

**Kingston Planning Board  
Public Meeting  
March 2, 2010**

Mr. Hurley called the meeting to order at 7:02 and introduced the Board members. The meeting was posted in two places; no one challenged the validity of the meeting.

Board members present this evening:

Norm Hurley, Chairman  
Richard Wilson, Vice Chairman  
Glenn Coppelman

Jay Alberts  
Ernie Landry  
Scott Ouellette

Also present: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer.

Board Members absent: Richard St. Hilaire, Alternate, Marilyn Bartlett, Alternate, Mark Heitz, BOS rep.

**Board Business:**

**Critical Correspondence:**

- A letter from the Dealer Desk re: Pope Emergency Housing for Utility Dealer License/Plates; the Board questioned the use for this type of plate.

**ACTION ITEM: Mr. Greenwood will contact Pope Housing on Monday, March 8th for clarification of the request. The Board authorized Mr. Greenwood to invite them to the Board, depending on the information he receives. Mr. Hurley will sign the form, if appropriate, and forward to the BOS after the information is received.**

- Request of return of escrow funds from Elizabeth Lynch, Sleep Institute; the Planning Board has not outstanding issues.
- Copy of letter sent to the Boutins following their meeting with the Board; included a copy of the minutes and site plan application packet.
- Email from Mr. Wilson that had been sent to the Board, with Mr. Hurley's reply, was reviewed and discussed by the Board. Timing of cancellations of meetings; emergency situations and Department Head responsibilities and valued input were amongst the topics discussed. Mr. Coppelman, for the record, supported the Chairman's decision to cancel the meeting as did Mr. Landry. Mr. Wilson re-iterated his point that it was not his intent to diminish

the responsibilities of the Department Heads. State of emergency criteria was also mentioned during the discussion.

- Announcement of meeting to establish a local agricultural commission for Tuesday, March 16<sup>th</sup>.
- Memo re: Northeast Atlantic Properties re: release of engineering bond; Mr. Hurley read the items in the Letter of Credit that were specific to Phase I; Mr. Greenwood thinks that all of the items were approved by the previous engineer.

**Action Item: Mr. Hurley to contact the Board of Selectmen's office to confirm that the Engineering Bond for Patriot Park can be released.**

- Catalog/Books for Planning was received.
- Legal Correspondence (confidential) file was passed around for Board members to review.

### **Ordinance Book Revision Discussion**

Mr. Hurley distributed packets of forms that are currently being used, for the Board members information; to add to their Ordinance books.

### **Carriage Town Bible Church:**

Mr. Quintal asked to first discuss an issue of drainage at New Boston Road; he had been contacted by the Road Agent about the site. He stated that he did look at the detention pond on the site which is completely filled with water which is above the berm which was supposed to be the top edge of the detention basin. He added that the original plan was drawn to drain the water from the development of the church underneath the driveway and headed toward Main Street, toward the low point of the elevation. He continued that the low point has no outlet so it bowls up to the basin and then drains back to New Boston Road; the water is backing up and flooding the backyards of 81 and 85 Main Street, higher than in the past. Mr. Quintal was asked by the Road Agent to determine what the problem was; he thinks that the design engineer, Bill Gregsak, needs to take a look at it to make a recommendation to change the design; it needs to be corrected and up to the property owner and their engineer to come up with the recommendations for changes and get it done. Mr. Quintal added that the site wasn't quite built according to the plan.

**ACTION ITEM: Mr. Greenwood will contact the owners of Carriage Town Bible Church about the drainage issue on the site.**

### **Ordinance Book, continued**

There was a discussion regarding using the word “shall” in the same sentence as “whenever practical” as these phrases may be considered conflicting. Mr. Greenwood suggested keeping the wording “side lots shall be perpendicular to the street” since it was a regulation that the Board could waive, in the public forum, with a vote of the Board, if they decided it was impractical to require under specific circumstances. Mr. Greenwood added that the Board has a blanket “waiver” statement in the regulations that would apply. Mr. Hurley explained that this issue was brought forward by the Town Engineer. Mr. Greenwood stated that the Board’s standards should be as precise as possible with the ability to provide a waiver when feasible. Mr. Quintal felt that this was too restrictive due to the topography in New Hampshire; he suggested “as close to perpendicular as possible”. Specific examples were cited; Mr. Greenwood re-iterated that the Planning Board can grant waivers for these circumstances. Mr. Quintal noted that the current language provides the flexibility that the Board is discussing. The logic of creating lots with perpendicular lines was reviewed; recent subdivisions were reviewed. Mr. Hurley was concerned that the ability to provide a waiver to an applicant was not called out enough. Mr. Coppelman suggested that specifying the waiver possibility in this one section would require adding it to all sections; he stated that the waiver provision currently applied to all sections of the regulations. Mr. Wilson said that he liked the language established at the last meeting which added “whenever practical”. Mr. Greenwood suggested that, rather than muddying the language, clarify the waiver process. He said that the regulations should emphasize what the Board wants to see and have a good waiver process which is what the Court looks at; the legal system is aware that regulations can never apply to every situation and expects a Town to have a waiver process. He suggested making sure the Board is comfortable with the waiver regulation. Mr. Coppelman suggested moving the Waiver Regulation to the front end of the document instead of the end.

**MM&S to leave “d” and “e” exactly as currently written: “d”: side lot lines, in general, shall be perpendicular to the street, “e”: lots shall have a minimum width of 100 feet as determined by any line drawn parallel to the two frontage corners. Corner lots may maintain the minimum 100 foot width based on either adjacent road”.** (Motion by Mr. Coppelman, second by Mr. Ouellette). **Motion failed 3-3.**

Mr. Landry suggested that this was a larger issue than just these two items. Mr. Hurley agreed. Mr. Hurley suggested moving on; Mr. Coppelman confirmed that the language as changed at the last meeting, with “whenever practical” is where the language currently stands. Mr. Greenwood reminded the Board that any discussion the Board is having about changing of language would need to go to public hearing before it is adopted.

**Monumentation:** Mr. Quintal reminded the Board that at the last meeting the Board decided to add that all lot corners will be marked with monuments. Mr. Hurley noted that the Certificate of Monumentation was adopted in the Fall.

**Subdivision:** Mr. Quintal asked if the Board had any questions for this section. Mr. Greenwood stated that he verified the zone in the application and on the plan itself.

**ACTION ITEM: Ms. Faulconer to add a spot on the application form for the zone “verified by” and to be initialed by the person making the application and then the person who reviewed it for the Planning Board.**

Mr. Quintal referred the Board to “things to consider”: reviewed the previous discussion; he would like Mr. Greenwood’s input on the “preamble”, as an example, and the wording that might need to have the correct RSA reference. He suggested that the “purpose and the duties” might need to be expanded per RSA 672.1. He suggested that simply stating that the purpose is in the RSA and leave it as that. He suggested the Board think about that. The “procedures” section was discussed; existing ones were reviewed along with Mr. Quintal’s proposal; he suggested keeping both documents.

Mr. Hurley noted that the “by-laws” had been sent by email to the Board members; copies were available at the meeting. He said that they refer to guidelines for conducting the meetings. Ms. Faulconer had also provided an “amended” set of by-laws to start the Board’s discussion. He suggested that the two documents, by-laws and procedures, could be reviewed and combined.

Mr. Alberts preferred a short summary referencing the RSA’s; he added that the amendments to the by-laws would then fit in nicely.

In discussing the by-laws, Mr. Greenwood explained that they would not only be for the Board but also for applicants to know the process that the Board uses; he said that the RSA basically states that the Planning Board will have a set of rules or procedure that lets everyone know how the Board governs and does its business. It was confirmed that this document is not in the regulations now. Mr. Hurley strongly recommended that once the document is amended, that all new Planning Board members receive a copy of the by-laws. Mr. Quintal said that due to this information, the language he had under “procedures” in 905.1, need to reflect not only the RSA but should say “follow the Board’s general procedures” which would be the by-laws. Mr. Greenwood explained the difference between general procedures on plats versus the Board’s governing rules/rules of procedure. Mr. Quintal said that the by-laws need to be tied into this revision. Mr. Ouellette confirmed that the old by-laws, as revised, needed to be added to 905. Board consensus was to include the by-laws in the regulations, after modified and accepted, so they would be available in the future.

**The Board decided to postpone the review of Stormwater Management at another date when the Road Agent was available to be involved in the discussion.**

It was suggested that the by-law discussion be further reviewed by the Board and continue the discussion at a later date.

**Application procedures (906):** 906.2 B, should be clarified to say submitted “where” –

**ACTION ITEM: Mr. Greenwood to assist Mr. Quintal with the correct language for 906.2 B.**

Mr. Greenwood suggested a statement saying that the schedule is posted at the Planning Board office.

**ACTION ITEM: Mr. Greenwood and Mr. Quintal to review 676, 1 through 4, and confirm that the application procedures conform with those requirements.**

Mr. Quintal asked if the sections on preliminary review should be in 906, under Application procedures, and if the Board wanted to make it a requirement of everyone that applies; he has it under 909.4 under Subdivision and 908.4. Mr. Ouellette said that an applicant has a mandatory review requirement for every site plan and subdivision; Mr. Greenwood said if a standard subdivision was being proposed, an innovative design was also required. Mr. Alberts noted that either a preliminary review or design review met that requirement. Mr. Coppelman confirmed that it was for new site plan; he suggested making that clear that it was not for amended plans. Mr. Greenwood explained that Town Meeting approval was for site plan and subdivision, there was no authority for excavation, even though there is an application process; the same lack of requirement applies to a Conditional Use permit. This requirement currently exists. It was agreed that this would be in Article 908 and 909 and not in the Application Process section.

**ACTION ITEM: Mr. Landry pointed out that Mr. Quintal’s language says “optional” review which would need to be changed; Mr. Greenwood said that the date of adoption should also be added. (Mandatory Review Requirements)**

Mr. Quintal said that the Board may want to combine 908.01 and 909.01 which is the purpose of site plan and subdivision which have different RSA references by putting in the preamble, keep them separated into the individual sections, or add them to 904. Mr. Ouellette suggested keeping them separate; Mr. Greenwood said that they needed to be as the RSA’s were enabling legislation that a Town doesn’t have to do and if they wanted to take some of the specifics, it needed to be done within their own regulatory framework. Mr. Greenwood said the way it was proposed, as separated, was the correct way.

Mr. Quintal reviewed the changes from the last meeting for 908.03, requirements for exception: removed the word: “within the last ten years”; Mr. Ouellette said that the rest of the language remained as is. Mr. Greenwood noted that #4, the wastewater flow section, was added language; it did not currently exist.

**ACTION ITEM: The Board agreed that #4, waste water flow, should be added to the current language.**

Mr. Quintal suggested the Board review “Buffers – 908.7”: “appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites”. It was noted that an approval goes with the property regardless of transfer of ownership. Mr. Wilson commented on the problems with buffers. Mr. Quintal explained that he put this in a “number form” to make it easier to follow; none of the language had changed. Mr. Wilson and Mr. Greenwood agreed that the current regulation was a starting point. Creation of an appropriate buffer was discussed; alternative ways to achieve a buffer were mentioned. The Board agreed that buffers were important; Mr. Greenwood suggested that the current model wasn’t necessarily working. Mr. Coppelman suggested reviewing other Town’s regulations to see if there was something that worked better. Mr. Greenwood suggested the possibility of adding in visual guidelines.

**ACTION ITEM: Mr. Greenwood to review other regulations to propose recommendations to the Board about the buffering.**

Continuing down the list, Mr. Quintal brought up the need to confirm the dates referenced in 908.08 A-2; **Groundwater Wells** – the dates in the current ordinance may be too confining; the May 15<sup>th</sup> date might need to be changed to say “within 90 days”. Mr. Hurley asked if there were things in compliance now with Vehicle Sales and Service; Mr. Greenwood didn’t recall groundwater testing being required on any sites for any new vehicle sales and service. There was discussion about compliance and reporting issues; liability issues; State rules and regulations and reporting requirements.

**ACTION ITEM: Change the dated from May 15<sup>th</sup> to 90 days. (Groundwater Wells)**

**ACTION ITEM: The Board may decide to initiate a “reminder” procedure regarding Groundwater Well reporting.**

**909.02, re: Subdivision approval requirements:** Mr. Quintal suggested the Board may want to review the wording; he suggested adding specific language to clarify that a condominium conversion is a subdivision. Mr. Greenwood clarified the process for this. There was discussion regarding “conversion” and “conveyance”.

There was language reviewed about lot line adjustment approval without the necessity of a public hearing; Mr. Coppelman stated that the Board always did a public hearing so the language should have been changed a long time ago; the regulations should reflect this.

**ACTION ITEM: To add that a public hearing will be required for Boundary Line Adjustments; a mylar to be signed by the Chairman or Vice Chairman and recorded at the Registry of Deeds.**

Lot line adjustment procedures were reviewed.

Mr. Quintal asked if there was an easy way to address the various lot requirements; Mr. Greenwood said there wasn't although a table for each zone was a possibility but it would now be in two places that allowed for the potential of changes occurring in one place and being missed in the second place and causing conflicts.

**ACTION ITEM: Move "h" to "a"- making it first, not last. (Lot requirements)**

**ACTION ITEM: Mr. Greenwood to attempt to put the information in a table format. (Lot requirements)**

The Board agreed that good progress was being made on these items.

Mr. Hurley stated that an in-depth discussion of the By-laws would be scheduled for March 16<sup>th</sup> if possible, if not, continued to March 23<sup>rd</sup>.

**ACTION ITEM: Mr. Hurley to contact the newly elected Board members to get sworn-in prior to the March 16<sup>th</sup> Board meeting.**

### **Board Business, continued**

Mr. Hurley officially thanked Mr. Ouellette, on behalf of the Board and the Town, for his 12 years of service on the Planning Board. He stated that although they were not always on the same page, he thoroughly enjoyed a good discussion with well-thought out positions which Mr. Ouellette always did. Mr. Coppelman echoed Mr. Hurley's comments; he added that Mr. Ouellette had served as Vice-Chairman when he was Chairman. He agreed with Mr. Hurley about the importance of the debate and discussion at the Board; he commended Mr. Ouellette on his participation and his attention to detail, ordinances and regulations. Mr. Wilson commented on Mr. Ouellette's knowledge that he brought to the Board discussions. Mr. Coppelman said that when the Board started to look at defining zones in Town, that it was Mr. Ouellette's efforts to lead the Board in that direction. He concluded by saying that Mr. Ouellette was a valuable contributor to the Board and to the Town and thanked him for his service.

Mr. Hurley reminded the Board that there was a Technical Review Committee meeting on Monday at 3:00 PM; the election is Tuesday.

**MM&S to adjourn at 9:12. (Motion by Mr. Ouellette, second by Mr. Wilson) PUNA**