

**Kingston Planning Board
Public Hearing
February 21, 2017**

The Chairman called the hearing to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Glenn Coppelman, Chair
Adam Pope, V. Chair
Chris Bashaw
Mark Heitz, BOS rep.

Peter Bakie
Peter Coffin
Carol Croteau
Ernie Landry (Alternate)

Members absent: Rich St. Hilaire, alternate

Also in Attendance: Glenn Greenwood, Circuit Rider/Planner; Ellen Faulconer, Board Alternate/Admin. Asst.; Virginia Morse, Chair, HDC

**All American Assisted Living
(Main Street)
4 East Way
Tax Map R34 Lot 71B**

Mr. Coppelman explained that this hearing had been continued from a previously scheduled hearing, at the request of the applicant; several requirements were still being worked on to complete the application. Due to still working to complete some of the items, the applicant has requested an additional continuance to the next March public hearing. The letter from the applicant requesting the continuance was read. Ms. Faulconer stated that the applicant's representative, Mr. Chadwick, had requested the Technical Review Committee meet as soon as possible; the Board had previously stated that the TRC would not meet prior to receiving the hydrogeological study. Ms. Faulconer asked if this was still the stand from the Board. Mr. Greenwood stated that there was no reason to have the TRC meeting without all the materials needed for the application. The Board's direction, by consensus, was not to convene the TRC without the hydro study/complete application; once received, Mr. Greenwood could work on getting a meeting together for the TRC.

MM&S to continue to March 21st at 6:45. (Motion by Mr. Coffin, second by Mr. Bashaw)
PUNA

Mr. Coppelman announced that this would be Mr. Pope's last meeting serving on the Planning Board as he had decided not to run for an additional term. He thanked him for his years of service as a Board member and alternate Board member. Mr. Pope stated that it had been his pleasure.

Platinum Auto Sales, Inc.
6 NH Route 125
Kingston, NH 03848
Tax Map R3-15

Mr. Coppelman stated that the owner of the property, on behalf of the applicant, cancelled the meeting with the Planning Board and had withdrawn the license application to the State. The paperwork had already been given to the Selectmen.

Site Plan Review Regulations

Bed and Breakfast/Inn

Proposed regulations were distributed by Mr. Greenwood. These were reviewed with the Board. Mr. Greenwood explained that the rules would apply to Bed and Breakfasts (B&B's) and Inns that were allowed in the HDC and Commercial Zone III. He added that he tried to indicate which apply in C-III as the proposal was geared to uses in HDI.

Mr. Greenwood suggested posting a notice for the next hearing to adopt the regulations.

The Board reviewed the proposal.

- Section vii (B&B): the Planning Board should have the flexibility of not requiring engineered plans if there were not a lot of external changes; this could be left up to the Board.

Ms. Croteau asked if the Board had decided to change the language in "xii" regarding adding "consecutive" between "30" and "days".

Mr. Greenwood stated that there had been a number of changes regarding "inns" to remove instances with a restrictive nature; there was only "i" through "viii" instead of "i" through "xii" for B&B's. He reviewed the proposal with the Board. The Board reviewed the differences between B&B's and Inns; questions were asked regarding minimum number of rooms for an inn. Mr. Pope agreed that a B&B might not need the full review while an Inn would need the full review. Differences between B&B's and Inns continued to be discussed; Mr. Bashaw suggested the reason for not putting in a minimum number of rooms depended on other uses such as functions with the rental being a single bridal suite, as an example. There was discussion regarding the changes to language to not conflict with the "definitions". Ms. Faulconer noted that it would be confusing to have the specifics be in both the ordinance and the regulations as the regulation could be waived but not the ordinance.

- Board consensus: remove "xii".

The Board discussed "vi"; Mr. Heitz noted that it would be tough to make the business subordinate to the residence; he stated that while the requirement is for owner/occupied it was not actually incidental to the business aspect of a B&B.

- Mr. Greenwood will re-word "vi" to clarify that the intent is that the use will be owner/occupied and be their primary residence.

Parking issues were reviewed; language was proposed for section “ix”.

- “ix”: “No unapproved off-site parking or parking in Town or State road right-of-ways will be permitted.

Mr. Heitz asked to return to section “xi” regarding the intent of the term “consecutive”; he stated that someone could be there for 30 days, check-out for one day and start the clock again; the intent was not to establish a boarding house. He suggested leaving the word “consecutive” out of the ordinance and just limit it to 30 days per year; he added that this would also make enforcement easier.

Mr. Coppelman asked for any public comment; Virginia Morse, HDC chair and Lynn Merrill were invited to join the Board. Ms. Merrill asked about the requirements in sections “i” and “ii” regarding conversion/construction. Mr. Heitz explained that for a B&B the regulation is designed to utilize the existing structures; to go beyond that would be the regulations for an “inn”. Ms. Merrill asked about the regulations including requirements for septic systems. Mr. Greenwood explained that septic systems are a State requirement and local Health regulation which would be included in items in “x” and would be reviewed during site plan. Ms. Merrill proposed that some people visiting relatives in the proposed assisted living facility might come 7 days at a time and go past the 30 day restriction and asked if there was a possibility of different language to accommodate this. Mr. Heitz explained that there needed to be language, for an enforcement point of view, to avoid the boarding house issue; there are processes to implement waivers for this requirement as needed on these types of individual situations. Ms. Morse suggested “wait to worry” about the 30 day limit and someone visiting relatives in a senior living facility; she thought the 30 day requirement was fine. Sections of the proposal being removed or changed were reviewed:

- iii – removed
- vi – being reworded regarding “primary residence”
- xii – being removed
- viii – 2 parking spaces for “dwelling unit residents” being changed to “owners”

Ms. Morse asked if the Articles didn’t pass at Town Meeting could the items be moved into regulations. Mr. Greenwood explained that they couldn’t. Ms. Morse said that this expanded the scope but captured the intent of the B&B with limited activity without a facility for an outside event. She added that this was coming along well.

- “Back” side: the last paragraph needs to be reworded and given its own number – language to include something explaining that it is for the guests of the B&B and only as an incidental activity; Mr. Greenwood will re-word.

Ms. Morse asked for clarification regarding “inside the premises”; Mr. Greenwood answered “within the walls”. Ms. Morse explained that she asked because what if they wanted to serve on the patio. Mr. Pope stated that this could be addressed and asked for during the site plan review process as the regulations could be waived if the Board thought it was appropriate.

The Board continued its review of “inns” on the “back” side of the hand-out.

- Board consensus was to remove “iii” as it doesn’t need to be owner/occupied. Mr. Pope stated that this meant that there was no longer a requirement for a residence in the building; Mr. Coffin stated that there is usually an on-site manager that sometimes lives on the property but not a requirement; Ms. Croteau said there could be day or night managers that live off-site.
- Keep “iv”
- Remove “v”
- “iv”: remove “in non-residential zones” sentence; rework last sentence to comply with language on the “front” side of the hand-out (B&B’s)

Regulations regarding parking requirements were reviewed. Mr. Bashaw asked if there was any relief for someone to apply for parking exemptions if there was only one event such as a wedding a year, not multiple recurring events. Ms. Croteau asked about requirements for putting up what would be a permanent tent. Mr. Coppelman said that it would require review by the Board. Mr. Heitz said parking would need to accommodate customers. Mr. Heitz discussed special event permitting. Ms. Merrill suggested the possibility of arranging for parking with schools for large events. Mr. Pope said that overflow parking has been approved on fields. Mr. Greenwood stated that the Town Parking Standards apply to “inns” under “commercial lodgings”.

- Mr. Pope suggested adding a sentence to “vi” – parking requirements for Inns follow commercial lodging requirements for 904.13; Mr. Greenwood will re-word this.

Parking requirements, other details for review during site plan were discussed. Ms. Morse said the Board did the smart thing with the requirements in definitions with the regulations being easy enough to change or adjust as needed.

- viii – remove “consecutive” for the same reasons as stated in the B&B review; everyone agreed.

Mr. Pope noted that the proposal allows for function facilities but does not have a minimum number of rooms. Ms. Faulconer stated that it does include “transient lodging” in the definition; Mr. Pope said that this could be very limited or even one room adding that the “functions” would be the money-making activity.

- The last paragraph beginning with “inns may cater to” will have a number added to it, to be part of the numbered list.
- Review of changes: front side: remove iii; amend v; reword vi; amend viii; remove xii; number last paragraph; back side: remove iii and v; reword vi and remove section re: non-residential; remove “consecutive” before days in both sections; add number to last paragraph. Mr. Greenwood will make adjustments and send to the Board for their review prior to the next meeting. This will be continued to the next meeting.

Board Business

CIP: Mr. Greenwood needs to send the CIP to the Board to adopt at the next public hearing. Mr. Coppelman explained that this is an advisory document for the BOS and BudCom.

Memories: Dawn and Steve Hadfield from Memories asked for three minutes of the Board's time regarding making doughnuts on the property; the Fire Chief had reviewed and suggested he speak with the Board. Ms. Hadfield explained that it is a mobile unit for inside the structure and to bring to fairs; it is a wheeled cart that plugs in and has a down-draft system for the oils. Mr. Coffin stated that the Board was not to judge the quality of the machine but to review anything regarding approval of use on the site which was for ice cream and limited use of farm stand. Ms. Hadfield explained that this was an accessory use for ice creams along with items such as cones, waffles, sundaes and ice cream sandwiches. Mr. Coffin asked at what point do additional items become part of the approval process. Mr. Heitz suggested calling counsel for advice if necessary. Ms. Hadfield explained that the doughnuts are served with and in the ice cream although if asked, a doughnut will be served as an individual item. Mr. Pope was comfortable with this type of doughnut being sold with ice cream. Ms. Faulconer noted that the machine basically prepared one type of doughnut; they were not making an assortment of doughnuts. Ms. Hadfield agreed. Mr. Coppelman agreed with basis of all the comments adding that when a business is in a residential zone there is a caution for the Planning Board to look at things that might constitute an expansion.

MM&S that no further review is required to allow the baking and selling of doughnuts or brownies as discussed. (Motion by Mr. Heitz, second by Mr. Bakie) Discussion on the motion: Mr. Coffin stated that this is a unique business and wondered at what point is another review required. Mr. Heitz stated that if ice cream becomes 10% of the business, for example, than it is no longer the primary function; it is when the ice cream become incidental. Mr. Pope suggested that when it is a use not related to ice cream, it would trigger a review. Mr. Coppelman agreed. Ms. Croteau asked if they were planning on selling doughnuts as a "dozen doughnuts". Ms. Hadfield said that she would not say "no" that she would not possibly sell a dozen doughnuts but that was not the intent. Mr. Hadfield explained that the machine was small. Ms. Croteau asked if they were not becoming a bakery. Ms. Hadfield said that she would not say that but would say that the primary business is Ice Cream and any baked goods was in support of the ice cream. She did confirm that they will not have "windows" selling boxed baked goods. Vote on the motion: **Motion carries 5-0-2** with Ms. Croteau and Mr. Coffin abstaining.

Correspondence:

- Memo re: ZBA and lot line adjustment, request for waiver/variance; the Planning Board reviewed; there is no existing lot line/subdivision/LLA to get a waiver from; a note will be sent to the ZBA
- Wetland Permit for 39 Coopers Grove Road; no PB action required
- Notice of Violation sent to Sarnia Properties by the BOS re: signs on the fencing
- Notice of Violation sent to 68 Rte. 125 re: signs; the Board noted that the signs are off.
- Letters to the Editors had been sent to Board members for review; already sent for publication.
- 34 Church St. bookstore; the Board confirmed that no further review had been required.
- Letter to BOS from George Korn; the Board questioned that the determination that activity pre-dated zoning might not be accurate; Mr. Faulconer will research whether there had been review/comment by the Planning Board and requirements at the time and get back to the Board before any further action is taken.

- EPA Stormwater hearings announced; Mr. Coppelman asked Mr. Greenwood to give the Board an update at a later meeting; Mr. Greenwood said the RPC is trying to get funding to help their towns.
- Platinum Sales paperwork - sent to BOS
- Rowell Estates – letter requesting the Planning Board provide clarification of their condo. docs.; Mr. Greenwood suggested that this was not within the PB purview; the Board agreed.
- Life Storage, Rte. 125 – change in sign; no further review required.
- T-mobile: adding antennas as 2 Granite Road; Mr. Coppelman noted that they are co-locating which they are supposed to do.
- J. Bresnahan, 0 Rte. 125/Intersection of Marshall Road; letter received; Ms. Faulconer should reply and reference Ordinances, site plan, design review possibility, etc.
- REDC – CEDS strategy and update of plans; Mr. Coppelman explained the plan and suggested that anyone with any thoughts should get the info. To the REDC. Mr. Landry asked about the scope of the plan and whether there might be anything for Envision Kingston or the Seminary. Mr. Coppelman said those items would need to be more defined to be submitted but being on the plan does make it more favorable for public funding.
- Allied Clearwater plan/bond release: Mr. Greenwood confirmed that it was okay to sign the plan; the bond will be released pending Mr. Greenwood's charges being posted.

Board business, continued:

Design Review submission was added to the next public hearing agenda.

The Board reviewed preparation of the agenda; it was decided to no longer give specific times to items on the agenda; they will just appear in order of when they will be heard with just the start time shown; the Board will try this for a couple of months to see how it works.

MM&S to approve the 1/3/2017 minutes as written. (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 4-0-3** with Mr. Heitz, Mr. Pope and Mr. Bashaw abstaining.

MM&S to approve the 1/17/2017 minutes as written. (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 4-0-3** with Mr. Heitz, Mr. Pope and Mr. Bashaw abstaining.

MM&S to go into non-public session to discuss a legal issue. (Motion by Mr. Pope, second by Mr. Coffin) The Board was polled: Ms. Croteau: yes; Mr. Coffin: yes; Mr. Pope: yes; Mr. Coppelman, yes; Mr. Bakie, yes; Mr. Bashaw, yes; Mr. Heitz, yes. **(PUNA)**

MM&S to come out of non-public session. (Motion by Mr. Pope, second by Mr. Coffin) The Board was polled: Ms. Croteau: yes; Mr. Coffin: yes; Mr. Pope: yes; Mr. Coppelman, yes; Mr. Bakie, yes; Mr. Bashaw, yes; Mr. Heitz, yes. **(PUNA)** During non-public session, the Board briefly reviewed two letters from legal counsel pertaining to ECSI; no decisions were made.

MM&S to adjourn at 9:30 PM. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**