to request more information. He is happy to  
663 provide it for the next hearing. What he would like to know is if the Board is going to do a peer  
664 review or not. Mr. Beaudoin has a theory and said all of the people who do the peer review do  
665 not have all the equipment. Mr. Vellante does. It is up to the Board on whether they want to do  
666 this and because of the shot clockhe does suggest that the Board would need to get going on  
667 this because it takes some time for those folks to get going.

668  
669 Mr. Tersolo asked if information will be disseminated to Hampstead and is the Board going to be  
670 doing that? Mr. Greenwood said that he did respond to the Board of Selectmen when they did  
671 the inquiry to let them know that we post things electronically on our website.

672  
673 Mr. Tersolo asked Mr. Beaudoin after the RSA that Mr. Coffin mentioned, do they have any  
674 intention of speaking to Hampstead? Mr. Beaudoin said he is happy to speak with anyone but it  
675 is not required to get the permit that they need to construct-not sure what purpose that would  
676 serve. Mr. Beaudoin stated that he responded in writing to the Hampstead Select Board's  
677 concerns and a copy of the letter is in his supplemental application. Mr. Beaudoin mentioned  
678 that in the supplemental application they did submit some additional photos, some surveys and  
679 appraisals in connection with the diminution of value of property and hope it will be helpful in the  
680 Boards review with a different perspective. He also commented on the health effects, again it  
681 isn't him saying health affects can't be considered, it is federal law.

682  
683 e. **BOUNDARY SURVEY PLAN:** Mr. Quintal brought up a survey plan and would  
684 assume it has to be recorded in the Registry of Deeds (RCRD), so it would have to have a  
685 boundary survey plan. He saw on the resubmittal that there was a stamp on the plan but there  
686 was a note that said it wasn't a boundary survey. He doesn't know how this would comply with  
687 the RCRD. This should be checked out at the next meeting to make sure this process can get  
688 done properly. Mr. Beaudoin said they are happy to do whatever it takes to be recorded. But  
689 whether it's a condition to final approval or you want something the next time. These are just  
690 proposals they are not trying to provide something that's in recordable form so we'll do whatever  
691 it takes to the extent. **Mr. Greenwood said the Board requires a plan that is recordable at  
692 the registry.**

693  
694 f. **CONSERVATION COMMISSION COMMENTS:** Mr. Coffin brought up the remarks from  
695 the Conservation Commission - on whether plantings and spotted turtles had been found in this  
696 area that may affect the project.

697  
698

699 **Mr. Beaudoin recapped what the Board is asking for:**  
700 1) Generator orientation of the exhaust of the generator.  
701 2) Photographs of the current edition of the camouflage poles.  
702 3) Response to the Conservation Commissions comment in connection with the potential for  
703 turtle habitat.  
704 4) More definitive answers on the conversations with Mr. Kimball on whether or not the site can  
705 be pushed away. Mr. Beaudoin asked the Board if this is a possibility what do they want to see,  
706 how far away and how this would jeopardize the view from other properties. Mr. Coffin  
707 mentioned putting it on the other side of the road, slightly higher and closer to the areas that are  
708 not inhabited. Mr. Beaudoin said he is not trying to get them to pinpoint where, but trying to get  
709 the threshold of the primary concern. Is it the fall zone going over the line or is it some other  
710 concern? Mr. Coffin said there are multiple concerns; the fall zone is one, the other is the  
711 aesthetics and putting it that close to residential property line it's hard to mask that. If they go to  
712 the east, there's an area there and that there you can see the Plaistow line and they will still be  
713 a couple hundred feet from the Plaistow line. The concern with the fall zone wouldn't have  
714 houses anywhere near it, be much easier to mask it because there are trees in that area, they  
715 wouldn't have to run the communications and powerline up and over a road that is there. 500  
716 feet would make significant improvements. He commented that they can look at the terrain  
717 maps, etc. Mr. Coffin added that it is the applicant's job to negotiate with the property owner and  
718 ask what his restrictions are, what he wants to use that land for over there other than sticking it  
719 next to the residential side.

720  
721 **MOTION made by Ms. Alessio to continue the hearing to April 16, 2024 at 6:45 PM (at the**  
722 **Kingston Town Hall) with any changed plans due to the Planning Board office by April 4,**  
723 **2024 by noon. Seconded by, Mr. Coffin.**  
724 **A vote was taken, all were in favor, the motion passed. (4-0-0)**

725  
726 **Ms. Duguay explained to the public that there will be no further notice and this is the**  
727 **notice of the next public hearing which will be on April 16, 2024 at 6:45 PM and that any**  
728 **new plans will be posted on the Town website (Planning Board page) beforehand.**

729  
730 *<Board note: this hearing ended at 8:35 PM>*

731  
732 **PUBLIC HEARING #2:**

733 **Hawks Ridge of South Kingston, LLC**  
734 **Mulligan Way & Bent Grass Circle**  
735 **Map R3 Lot 4 LU 4020**

736 **Re-application for Limited Common Area (LCA) Adjustment and Amended Site Plan**  
737 **"Village at Granite Fields Condominiums". The intent of this application is to seek an**  
738 **approval for the owner/applicant to relocate one of the proposed age restricted, single family**  
739 **residential units from its current approved location to a new location that would be partially**  
740 **within the 1,000' setback from Route 125. The proposal is to relocate unit 20 from its original**  
741 **location on Mulligan Way to Bent Grass Circle just right of LCA 34.**

742  
743 The applicant submitted a request for continuation to the next Planning Board public hearing.

744  
745 **MOTION made by Mr. Coffin to continue the hearing to April 16, 2024 at 6:45 PM (at the**  
746 **Kingston Town Hall) with any changed plans due to the Planning Board office by April 4,**  
747 **2024 by noon. Seconded by, Ms. Alessio.**  
748 **A vote was taken, all were in favor, the motion passed. (4-0-0)**

749 **PUBLIC HEARING #3:**  
750 **Applicant: Gerard Welch, MHOC, LLC**  
751 Property owner: Colanton Real Estate Trust  
752 **57 Depot Road**  
753 **Map R28 Lot 1**

754 <Board note: this hearing began at 8:38 PM>

755  
756 Ms Duguay read the legal notice. This is a **Design Review Application** for a proposed  
757 conversion of an existing golf course to an age-restricted condominium development.

758  
759 Mr. Greenwood explained that the abutters did get notified but the discussion tonight is non-  
760 binding between either the applicant or the Planning Board and no decisions will be made.

761 Mr. Greenwood provided the following review comments:

- 762 1) The plan is for market rate age restricted units, but the property is not  
763 zoned for this use. ZBA relief would be required.
- 764 2) The density calculations for the plan are wrong since age restricted  
765 housing is not allowed. The density is split between two acre per unit and  
766 three acre per unit density due to the presence of the aquifer protection  
767 district. Many less units would be allowed under the existing zoning than  
768 what is presented on this plan.  
769 If they go on the premise that this will be going to be standard zoning then  
770 the dwelling unit numbers would be much higher than they would under  
771 conventional zoning.
- 772 3) The development is split by the town boundary between Kingston and  
773 East Kingston and the Board would have to make a call on whether it is a  
774 project of regional impact.
- 775 4) A hydrogeologic study would need to be developed because of the  
776 presence of the aquifer protection zone.  
777

778 **Applicant:**

779 Christian Smith, engineer with BA Beals Associates, PLLC representing the applicant on the  
780 project and Gerard Welch of MHOC, LLC (the applicant) were present.

781  
782 Mr. Smith explained that all of the homes proposed are cited in the Town of Kingston. In the  
783 Town of East Kingston is the club house, and a par 3 relocated-reconfigured nine hole semi  
784 private golf course for the residents and open to the public.

785  
786 **Department comment(s):**

787 **Fire Department:**

- 788 1. Homes comply with NFPA for one/two family dwelling.
- 789 2. Club house comply with NFPA for assembly occupancy.
- 790 3. Club house to have a Knox box installed.
- 791 4. Club house to install NFPA 72 fire alarm.
- 792 5. Site comply with Town of Kingston ordinance Article 1000 Fire Protection regulation  
793 (cistern).
- 794 6. Site comply with all subdivision regulations.
- 795 7. Comply with any pertinent codes or ordinance not listed above.

797 **Kingston Conservation Commission (CC):**  
798 3/14/24 Kingston Conservation Commission comments:

799 “These are preliminary comments as this is a conceptual plan.

800 This site abuts Kingston’s Route 107 Town Forest, which comprises 10 acres  
801 of high value wetland with only 2.5 acres of upland. Nearly the entire property  
802 falls within Connect the Coast’s (Nature Conservancy) **prioritized habitat for**  
803 **wildlife corridors**, and abuts Rockingham Planning Commission’s Wildlife  
804 Action Plan for Kingston’s **highest valued habitat**. We will be very aware of  
805 that as future plans come before us.

806 See maps below (maps available in the Planning Board office)

807 If the Planning Board approves the conceptual plan, the Conservation  
808 Commission will monitor closely to ensure that all wetlands are protected, and  
809 that buffer values are correctly calculated according to Kingston’s point system.  
810 In order for wetlands and their buffers to fulfill their utility to wildlife, a  
811 percentage of upland must also be preserved in as natural a state as possible.  
812 Many of the homes on the conceptual plan fall too closely to wetland  
813 boundaries to allow for sufficient buffer if the homes are to have back yards.

814 We are assuming that a regional impact study will be done, as East Kingston  
815 will want to weigh in on this proposal.”

816 **Town Engineer comment(s):**

817 Mr. Quintal explained that this is a design review and no engineered plans were provided. For  
818 his brief review of this he had a few comments, 1) the wetlands will need to be accurately  
819 located and comply with the wetlands setback as mentioned by the Kingston Conservation  
820 Commission. 2) Stormwater management has to be addressed. 3) Waste and disposal systems  
821 have to be shown where they’ll be located.; and 4) a traffic impact, DOT approval would also be  
822 required.

823  
824 **Applicant:**

825 Mr. Smith mentioned that they have an existing conditions survey that is done by Lavelle. The  
826 conceptual plan was for an age-restricted development, knowing for well upfront, and why they  
827 are before the Board preliminarily that this is not allowed by the zoning on this particular  
828 property. They know their options may be to go to the Zoning Board of Adjustment or wait until  
829 next year for possible rezoning. They are here to see if the Board has any general input.

830  
831 The applicant provided information on Greenland as an example to show the differences  
832 between a conventional and age-restricted subdivision. The development fiscal impact of a  
833 property, the property would have facilitated 71 single family conventional homes or 168 single  
834 family detached condominiums in the age restricted development. These are all required to be  
835 two bedroom, in the age-restricted. The conventional was a mix of three and four bedrooms.  
836 When Mr. Welch went through all of the impacts on the municipality what he found is that on an  
837 annual basis essentially conventional subdivision that was nearly 100 units less than the age  
838 restricted was at about a half a million dollar deficit to the town, it was costing municipalities  
839 from their services. With the age restricted it was 1.42 million. Mr. Welch will be having the work  
840 done specific to this project as well. Mr. Smith commented that this seems like a huge win for

841 the municipality. This type of housing is still needed in Rockingham County because every one  
842 of these they have ever gotten approved, they literally can't build the houses fast enough.

843  
844 Mr. Smith said that he did read through Mr. Greenwood's comments and what they used for  
845 their density calculations were based on the actual age restricted housing zoning in Kingston  
846 and doesn't apply to this particular property. All of this will have to be dealt with at the Zoning  
847 Board of Adjustment.

848  
849 Mr. Smith described the conceptual drawing. In the Town of Kingston, it would facilitate at two  
850 units per acre, 96 units and what they have proposed is 64. In East Kingston there will be a club  
851 house with a pool amenity, pickleball courts, horseshoe pits-something like this; and a par 3  
852 semi-private 9 hole golf course. He showed some photos of Three Ponds in Brentwood to show  
853 the sample ideas for the residences.

854  
855 **Public comment(s):**

856 Public comment opened at 9 PM.

857  
858 #1. Kenneth Cabral, 18 and 26 Pow Wow River Rd., Kingston –  
859 - He said some of his property abuts this property. He didn't see any tax map information  
860 or the powerline coming through with the easements. He asked if there was a better plan  
861 on file with all the abutters.

862 Mr. Greenwood said no and explained that this is a design review, they can bring any plans they  
863 want to this meeting. As discussed, this doesn't even comply with the Town's zoning.

864 - Mr. Cabral mentioned that there is a wetland and conservation area that is behind his  
865 property.

866  
867 Ms. Alessio clarified that the applicant is here to go over what they want to do on the property  
868 and they still have to go to the ZBA for relief because it does not comply with the zoning in that  
869 part of Kingston for what they want to use it for. Assume the Planning Board likes the idea they  
870 would go to the ZBA to request a variance to put an age-restricted development in that area. In  
871 which case they would have to develop the plans that would address Mr. Cabral's concerns  
872 where the wetlands are, where the power lines are, where the different lot lines are. This is what  
873 they would like to do it is not the detail at this point.

874  
875 #2. Josh Mills, 139 Depot Rd., East Kingston –  
876 - He asked for clarification on the word semi-private. Is it residents as well as open to the  
877 public?

878 Mr. Smith said that's correct.

879  
880 #3. Laurie Farmer, daughter and son-in law own 28 Pow Wow River Rd., Kingston  
881 - Commented that an over 55 development isn't bad and asked about the number of units  
882 (64).

883  
884 Mr. Smith mentioned that what they used for density calculation is the old Kingston age-  
885 restricted housing formula. What they may get handed from the ZBA he is not sure. The entire  
886 property has about 70 acres of upland.

887  
888 - Ms. Farmer pointed to the back part of the property on the conceptual sketch and asked  
889 if they plan on developing it. Mr. Smith said what they propose there is two water wells  
890 and nothing else.

891 - She asked if they were planning on developing more of the front of the property.

- 892 - She asked if the residents and the public will have access to the club house. Mr. Smith  
893 that is the current plan.  
894 - Asked if these are all single family homes. Mr. Smith said yes.  
895 - Ms. Farmer wanted clarification on what it was going to look like in the back area.  
896 - The fact it was a golf course and probably had very treated surfaces with chemicals,  
897 does this go through any kind of process?  
898

899 Mr. Smith said the drinking water well will be tested. The wells will have to be tested and  
900 permitted through the groundwater bureau (DES).  
901

902 #4. Tom Soterakopoulos, 34 Pow Wow River Rd., Kingston –

- 903 - He mentioned he is an abutter.  
904 - This is a proposal for a change in use. Are they looking for input from the Planning  
905 Board?

906 Mr. Greenwood said yes, they are looking for feedback from the PB in a non-binding discussion  
907 is all that they can do.

- 908 - Mr. Soterakopoulos stated that the over 55 housing has less impact on the Town. Would  
909 be better than having single family homes spread out there and having a larger impact.  
910

911 #5. Lisa Bouchard, 26 Pow Wow River Rd., Kingston –

- 912 - She said she is all for this type of project. With a housing shortage this is fantastic.  
913

914 Public comment closed at 9:14 PM.  
915

916 **Town Planner comment(s):** Mr. Greenwood explained that the Town has over the years  
917 developed those areas that they felt they wanted to have age-restricted housing and it was  
918 generally under the premise that underwrote it was to locate it up around Town services. That's  
919 why you see them located near the center of Town. This would not be there at all. His  
920 preference is if this is going to be done is to do it through doing a zoning amendment as  
921 opposed to the ZBA trying to rationalize a variance for hardship when they can develop  
922 completely legitimately as single family. This discussion should center more on whether this is  
923 desired by the Town and wants more age restricted housing. We should amend the zoning  
924 ordinance the proper way instead of sending them down the path varying our zoning ordinance.  
925

926 Ms. Alessio said that it is a terrific idea and mentioned that age restricted housing does have an  
927 impact on Town services because it generates a lot of ambulance calls. She noted this location  
928 isn't that far off the center of Town and she has no objections to it personally. The golf course is  
929 a nice touch to it.  
930

931 Ms. Duguay said the perceived hesitation around changing the zoning ordinance would be time,  
932 the time it would take to do it. We just came off Town meeting. A zoning ordinance amendment  
933 wouldn't be voted on until the 2<sup>nd</sup> Tuesday of March 2025.  
934

935 <Board note: This hearing ended at 9:26 PM>  
936  
937  
938  
939  
940  
941  
942

943 **BOARD BUSINESS**

944  
945 Ms. Duguay read from the legal notice:

- 946 A. The Board will vote to change the **Notice Requirements for Public Hearings** from
- 947 being published in a newspaper of general circulation to be posted on the home
- 948 page of the Town’s website in accordance with RSA 675:7.1.(b). The following Town
- 949 regulations and Planning Board Rules of Procedures will be updated to reflect this
- 950 change.
- 951 a) Article 904: SITE PLAN REVIEW REGULATIONS, section 5. Site Submission
- 952 Requirements, **F. Fee for legal advertising** (904.5.F.).
- 953 b) Article 905: SUBDIVISION REGULATIONS, section 905.14. Submission
- 954 Requirements, A. Application for Subdivision, 2. Fees, c. **Legal Notice**
- 955 **Publication** (905.14.A.2.c).
- 956 c) Planning Board **By-laws, Rules of Procedure and General Governing Rules.**
- 957 **Section 9. Notice of Public Hearing.**

958  
959 **PROPOSED AMENDMENT TO THE SITE PLAN REVIEW REGULATIONS:**

- 960
- 961 **a) Remove section 904.5., F. in its entirety. “~~F.—Fee for legal advertising~~”.**
- 962

963 Replace with the following new language:

964

965 904.5., F. Notice to the general public will be accomplished by posting a legal notice

966 on the Town web site home page as well as in two other locations in

967 Town.

968

969 **PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS:**

- 970
- 971 **b) Remove section 905.14., 2., c., in its entirety. 2. Fees, ~~c.—Legal Notice publication.~~**
- 972

973 Replace with the following new language:

974 905.14., 2., c., Notice to the general public will be accomplished by posting a legal notice

975 on the Town web site home page as well as in two other locations in

976 Town.

977

- 978 **c) Amend the PLANNING BOARD’S RULES OF PROCEDURE AT SECTION 9.0 NOTICE OF PUBLIC**
- 979 **HEARING by changing the second line of the section to read as follows:**
- 980

981 Notice to the general public shall also be given at the same time by posting at two public

982 places in Town and on the Town of Kingston website home page.

983

984 **MOTION** made by Ms. Alessio **to approve the zoning regulations a., b. and c.** (shown in the

985 public notice) **as proposed. Seconded** by, Mr. Coffin. **A vote was taken, all were in favor, the**

986 **motion passed. (4-0-0)**

987

988

989

990 B. **Article 907: PERFORMANCE GUARANTEE PROCEDURES, section 4.A.**

991  
992 **MOTION** made by Mr. Coffin to continue to the April 16, 2024 public hearing at 6:45 PM, the  
993 change to the proposed language for Bonding to the of road and utility work to add the  
994 term “or sale of any parcel”. Seconded by, Ms. Alessio. A vote was taken, all were in favor,  
995 the motion passed. (4-0-0)

996  
997 **Approval of the February 6, 2024 meeting minutes**

998 **MOTION** made by Mr. Coffin to accept the 02/06/2024 minutes as written. Seconded by, Ms.  
999 Alessio. A vote was taken, all were in favor, the motion passed. (4-0-0)

1000  
1001 **Approval of the February 20, 2024 meeting minutes**

1002 **MOTION** made by Mr. Coffin to approve the 02/20/2024 minutes, *with the exception of line*  
1003 *232, change the word “stand” to “standard”, as amended. Seconded by, . A vote was*  
1004 *taken, all were in favor, the motion passed. (4-0-0)*

1005  
1006 **Correspondence:**

1007  
1008 **Invoices for approval-**

- 1009 1) Civil Construction Management invoice #24016, dated 03/04/2024, review of the  
1010 Eversource site plan, Map R18 Lots 18, 29, 29A and 35B for \$75.  
1011 Approved by the Board.  
1012 2) Civil Construction Management invoice #24017, dated 03/04/2024, review of the L.E.R.  
1013 and McDonough lot line adjustment, MapR23 Lots 59, 0 and 63 for \$150.  
1014 Approved by the Board.

1015  
1016 **Letter from Michael DiGiammarino, Elm Grove Companies re: Millbrook RV Park, 99 RT.**  
1017 **125, Map R10 Lot 5.**

1018 Ms. Duguay read the letter to the Kingston Planning Board from Mr. DiGiammarino. They intent  
1019 of the letter is to inquire about setting up a permanent trailer food-selling operation in the park  
1020 aimed at servicing both the campground residents and the public

1021  
1022 **Board discussion:**

1023 The Board discussed this request:

1024 This would have to be a seasonal truck because of the Town’s campground ordinance. If  
1025 they wanted to do year round, that would require a completely amended site plan and  
1026 satisfy all the inspections and regulations. The Town does have a food truck ordinance.  
1027 The Board brought up that a site plan review would be required. Mr. Greenwood asked  
1028 for what degree of site plan are being asked for. Mr. Coffin mentioned an expedited site  
1029 plan. Mr. Coffin explained that the septic system requirements are significantly different  
1030 for food preparation, have to have a certified food prep kitchen available and a septic  
1031 system that is designed for food preparation and there are all kinds of permits and state  
1032 requirements for a food preparation facility. If they are trying to get year round use that is  
1033 not part of the expedited site plan. It needs to be made clear in the site plan if opened up  
1034 to the public there are other restrictions that go with that. That really is a change of use,  
1035 it is not just for the camp ground. That would be a change in traffic.

1036  
1037 Mr. Coffin brought up that they started excavation near Mill Pond, filling of wetlands and  
1038 dumping of material there. He noted that part of a site plan is you have to be in  
1039 compliance with your existing site plan.

1040  
1041 Mr. Greenwood said they have to do an amended site plan for the food truck. They  
1042 should also be asked about the construction activity that appears to be going on there  
1043 that shouldn't be that close to the water. The Board of Selectmen should be informed of  
1044 this.

1045  
1046 **Mr. Greenwood will send a letter to Mr. DiGiammarino in response to his letter and invite**  
1047 **him to a meeting to talk more about his request.** [A.I. 1-03.19.2024]  
1048

1049 **Town of Kingston Ordinance Book - Article Preamble III – Amendments**

1050 The Board discussed this subject at the February 6, 2024 meeting and again tonight. At the  
1051 2/06/2024 meeting the Board voted to remove this page from the Town's ordinance book,  
1052 however, it was raised by the Board of Selectman that this page is used to identify the dates  
1053 zoning ordinances are updated.

1054  
1055 The Board agreed to changed their decision to reinstate Article Preamble III with language that  
1056 reflects amendments through the **current date** and agree that we do not have to go back and  
1057 capture all the past zoning amendment dates and update Preamble III.

1058  
1059 Board of Selectmen should be notified of this recommendation and notify the Planning Board on  
1060 whether or not they approve this change before amending the Article.

1061 **MOTION** made by Ms. Duguay **to make a recommendation to the Board of Selectmen to**  
1062 **reinstate Article Preamble III Amendments, amended to read a) reflects amendments**  
1063 **through the following date with the current date. Seconded** by, Mr. Coffin. **A vote was**  
1064 **taken, all were in favor, the motion passed. (4-0-0)**

1065  
1066 **Planning Board Application and Legal Advertising Fees** topics will be moved to the next  
1067 Planning Board meeting.

1068  
1069 **ADJOURNMENT**

1070  
1071 Ms. Duguay declared the meeting adjourned at **9:57 PM.**

1072  
1073 **\*Next Public Meeting is scheduled for Tuesday, April 2, 2024. Subject to change.\*\***