



## KINGSTON ZONING BOARD OF ADJUSTMENT

April 12, 2018

Present:

Electra Alessio

Peter Coffin

Larry Greenbaum

Richard Johnson

Tammy Bakie

Chairperson Electra Alessio called the meeting to order at 7:00.

Board Business –

Minutes of February 8, 2018 Approval – Mr. Coffin motion to approve, Mr. Johnson seconded. Motion carried unanimously.

As this was the first meeting after the town election, new officers were elected: Mr. Greenbaum nominated Electra Alessio as Chairman, Mr. Johnson seconded. Mr. Johnson nominated Mr. Greenbaum as vice chair Mr. Coffin seconded. All in favor.

Ms. Alessio stated that Kevin St. James has been appointed as the new selectmen's representative for the board.

Public Hearing

**Steven Bartlett**

**3A Country Lane**

**Kingston, NH 03848**

**RE: Tax Map U-10, Lot 30B-1**

Ms. Alessio explained the process, Mr. Bartlett stated he would like to put an in-law apartment over the garage. Ms. Alessio read a letter from the building inspector. Mr. Bartlett stated he also had a letter from the health inspector. A neighbor asked for clarification where the apartment would be located. Mr. Bartlett reiterated that it would be over the existing garage. Ms. Alessio explained the ordinance requires the special exception so that abutters have the opportunity to ask questions and to know what is going on. Mr. Coffin made a motion to affirm the special exception. Mr. Johnson seconded, all in favor. Ms. Alessio explained the thirty day waiting period.

**Mark Viens & Sons Excavation  
40 Hillside Terrace  
Danville, NH 03819**

**RE: Tax Map R-3, Lot 4, Land Unit #2  
Diamond Oaks Boulevard**

Mark Viens and Kevin Hatch from Cornerstone Survey Associates, Inc., introduced themselves. Ms. Alessio noted there was no letter in the file from the owner of the property. Jim Dufresne was in the audience and gave his permission for the applicant to proceed. Mr. Hatch distributed and explained plans. Mr. Hatch stated the applicant owned an excavation business and wants to erect a steel building to use as his home base. Mr. Viens currently resides in Danville and runs his business from his residence. Mr. Hatch stated that the use is not permitted or prohibited in the C-III zone. Mr. Hatch reviewed the five criteria. Mr. Coffin stated the list of permitted uses is not all inclusive. Mr. Dufresne stated he was looking for a business with little to no impact, and the business would be at the beginning of the road and the trucks would not need to drive by the residential homes. A discussion followed regarding lot vs. land unit. Renee Speitel stated she had several concerns; the amount of equipment, usage, maintenance, where housed, what would it look like. Ms. Speitel stated she was concerned about the noise and property values, maintenance on site, disposal of oil and diesel fuel, and the use of the private road where maintenance cost is paid for by residents. Mr. Greenbaum asked her to point to the location of her home on the plan. Mr. Hatch stated employees would arrive in the morning and then leave, most of the equipment would stay on the job site and would be at this location in between jobs. Mr. Hatch stated no large scale maintenance would be done at this location, and any maintenance that was done would be done inside the building. Ms. Alessio stated it would be the Planning Boards job to establish requirements regarding oil/diesel disposal and drainage. Mr. Hatch concurred stating DES would have requirements and there would be multiple levels of approval. Mr. Hatch stated the site had been designed to screen equipment from view. Mr. Hatch noted the residential area was up hill and a large berm would be in between. Mr. Hatch stated his client would be paying into the fund for road upkeep and would only be using the first third. Ms. Alessio asked about the width of the road. Mr. Hatch stated it was full size. Mr. Viens stated most of his jobs were for 2 years and the equipment would be off site for that period. Ms. Alessio asked how many pieces of equipment he owned. Mr. Viens replied seven. Mr. Hart asked how many employee he had. Mr. Viens replied six. Mr. Viens stated the equipment would not be sitting in the yard running, machines come off trailers and go into the garage. Mr. Viens stated normally they would leave at 6:30am and be back at 5. Mr. Viens stated he did not have a full time mechanic. Mr. Hatch stated the uses that are allowed in C-III are much more intense. Pam Roback stated the map makes the area look much bigger than it actually is. Ms. Roback stated the road is small and the equipment was too heavy. Ms. Roback asked if employees were gone during the

day, did that mean they would be working at night, and would there be noise at night. Ms. Roback expressed her concern about the proximity. Ms. Roback stated there was no gully so how could the building be lower. Ms. Roback stated the noise would be deafening, and property values would go down. Ms. Roback questioned the choice of location. Ms. Roback stated this business would cause pollution and problems for the golf course. Mr. Hatch stated the road is the same size as 107, and excavation equipment and dump trucks travel over roads of that size every day. Mr. Hatch stated there would not be noise at night. Mr. Hatch stated most of the work is offsite and only at that location for short periods of time. Mr. Hatch stated the Planning Board would set the hours of operation. Duane Brown stated he was concerned about safety, lots of people use the area, including children. Mr. Brown stated if heavy equipment was in the road, no one would be able to get up the road. Mr. Brown stated he was concerned for the safety of the kids. Mr. Brown stated the only noise he hears from across the street is shooting. Mr. Brown stated he doubted the road is 24ft wide. Mr. Hatch stated any traffic for the business would be turning off at the flat portion of the road, separated intentionally from the residential use. Anthony Veligor stated his was the first house coming into the development and he has a large concern for safety. Mr. Veligor stated 2 cars can barely pass each other on the road. Mr. Veligor stated the berm would not deter and he would be able to see trucks coming and going. Mr. Veligor stated it would affect the value of properties and will cause traffic hazards. Mr. Veligor stated truck terminals is in the list of prohibited uses and he does not see the difference. Mr. Hatch stated at truck terminals tractor trailers idle while driver use terminals to eat and use facilities, this business would be nothing like that. Mr. Hatch stated on the original approved plan a much larger business was approved, this application was downsizing. Mr. Hatch stated he understood the abutters' fears but the allowed uses would be much more intrusive. Mr. Dufresne stated he built the road in 1997 to town specs, at least 25ft is paved with 3ft of gravel shoulder. Mr. Dufresne stated the first house is 1000 feet from Route 125, this building would be 275 feet from Route 125. Kate Maceachern stated she walks on the road where there are speeders and there is not enough room for two cars, traffic is a problem. Mr. Coffin asked if all of the property was in C-III. Mr. Hatch stated he believes it is. Mr. Dufresne agreed. Mr. Johnson asked what the weight was of the biggest piece of equipment. Mr. Viens answered 30,000lbs. Mr. Hart stated this board's job was to compare this business to other permitted uses, the Planning Board will take care of issues such as noise. Mr. Hart stated the abutters would have more input, and changes could be made at the Planning Board level. Mr. Greenbaum stated the property was zoned commercial, and this business was not far from what is permitted. Mr. Greenbaum stated the property was almost on Route 125 and the equipment would be going onto and off of Route 125 on the end of the road closest to Route 125. Ms. Alessio stated it was difficult to deny the application considering the similarities of other businesses that are allowed. A discussion followed regarding private vs. town owned roads. Mr. Coffin stated it would be different if the property was changed to commercial after the residential homes were purchased but that was not the case and when the houses were built it was zoned commercial. Mr. Coffin stated the Planning Board put a lot of effort into mitigating

noise ordinances... Mr. Coffin stated he did not see why this business would not fit. Mr. Coffin stated one of the permitted uses could come in and be more of a nuisance. Mr. Coffin stated the concerns could be address at the Planning Board, but did not see why it wouldn't fit in C-III. Mr. Coffin stated he would feel differently if the zone was changed after the houses were purchased. Mr. Brown again spoke about the limited space in the S turn, stating the road was not wide enough. Mr. Brown asked who would police it, and traffic would be an inconvenience.

The five criteria were read and voted on, all five passed unanimously. Mr. Coffin made a motion to grant the special exception, Mr. Johnson seconded, all in favor. Further conversation on the concerns of the neighbors.

Meeting adjourned at 8:22

Respectfully submitted,  
Tammy Bakie