

1 KINGSTON PLANNING BOARD

2 APRIL 2, 2024
3 PUBLIC MEETING
4 MINUTES

5 Ms. Duguay called the meeting to order at **6:46 PM**; there were no challenges to the legality of
6 the meeting.

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8 **MEMBERS PRESENT:**

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

11 **ABSENT:**

12 Lynne Merrill, Chair

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14 **ALSO PRESENT:**

15 Glenn Greenwood, Town Planner
16 Robin Carter, Land Use Admin.

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18 Ms. Duguay introduced the Planning Board ("PB" or "Board").

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20 **Board Business**

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22 **1. Correspondence:**

- 23 I. Letter submitted to the Board from **Maria Burrill** dated March 24, 2024 regarding
24 opening a **pet grooming salon at Kingston Plaza, 160 Main Street, Unit B.**

25
26 Ms. Duguay read the letter.

27 "The nature of the business is promoting pet wellness through pet grooming, i.e.
28 bathing, trimming, styling in a 1-1 appointment-based setting.

29 A. Hours of operation are approximately Monday - Saturday within the
30 range of 8am-7pm.

31 B. I shall only have 1-2 employees.

32 C. Ample parking is available within the plaza and will not be an
33 interference with other plaza business. Being appointment based, I
34 only require 1-2 parking spots total.

35 D. Appointments are staggered to ensure only 1 client family is scheduled
36 at a time, with a maximum of 5-6 full grooms per day. Services are
37 available by appointment only. Grooming sessions are typically scheduled
38 for 1-3 hours per dog.

39 E. Hazardous Materials: Cleaning/disinfection and grooming products are
40 chosen based on their design to be effective in sanitation while being
41 safe for the environment, plumbing and clients. The grooming product
42 line being used is safe and veterinary developed. There will also be 2
43 separate hair traps to further protect the existing plumbing.

44 F. I do not plan to make any changes to the exterior of the unit.

45 G. I understand a Business Occupancy Permit will be required.

46 H. I plan to order a sign, in compliance with the town's ordinance for
47 sign regulations, as well as adhering to any guidelines required and
48 laid out by the town's historical district."
49

Mr. Greenwood mentioned that the septic system was expanded and upgraded in 2021 according to what was in the property file. He noted that service-oriented businesses are allowed in this Historic District I (HDI) and this is a service-oriented business. HDI allows for animal clinics, and this is less involved than an animal clinic.

Mr. Coffin brought up that Ms. Burrill will need approval from the Historic District Commission for the sign.

Ms. Duguay invited Ms. Burrill, who was in the audience, to come to the table to give an overview of what her plans are. Ms. Burrill explained that it will be a small volume dog grooming shop offering a quiet relaxing environment for dogs. She will work out details with the landlord on any exterior waste receptacles that may be needed for pet waste. She mentioned that unit B was previously a hair salon.

The Board asked if state licensing was required for this type of business. Ms. Burrill responded that no state licensing is required.

**Motion made by Mr. Coffin that no additional site plan review is needed for the Faerie Tails, LLC dog grooming business. Seconded by, Ms. Alessio.
A vote was taken, all were in favor, the motion passed. (4-0-0)**

Ms. Duguay reminded the applicant that a **Business Occupancy Permit** will still be required and this is done through the Building Inspectors office.

Mr. Coffin asked for clarification on the **Business Occupancy Permit** process. Mr. Greenwood explained that when there is a change of tenancy at the three plazas' (Kingston Plaza, Church St. Station, Carriage Towne Plaza) that a letter is sent to the Planning Board for review and decision. A Business Occupancy Permit is also required to be submitted to the Building Inspector for approval prior to occupancy. For the commercial condo's (i.e., Fieldstone Industrial Park, Patriot Park), a Business Occupancy Permit is submitted to the Building Inspector and if there is a question on whether that use is a permitted use in a particular zone, it will be referred to the Planning Board for review and decision, then it will be returned to the Building Inspector for final approval.

II. Correspondence from Samanth Snow, 16 New Boston Road, Map R26 Lot 39.

Ms. Snow submitted a request for a **45-day extension to finish addressing conditions noted in the Notice of Decision (NOD)** dated October 17, 2023 from the Planning Board.

Ms. Duguay read the letter from Ms. Snow dated March 31, 2024. The primary reason for the request is they recently discovered that they are unable to comply with the condition of adding the driveway construction as stated in the NOD conditions. "3. Amend the plan to show the additional driveway construction that allows for vehicles to exit the property with vehicles facing forward to New Boston Road instead of using back up movements onto the roadway."

Ms. Snow was present in the audience and Ms. Duguay invited her to come before the Board to give further explanation and answer any questions the Board had.

Ms. Snow said that the deadline to satisfy the conditions on the approval is April 15, 2024. They are unable to comply with the condition for the driveway as stated in the NOD. She mentioned

that she saw in the regulations she could request 45 days, which would give her time to look into options regarding the driveway requirements.

Ms. Duguay asked for comments from Mr. Greenwood, and he said that the regulations do say 45 days, but the Board should consider 60 days to give enough time to look into what may be done.

Motion made by Ms. Alessio to grant a 60-day extension (to June 15, 2024). Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed. (4-0-0)

Status of the fire inspection:

Mr. Coffin asked Ms. Snow for an update on the fire inspection. Ms. Snow explained that the local fire department came out and initially told her she needed a fire sprinkler system in order to operate out of the basement because it was below grade level. She then reached out to the State Fire Marshall's office to request an inspection. An inspector from the State office came out along with the Town Fire inspector and Town Fire Chief and did an assessment. This process took about 3 months to hear back on this inspection. Once the Town inspector heard back from the State inspector, Ms. Burrill was informed by the Town Fire inspector that the State inspector said they were good to go with the exception of some housekeeping items. It was determined that she does not need a sprinkler system. The State inspector reported that there was material too close to the furnace that had to be moved 3 feet further from the furnace. They have an exit in the basement that goes directly outside plus a second stairway up to the first floor to count as an egress. They are within the regulation, and she did receive a letter from the Town inspector stating that once the Planning Board signed off on the business, everything from the fire safety side would be in compliance. She stated that she didn't want to spend any money on the driveway without knowing that from a fire safety standpoint they could operate the daycare.

Condition #3 on the Notice of Decision regarding the construction of the driveway:

Ms. Snow provided correspondence (dated 03/31/2024) to the Board outlining some possible options for the driveway.

Ms. Snow said she received a couple quotes for the driveway. When she finally met with one of the surveyors (Millenium Engineering) she was told that after looking at the Town regulations and what is required that the space for the semi-circle it is not safe because they would not be able to get the required site lines in either direction. They have wetlands on one side of their driveway and shouldn't encroach on the wetlands either.

Mr. Greenwood suggested that Dennis Quintal, Town Engineer, take a look at the site for guidance on the driveway. Mr. Greenwood will contact Mr. Quintal to coordinate the visit to the property (16 New Boston Rd.) **[AI 01-04.02.2024]**

Ms. Snow said that the number of students allowed has been reduced. Child care services came in and measured the space and she has space for 13 children versus the initial number of 17 that she was planning on. Ms. Duguay asked if she was still proposing the staggered drop off. Ms. Snow is still planning on that. Mr. Greenwood mentioned that using Small Pox for overflow is not a good idea from a liability standpoint and will probably not get a public official (DPW, Police, Fire) to be okay with using a public right of way for any kind of plan departure and arrival.

Mr. Greenwood explained that what is being talked about here is possibly amending the conditional site plan approval and abutters will have to be notified. Ms. Snow will need to complete

a new application and supply abutter labels and certified mailing fees required to renotice abutters. This is not a continuation of the current application, this is a new application for the purpose of the Board's reconsideration of conditions from the conditional approval made on October 17, 2023. Once the application is received it will be put on the appropriate public hearing agenda. Ms. Duguay informed Ms. Snow that April 11, 2024 is the deadline for the May 21, 2024 public hearing.

In addition to the Department of Public Works (DPW), the Board stated that the Police department and Mr. Quintal should weigh in on the driveway matter.

2. Planning Board Application, Legal Notice fees

Currently, the legal notice fee charged by the Town to publish in a newspaper is \$150. In accordance with the recent update to RSA 675:7 Notice Requirements for Public Hearing there is the option to:

"(b) In lieu of publication in a paper of general circulation pursuant to subparagraph (a), notice may be posted on the municipality's Internet website, if such exists. If notice is posted on the municipality's website in lieu of publication in a paper of general circulation, the notice shall:

- (1) Appear prominently on the website's home page, or a link directly to the notice shall appear prominently on the home page;
- (2) Be posted at the time stated in subparagraph (a) and shall remain on the website until the conclusion of the hearing; and
- (3) Be posted in 2 other public places."

However, publishing legal notices in the newspaper is still required for the noticing of some Planning Board public hearings, i.e., an Earth Excavation application. Mr. Greenwood will contact New Hampshire Municipal Association (NHMA) to inquire what Planning Board applications do still require noticing in a newspaper. **[AI 02-04.02.2024]**

The Board will revisit how to handle legal notice fees once the information from the NHMA is available.

3. Town of Kingston Ordinance Book - Article Preamble III (P-III): AMENDMENTS

In follow up to the Board's discussion at the February 6, 2024 and March 19, 2024 meetings regarding amending Article P-III or removing this article in its entirety...At the March 19, 2024 meeting the Board voted to **"to make a recommendation to the Board of Selectmen to reinstate Article Preamble III Amendments, amended to read a) reflects amendments through the following date with the current date."** Ms. Alessio took the Planning Board's decision back to the BOS to get their approval. The Board of Selectmen reviewed and approved this at their April 1, 2024 meeting and the BOS agreed that Article P-III be amended to include just the most recent revision date.

ADJOURNMENT

Ms. Duguay **adjourned the meeting at 7:31 PM.**

****Next Public Hearing/Meeting is scheduled for Tuesday, April 16, 2023. Subject to change.****