

Memo To: RPC Development of Regional Impact Subcommittee
From: Rockingham Planning Commission Staff
Date: March 8, 2024
Subject: Liberty Commons LLC, Variance Application - Kingston Regional Impact Declaration

Rockingham Planning Commission (RPC) was notified on February 15, 2024 that a variance application before the Kingston Zoning Board of Adjustment was declared a development of regional impact under RSA 36:36-57. The proposal at 225, 229, and 231 Route 125 and 50 Depot Road in Kingston was submitted by Liberty Commons LLC, and proposes 144 multifamily housing units, with a mixture of 1-2-bedroom apartments and duplexes in several buildings on an 85-acre parcel (after a merger of three parcels). The proposal is fully located within Kingston on the northeast corner of the Depot Road and Route 125 (Calef Highway) intersection, with access being proposed from Depot Road. The proposal is within Kingston's Commercial C1 District and the Aquifer Protection District. The variances being sought for this proposal are: 1) to permit a building height of 50 feet, when the zoning limits the height to 35 feet, and 2) to permit duplexes to be included in the definition of a multi-family dwelling. This proposal would also require site plan approval from the Kingston Planning Board; no site plan application has been submitted at this time.

At the direction of the RPC Regional Impact Committee chair, RPC staff was requested to write a memo regarding potential regional impacts. The municipalities with potential impacts as identified by the Kingston Zoning Board of Adjustments from the proposal are: East Kingston and Newton.

Given the available information with this application, RPC's comments are limited. If a formal application is submitted to the Kingston Planning Board for its approval, additional proposal information would be supplied at that time. If the Kingston Planning Board declares that application a Development of Regional Impact, RPC would be able to provide a more detailed review of potential impacts.

The following comments are the proposal's potential regional impacts as identified under RSA 36:55 that can reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

I. Relative size or number of dwelling units as compared with existing stock.

The proposal includes the development of multi-family residential units, with a mixture of 1-2 bedroom apartments and duplex units. (Note that it is recommended that the total number of housing units be added to Note 4 on the Conceptual Master Plan sheet for clarity.) According to Rockingham Planning Commission's [2023 Regional Housing Needs Assessment](#), as of 2020 Kingston had 2,592 housing units, which accounts for 2.9% of the region's housing stock. During 2021-2022, Kingston added a total of 53 new dwellings according to the [New Hampshire Housing Supply: Current Estimates and Trends – 2023 Update](#). If approved, this proposal would increase Kingston's housing stock by 5.4%.

Additionally, the majority of Kingston's housing units have three or more bedrooms, while only around 19% of Kingston's existing housing units have 0-1 bedrooms and 20% have 2-bedrooms. The average household size in Kingston is 2.52 people in owner-occupied housing units and 1.38 people in renter-occupied housing units. The proposal's mixture of smaller-unit sizes would help fulfill a community and regional need of smaller housing units.

Kingston, like the rest of the region and state, lacks sufficient affordable housing and overall housing availability. Based on the *2023 Regional Housing Needs Assessment*, by 2040 Kingston is projected to need 253 more housing units (a mixture of market rate and affordable housing) than its 2020 levels to meet needs based on population growth and employment projections. The proposal does not explicitly call for the creation workforce housing with applicable income limitations. However, given the smaller size of the housing units, if approved the proposal appears to increase housing diversity within Kingston and the region.

II. Proximity to the borders of a neighboring community.

The proposal is located fully within Kingston but is located approximately 0.5 miles from the nearest town boundary with East Kingston. As noted above, the proposal is located within Kingston’s Commercial C1 District; the area is surrounded by a mixture of residential and commercial uses along NH 108.

III. Transportation networks.

Traffic Impact Assessment (TIA): The proposal lacks a formal traffic impact analysis. Due to the proximity of the proposed site to a signalized intersection (NH-107/NH-107A/NH-125) further analysis would provide insight as to the localized impacts of the additional traffic on the signal operations as well as the adjacent NH-107/NH-107A intersection. Given the anticipated relatively low volume of peak hour trips (projected to be fewer than 100), traffic impacts would not be expected to be regional in scale, but analysis of adjacent intersections would be recommended.

Trip Generation: Utilizing ITE Trip Generation Manual, 11th Edition land use codes “215 – Single Family Attached Housing” (76 units of duplexes) and “220 – Multifamily Housing (Low Rise)” (68 units of apartments) estimated that the proposed development could generate between 987-1,058 vehicle trips per day (50% entering/50% exiting), and 61-80 trips during the weekday AM peak period and 77-93 trips during the weekday PM peak period. The range depends on whether the average rate for each land use code is used or the fitted curve and use of one or the other generally comes down to “engineering judgement” regarding the circumstances of the proposed development. General practice for Traffic Impact Studies is to utilize a conservative approach and assume the higher number of trips for each land use to better ensure that the largest volumes of expected traffic are accounted for.

Land Use Code	Units	AM Peak	PM Peak	Daily
215-Single Family Attached Housing	76	Fitted Curve: 34 Average: 36	Fitted Curve: 42 Average: 43	Fitted Curve: 529 Average: 547
220-Multifamily Housing (Low-Rise)	68	Fitted Curve: 44 Average: 27	Fitted Curve: 50 Average: 35	Fitted Curve: 511 Average: 458
Total	144	61-80	77-93	987-1,058

Traffic volume: NHDOT data for 2021 indicates that Average Annualized Daily Traffic on NH 107 east of the site was just slightly over 4,000 vehicles per day. This development proposal would grow the volume on NH-107 by as much as 1,058 trips spread out over the course of the day, which is significant and will likely have some impact on operations along NH-107 in that area. Peak hour volumes of 100 or more are often used as a threshold for additional intersection operations analysis and given that the PM peak is approaching that number it would be recommended to evaluate operations at the site driveway and the adjacent intersections with NH-107A and NH-125.

Safety: An accurate assessment of potential safety impacts would be included in a TIA. NHDOT will also require a safety analysis as part of the driveway permitting process to ensure that sight distance requirements are met. The additional traffic accessing NH-107 (Depot Road) and NH-125 should not have a substantive impact on the safety of the regional road network.

Intersection Operations: An accurate assessment of the intersection operations would be derived from a TIA. While the proposal would be estimated to add less than 100 peak hour trips to both the site driveway and the intersection of NH-107 and NH-125, current operational status of the

signalized intersection (in terms of Level of Service) is unknown so it is unclear as to the impact of this incremental growth in traffic volume. Given the unsignalized intersection of NH-107 and NH-107A immediately adjacent to the signalized intersection, the additional traffic from the site should be compared against existing conditions to better understand the operational impacts.

RECOMMENDATION: ITE Trip Generation values provide the basic overall traffic impact of adding 144 residential units in this location, but more detailed analysis would be necessary to better understand trip distribution and impact on intersection operations. Specifically, a capacity analysis of the site driveway and the intersections of Routes 107, 107a, and 125 would provide the detail necessary to understand the current and expected future functionality of the roadway network inclusive of the development.

IV. Anticipated emissions such as light, noise, smoke, odors, or particles.

Anticipated emissions are expected to be primarily limited to those related to transportation associated with residential traffic and may include noise and air emissions from vehicles. To understand impact of any lighting, it is recommended that at such time an application is submitted to the Kingston Planning Board, that the Board require detail on any lighting proposed with the development to ensure no light spillage occurs onto neighboring properties, roadways, or sensitive wildlife habitat. It is recommended that Kingston ensure its outdoor lighting regulations are followed to alleviate any lighting impacts.

The greatest impact from emissions such as light, noise, smoke, odors, or particles, is likely to occur during the construction phase of the project. To mitigate any existing noise from construction of the project, it is recommended that the Planning Board consider adjustments to construction if an application is submitted for Planning Board review.

Once constructed, residential uses will have a minimal impact on emissions and be limited to noise and air emissions from personal vehicles.

V. Proximity to aquifers or surface waters which transcend municipal boundaries.

Water supply: The proposal is located near the Wellhead Protection Areas (WHPA) for the Kingston Pines Elderly Housing public water system (EPA ID 1272010) and the proposal will require its own NHDES approved public water system and WHPA. Neighboring properties are also serviced by private, onsite wells surrounding the proposal. Additionally, the proposal is located within Kingston's Aquifer Protection District and requires a Conditional Use Permit from the Planning Board for the use. The proposal is also located on an aquifer that is shared most prominently by East Kingston, Newton and Brentwood. To mitigate potential groundwater impacts, it is recommended that Kingston require a hydrogeologic study to understand the context of potential impacts if a site plan application is submitted to the Planning Board.

Surface water: The proposal is located within the Exeter River watershed and near the Little River, a tributary to the Exeter River. The site is located within the Source Water Protection Area for Surface Water as defined by NHDES Administrative Rules Env-Dw 902.

The entire proposal also is located with the regulated, urbanized area in Kingston that is subject to the federal MS4 Stormwater Permit. As such, Kingston is required to implement regulations that reduce stormwater runoff pollution on developments such as this proposal from entering surface and groundwater sources. To mitigate any potential surface water pollution, it is recommended that any proposal adhere to stormwater management requirements in compliance with Kingston's MS4 Permit and that Kingston implement the conditions of the local wetland ordinance if a site plan application is filed.

Receipt of all state permits would be a recommended condition of approval for the Kingston Zoning Board of Adjustments and for any application submitted to the Planning Board.

VI. Shared facilities such as schools and solid waste disposal facilities.

The proposal does not appear to rely on any shared municipal facilities, except for schools. However, there is potential to required shared municipal emergency services. It is recommended that an alternative emergency access entrance from Route 125 be considered in the event of the access from Depot Road being blocked during an emergency situation. Additionally, It is recommended that the Board seek input from the Kingston Fire and Police Departments to identify concerns with the use of mutual aid impacts.

Kingston is a member municipality to the SAU 17 school district that also includes students from Newton. If a formal application is submitted to the Kingston Planning Board, that Board may wish to request an estimate as to the number of school aged children that may reside from the development. School enrollments are generally declining around the region, including in the SAU 17 school district with enrollment falling by 249 students between 2019 and 2024. While additional housing may generate new students into a school district, the impacts may be limited given overall decline in the number of families with children, existing capacity within school facilities, and the distribution of new students overtime and between grades.

Finally, it should be noted that the above comments and recommendations are considered advisory only. The RPC, nor the impacted municipalities, have any authority under the regional impact statute to interfere with the decision-making power held by the Stratham Zoning Board of Adjustments.

Cc via email:

Town of Kingston Zoning Board of Adjustments
Town of East Kingston
Town of Newton