



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2009-2010

David F. Sullivan, Chairman  
Edward Warren, Vice Chairman

**MINUTES**

Regular Meeting 18 June 2009  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Approval** of May 21 and May 28 minutes.
- ◆ **Discussion** regarding the Wind Energy draft ordinance
- ◆ **Discussion** regarding the CTAP grant

**CALL TO ORDER:** The regular meeting of the East Kingston Planning Board was called to order at 7:04PM.

**ROLL CALL:** Mrs. White called the roll.

**Members** - Mr. D Sullivan, Mr. R Morales and Mr. D Pendell, ex-officio. Mr. E. Warren and Dr. RA Marston were not present,

**Alternate members present** – Mr. R Forrest. Mr. J Cacciatore was not in attendance.

**Advisors present** – Ms. Julie LaBranche, Planner, Rockingham Planning Commission (RPC) and Mr. Dennis Quintal, East Kingston Conservation Commission Chairman.

**Also present** was Mr. Dan Guilmette, East Kingston citizen.

**Voting Members:** Mr. Sullivan appointed Mr. R Forrest as a voting member in Dr. Marston's absence.

**Board Business**

First item on the agenda was to approve the minutes of May 21 and May 28. There were no corrections or changes noted.

**MOTION:** Mr. Morales **MOVED** to accept the May 21<sup>st</sup> and May 28<sup>th</sup> minutes as presented. Mr. Sullivan seconded. The motion passed.

**Diana Whitmore.** Mr. Sullivan reported that the Board had received a thank you note from Mrs. Whitmore.

**Light Industrial Park Tenants.** Mr. Sullivan reported he had visited Laffin's Small Engine Repair and Majestic Landscaping and both applicants had expressed that they appreciated the efficiency of the Board in being able to aid them in the process and approve their businesses so quickly. Mr. Morales had his lawn tractor repaired by Mr. Laffin, having it picked up and delivered it to him, and said his mower ran better now than when it was new.

**Industrial Park Tenant Application.** Mrs. White had put together an application for proposed tenants utilizing the light industrial park procedures, and another application for "other tenants" that were not in the industrial park (i.e., Carmen's and Mr. Mulvey's to-date). The Board reviewed both applications,

After Board discussion, it was determined that the application procedure should be included at the top of the form, as well as the address of the Town Offices. The landlord (person seeking the new tenant) would be responsible for returning the application to the office.

When the application is completed, Mrs. White will provide copies to Mr. Masone for new prospective tenants to fill out. Mr. Masone will return the completed application to the Board for review and scheduling of a public hearing.

**CTAP Grant.** Mr. Sullivan reported that on Friday, June 19, he, Dennis Quintal and Julie LaBranche would meet with Dave Kellum, Piscataqua Region Estuaries Partnership. Mrs. White will attend and take minutes.

Ms. LaBranche noted it was standard procedure for the project manager to meet with the Town and the consultant to determine a scope of work, and to modify the budget if necessary. What had been presented to PREP was an aggressive plan, and it might be necessary to scale back on some of the signage to keep within the budget. When the completed contract is ready, it will be submitted to the Board for approval. They would get some bids on signage to make sure they were getting the best value for their money.

**Wind Energy Ordinance Discussion.** There was discussion regarding RSA 362-A:9 and Net Metering. Mr. Morales noted there appeared to be a cap of 1% of the annual peak energy demand. He thought it was important to be able to determine what that number was. Ms. LaBranche noted it did not limit the amount of turbines that could be installed, but does limit the amount of energy the grid would be willing to buy back from the customer. She also noted that this particular item would only be an issue if the Town were going to install a wind turbine for their own use to determine if they would be getting the best possible deal for their investment.

Mr. Sullivan had visited the Cider Hill Farm and reported their wind turbines were 21kw. Ms. LaBranche noted they were considering taking down the turbines and installing more solar panels; they had determined that solar would generate more energy for their needs than the turbines.

Ms. LaBranche commented regarding the wind turbine denial in Atkinson and noted that the applicants appeared to have jumped the gun a bit on their application, and would be reapplying after July 11 when the new law goes into effect. State law requires that towns need to have very specific reasons to deny the turbines. Ms. LaBranche listed that some reasons turbines could be denied could be that the property does not meet the setbacks; in some places they might not be able to meet the safety standards; or they might be in the historic district.

Mrs. White stated that Mr. Donald would like the Planning Board to write into the ordinance that they would help in the review of the application/comments along with him; much like they send out the abutters notices and gather the information to review home occupation applications for the Selectmen. His opinion is that the Planning Board should and could provide recommendations and direction for him. Mr. Morales noted that the law states that the Building Inspector is solely responsible, but the Board could help him in the review.

Ms. LaBranche noted the Planning Board could put into the ordinance that they would act in an advisory capacity. She was not sure they could require an applicant to come before them in a formal public hearing. The Building Inspector could bring the application before the Board and the Board could make recommendations to him. Although abutters are notified, in the case of wind turbines, there is not a public hearing as the Board usually conducts for other matters.

The notifications are so they abutters can reply to the Building Inspector in writing if they have comments, and the Building Inspector has 30 days in which to determine if there is any regional impact. If there is none, he will issue a building permit for the turbine.

Ms. LaBranche noted the law was written the way it is to be expedient and to not unduly limit the implementation of the turbines.

The question came up as to why they had the procedure they do for cell towers and why then was it not the same as they are implementing for the turbines; it was noted that cell towers are commercial and turbines are considered personal.

Ms. LaBranche suggested the Building Inspector implement a standard letter to send to abutters, which would include the application information and describe what the process is. Mr. Morales was still concerned that the forum for discussion for the abutters is eliminated in this process, but understands it is not part of this process.

Ms. LaBranche noted that OEP has a 1-2 page fact sheet, which could be helpful to have on hand to answer questions, and agrees there should perhaps be some sort of public outreach to explain the process. Perhaps the fact sheet could be included on the website, along with an explanation of the process. This could be the pre-emptor for the Planning Board before putting forth a Wind Energy Ordinance, along with some public forums on the process. The reality is that there will be only a handful of people wanting to do this.

Mr. Morales wondered if perhaps the Board should be looking at an alternative energy ordinance; there is also solar and geo-thermal, along with wind energy. At the present time, people only need to go to the Building Inspector for a building permit.

Mr. Quintal wondered how the turbines would be taxed, and what the tax benefit would be to the owner. Mr. Morales noted that in Derry, they look at solar as part of heating and hot water and do not tax it. He thought it should be in the ordinance that a turbine would not be taxed. Ms. LaBranche opined taxing the turbines would fall into the category of *unduly regulating* and not be allowed.

Although Mr. Morales could see the procedure was put into effect the way it was to expedite the process, he still thought it was not right to eliminate any questions or concerns from abutters. Mr. Pendell opined it was so the applicant would not come to a meeting and get discouraged by the neighbors who did not want a tower next to them.

Ms. LaBranche noted that it was not necessary to adopt an ordinance as long as they were satisfied with the law. The Board might be able to adopt an advisory review by the Planning Board as a policy. She would look into that and see if it was an option. Mr. Morales noted the state law had larger dimensions than what they had wanted to approve.

Mr. Forrest asked what the level of interest was at this time, and Mr. Pendell noted he had spoken to a couple of people in March who had expressed an interest. Mr. Forrest wondered if they should adhere to the state statute and not have an ordinance. On that note, Mr. Morales questioned if the Planning Board should even consider an ordinance since they would not be able to have a review process. Mrs. White noted that Newton has their ordinance under a conditional use permit, with the Planning Board being responsible for conditional use permits.

Ms. LaBranche will speak to Mr. Steltzer about some of the questions the Board had brought up, and some questions they have about the presentation he sent. Ms. LaBranche noted that after July 11, the Planning Board could be consulted in an advisory capacity.

Mr. Quintal thought it would be good to follow the state ordinance, and was unsure if review by the Planning Board would be helpful to the applicant. He noted that renewable energy is important and cuts down on pollution.

Ms. LaBranche noted that retrofitting to existing developments is the most difficult phase. She suggested that towns should look at their existing zoning and how to better integrate these systems into the zoning from the beginning.

Ms. LaBranche would inquire if there was a local energy committee and perhaps get them interested in the discussion regarding an ordinance. She thought they could be a huge resource for public outreach.

Mrs. White offered to help the Building Inspector with noticing abutters. Mr. Pendell stated that although he was only one of three on the Board, he would not have a problem with her helping. His question is what budget the notices would come from and there was some discussion on how the fees would be handled.

Mrs. White thought perhaps it would be the same as an application for a cell tower. The application would be filled out and the application fee would incorporate abutter's notices and the legal notice in the paper. Ms. LaBranche noted that the application might need to be modified specifically for wind turbines and include the standards of the law in the application.

### ***Other Board Business***

***Mini-Charette.*** Mr. Pendell asked if a date had been chosen for the mini-charette. Mrs. White stated that November 7 had been chosen as the date and she would be contacting the school to see if the multi-purpose room would be available. She had sent that date to Mr. Castagna, but had not gotten back an answer. She would touch base with him and make sure the date was acceptable to him. Mr. Pendell noted it would need to be well publicized to get the input from the community.

**MOTION:** Mr. Pendell **MOVED** the Planning Board adjourn. Mr. Morales seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 8:15 pm.

### **HANDOUTS TO THE BOARD**

- June 12 *Eagle Tribune* Wind Turbine Denial Article, Atkinson, NH
- July Selectmen's Calendar

Respectfully submitted,

Barbara A. White  
Recording Secretary

Minutes approved July 16, 2009

David Sullivan  
Chairman