

**TOWN OF KINGSTON, NEW HAMPSHIRE**  
**HISTORIC DISTRICT COMMISSION**  
**Tuesday, July 11, 2017**  
**Public Meeting**

**Members Present:**

Virginia Morse, Chair  
Charlotte Boutin, V. Chair  
Glenn Coppelman, Planning Board representative  
George Korn, Board of Selectmen representative  
Susan Prescott  
Stanley Shalett  
Stacy Smoyer

Other Attendees:      Richard Edmunds  
                              David Edmunds  
                              Brian Gallant  
                              Daniel Mills  
                              Scott Ouellette (representing the public)  
                              Robert Stewart, Town Building Inspector  
                              Cheryl Suliveras

Ms. Morse called the meeting to order at 7:00 PM.

**Town Board Updates:**

**HDC:** Ms. Morse asked for omissions, additions, corrections to the transcribed minutes of the meeting held on May 9, 2017. Ms. Boutin noted that the spelling of Jakki Clark's name was incorrect throughout the report. Mr. Coppelman made a motion to accept the Minutes as amended. Ms. Prescott seconded this motion. All others in favor and none opposed and none abstained.

Ms. Morse provided critical correspondence. Any she had pertained to this agenda.

**Planning Board and CIP:** Mr. Coppelman stated that the Planning Board conditionally approved the assisted living facility at the intersection of 125 and Main Street. It did not need to come back for further review with the HDC because even though there were some modifications on the lot, the appearance, placement, and orientation of the building remained unchanged. However, the well's protective radius goes onto town property, so they are working with the Board of Selectmen either to purchase that piece of land or to gain an easement on that land at a cost. There is ongoing discussion regarding that issue. They still have to obtain permits as well.

Also, at the next CIP meeting, the process will be started to reconstitute the CIP Committee. Letters will be sent out to all town departments for capital requests. These letters usually go out in late summer (August) to be reviewed after Labor Day.

**Board of Selectmen:** Mr. Korn stated that the Board of Selectmen discussed the well issue with the head lawyer of the assisted living group, and they need 90,000 square feet, which is a good portion of the 6 acres. Their concern is that when the town acquired the land from the state, there was a recidivism clause that if the town declared the land surplus that the land had to be sold back for the original amount. That is unacceptable to the assisted living group as they are concerned about future issues with a multi-million-dollar investment. It was agreed that there will be an attempt to satisfy the state's claim on the land. If that is doable, the town will offer them an easement for 90,000 square feet provided that the easement also allows recreational use of the land for school and for other activities. It looks positive that this will go through, and they need to work with the state. We are not looking at selling the land, only allowing an easement for a set amount of money.

Also, the Board of Selectmen assigned a contract for the repaving of Church Street and also signed a contract for removal of the Grace Daley House which should occur in the next 90 days. Mr. Coppelman wanted to know if the town will ensure that the contractor doing the demolition knows what parts of the property are to remain. Mr. Korn mentioned Richard St. Hilaire met with the people.

**Heritage Commission:** Ms. Boutin stated the bandstand itself is finished. The only thing they are waiting for is an antique light to be put up. Public comments have come in regarding the color of the bandstand. Ms. Boutin mentioned that the color of the bandstand, although different than recent years, has been returned to its original green and white colors.

She also stated that the process and funding for roofing the library are moving forward. She added that once the pictures are done, the pamphlet for the Town of Kingston will be completed.

Ms. Morse mentioned she received an inquiry that someone wanted to have a concert at the new bandstand, which is a great development. She forwarded this inquiry to Deb Powers. Mr. Coppelman added that he was driving through downtown Exeter and saw a brass band playing patriotic music with many residents enjoying the music. He thinks it would be a wonderful thing to have in Kinston.

Ms. Boutin mentioned that the Lyons Club has the granite benches ready for the bandstand, and they are being engraved. It should be ready by August for Kingston Days.

**Richard and David Edmunds**  
**187 Main Street, Change to House Plans**

Ms. Morse asked if there would be any recusals for this discussion, and although Mr. Shalett previously considered himself an abutter in prior discussions of this property, he now believes he is not an abutter and will not recuse himself.

Due to the complexity of this issue, Ms. Morse thought it best to review prior discussions regarding this property. She provided a concise summary of these prior discussions. The original house was demolished, and the design of the new house was discussed at prior HDC meetings. The HDC gave a conditional Certificate of Approval at the April meeting based on the submitted design with 2 conditions for approval, and this Approval was conditional on obtaining the necessary permits. Mr. Edmunds thereafter met the HDC conditions regarding the house design. However, Mr. Edmunds got a building permit that did not allow the attached garage to be added to the house. That building permit was not legal in that no change can be made to the HDC's Certificate of Approval without the prior approval of the HDC. After obtaining their building permit, the Edmunds' started building the new house. The design is significantly different than what was approved by the HDC. A Cease and Desist was issued to Mr. Edmunds to stop building because the design was not approved. He has constructed a basement footing, basement, foundation, and partial walls. The HDC must now move forward with approval of the house design in consideration of the site on which the house is situated as it impacts the design.

Ms. Morse asked the Edmunds' to share their proposal in consideration of current and potential future permits.

Richard Edmunds now spoke. He concurred with Ms. Morse's summary. He said there was about a month of time between HDC approval and the start of construction due to the fact that he brought the plan to the Building Inspector, who informed him that he would need a Conditional Use permit. Richard was not aware of what that was. He was told that a soil scientist would need to assess the wetlands to determine the proper setback from the wetlands. The regulations of the town of Kingston specify a setback of 100 feet. The Building Inspector suggested that the soil scientist would need to further evaluate the wetlands and provide his opinion of what an acceptable setback should be. The report from this soil scientist was included in a packet provided to the HDC for this meeting. Richard also talked to Ms. Faulconer, secretary to the Planning Board, and she said that since he was so close to wetlands, storm management needed to be done. He talked to his engineer, and the engineer said that Richard would have to collect the water coming from the garage roof and somehow slow it down before it flowed into the wetlands, and the engineer also felt there was not enough land for that. Richard then went to his lawyer in Salem who is knowledgeable about wetlands; this lawyer was on the Salem Planning Board for 20 years when they were going through site work during a time of rapid land development. Richard's lawyer said he has 3 issues: (1) The buildable part of the lot is small, (2) The permit is for the house but also the addition of a 2-car garage, not just replacing the house, and (3) The proposed plan was too close to the wetlands. The soil scientist's report stated that 55 feet would be an acceptable setback, but the regulations of the Town of Kingston state 100 feet. Richard's lawyer stated that the town may disagree with the soil scientist's assessment but offered to make a presentation to the town regarding the issuance of a Conditional Use permit. He told Richard that it was unlikely that the attached garage will be allowed to be built as there was not enough room for storm water containment. Richard discussed this issue with his engineer, who concurred with his lawyer. Richard then went back to the Building Inspector and said he did not

think that he could get the Conditional Use permit. Therefore, Richard offered to build the house with a garage under it instead. The Inspector mentioned there could be a problem with a wet basement, although Richard thought a proper footing would suffice. After viewing the site after a rain storm, the Inspector allowed the cement to be poured. Richard was not informed that he had to return to the HDC. He was cognizant of the fact that the HDC did not look favorably in prior discussions of building an attached garage as it is not historically accurate. Richard expressed that he may have started this process backwards and should have started with the Building Department and maybe the Planning Board and Board of Selectmen before involving the HDC so that the plan could have been amended prior to HDC approval. Per Richard, the windows are already ordered according to previously-agreed-upon HDC specifications.

Ms. Morse asked Richard if there were any changes to the new plan that was previously submitted to her for this discussion. She did offer to share with the Board the new plan with the garage under the house. She confirmed with Richard and David that the plans in her possession were the correct plans, and they agreed that they were the correct plans. The Board was given time to review these new plans.

Mr. Robert Stewart, the Building Inspector, now presented to the microphone. He agreed with what Richard shared with the Board. He agreed that he did not suggest that Richard return to the HDC. In the original plan with the attached garage, the driveway would have been close to grade. However, with the garage under the house, there will be a serious runoff issue which has nothing to do with the town's easement of the underground pipe.

Ms. Morse shared that she spoke with Richard St. Hilaire, the Road Agent, yesterday. In the original plan with a 2-car attached garage, the plan included a dog-leg drain from the critical culvert draining that area. Now without the 2-car garage, the drain is as the town put it in. The town redid the culvert and redid a drain to the swamp out back, and it is a straight shot under what would be the driveway and goes to the back; that drain is already in place. Mr. St. Hilaire said he would like to see more coverage of that drain in the final scope of the land, but he is seriously concerned about flooding of the garage with the driveway down deep as it is.

Mr. Stewart stated he is in agreement with this.

Ms. Morse opened this up to comments from the Board.

Ms. Prescott noted that there was a large amount of foundation visible in the plan and asked what the plan was regarding this. She also asked if the septic system will still be in front of the house. Richard stated that there will be about a foot of foundation visible with plantings blocking most of the foundation. The septic system has not been built yet. The tank will be on the right side with grading from about a foot of concrete from the top of the foundation out toward the road. He also stated that the foundation fits where it is as does the house and that there are setbacks on the side and rear with a narrow front

yard. He felt the driveway is not a problem and that the grading can be worked out. His plan calls for no drastic slopes anywhere around house.

Mr. Coppelman asked if the septic design was approved by the state. Richard said the approval from the state has been received.

Mr. Shalett asked about the location of the existing culvert which is currently across the driveway. He inquired as to the plan for the culvert and driveway. Richard stated that the culvert is still in place and has not been disturbed. Mr. Stewart stated that according to the Road Agent, there will need to be at least another foot of coverage over that drain from the culvert to the wetlands and asked Richard if that is doable. Richard thought this was doable Mr. Stewart stated that if the garage is to remain under the house, drainage in the cellar might be an issue, and this would need to be taken up with the Road Agent.

Ms. Morse shared that a lot of time was spent in past meetings on the design of the attached garage. With the current plan for a garage under the house, she is concerned that there are not many colonial houses using that design and is not consistent with the appearance within the Historic District. She is also concerned about water issues with the down-under garage despite Richard's best efforts to build a solid footing and foundation.

Mr. Shalett concurred with Ms. Morse. He believed there should not be a garage under the house and requested Richard to bring the terrain up to level so it does not slope. He believes there will be a very bad water problem. He was also concerned that the driveway should not exit into East Way but into Main Street. Ms. Morse clarified that Richard already got approval from the HDC for the driveway to exit on East Way.

Ms. Prescott said she took a ride through HD I and HD II and saw no down-under garages in HD I but one in HD II at 10 Farm Road and had pictures of such. The setback at this property is far from the street and therefore is not noticeable. She believes this property was new construction in the 1990s. She shared the pictures with the Board. She agreed that it is not a historically-accurate design.

Mr. Coppelman said that he took a drive before tonight's meeting and took a couple of pictures, and he noticed that the foundation is stepped despite the plans showing the walls of the foundation level. Richard explained that the septic will be coming into the house on the right side and wanted to minimize the appearance of the concrete foundation due to concerns raised in the past by members of the HDC. He added that the siding will be dropped down for appearance purposes. Mr. Coppelman stated that this type of foundation was not approved by the HDC. He explained to Richard that changes done without prior HDC approval is troubling. Ms. Prescott said the new plan also shows the walls of the foundation level, not stepped. Richard stated he did not intentionally do anything to upset the Board but wanted to take into consideration the Board's concerns about the appearance of the foundation from the street. Mr. Coppelman informed Richard that every change must be presented to the HDC in advance.

Ms. Morse informed Richard that there are times when the HDC can work with other town departments to work out issues and expressed that she wished he had attempted to obtain the conditional permit rather than assume that he would not get the permit. She stated that Richard could have completed the house without the garage and then pursued a separate garage at a future date. She informed him of the terminology in the Approval stating no changes can be made without prior HDC approval. She requested to hear input from the public about this issue.

Mr. Scott Ouellette of 189 Main Street, representing the public, now spoke. He stated the process is the most important thing at this point and that any change has to be presented at a hearing. He believes another public notice should be issued so other members of the public can be informed and discuss proposed changes if necessary. He personally does not believe a drive-under garage is appropriate. He also shared that he believes in the mission of the HDC to make sure the best precedence is set forth for future building in the Historic District. He personally believes the garage should not be built and the land graded as it was before but feels more members of the public should be present to discuss this new plan. He expressed concern about the height of the proposed structure as well.

Ms. Smoyer shared her concern that a set of barriers was hit but that the solutions may not be well thought out and therefore may cause issues in the future. She, too, is concerned about the slope toward the garage but agrees that is under the scope of other town boards. She also requested that any plans provided to the HDC include all changes clearly delineated from prior plans. She would like to see measurements so the HDC can make an informed decision. She would need to see accurate plans before a decision is made.

Ms. Morse said she agrees with Ms. Smoyer that the new plans include many new changes that were not approved by the HDC. She expressed regret that Richard has completed the building done thus far.

Mr. Shalett restated that the land be regraded in a downward slope to make it level with the street without the down-under garage. He suggested that a car can be parked on level ground instead and that a garage was not needed.

Mr. Korn informed Richard that the Cease and Desist order will be sustained, and no more work should be done until some conclusion is reached between the parties. In his opinion, it seems the garage under the house will not work, but as a Selectman, it is clear that there is a lot of dissension and questions to be answered.

Richard stated the lumber for the 2nd deck is on site and asked if he can install it as lumber should not be kept on site in the sun. He believes it would only take a couple of days to install the deck. Mr. Stewart now came to the microphone, and stated if this will be allowed at all, the exact specifics must be spelled out.

Mr. Coppelman stated if any permission is given to do any more work, more issues can be created going forward. He is not willing to vote on an intermediate approval or an exception without seeing a new submittal of what exactly will be seen on the site.

Ms. Boutin asked if the wood could be brought under the cellar. No response was received as David Edmunds came to the microphone.

David Edmunds now spoke. He provided a photo of a drive-under garage at a historic home in Chester and passed it around. He said aesthetic changes could be made if the garage remains down-under. Mr. Coppelman said the picture depicts a barn, not a garage under a house. David explained that he is not involved in every detail of this project and sees the project at a higher level. He said he may be able to get other pictures of other historic homes with garages under the home. Mr. Coppelman said that could be done in the future, but his concern is the context of the surroundings of this specific property, and this cannot be found in Kingston's Historic District. It is about how the new house fits in the existing Historic District.

David said his father got the advice of professionals, and he is attempting to soften the blow to the project. He reiterated that the windows are already ordered, and all previously agreed-upon concessions are still in place. Mr. Coppelman added that this is good information, but other changes have been made that are inconsistent with the approval provided. He stated that the Edmunds' chose not to rehabilitate the original house on the lot and took the plan for the new house above and beyond what was originally presented to the Board.

Ms. Morse stated that she understands the Edmunds' are disappointed that they worked so hard on the garage, but she reiterated that Richard could have attempted to obtain conditional approval instead of moving ahead without actually discussing it with the town. Even if it was a remote possibility, discussing the conditional approval with the town may have been a better course. She does not believe an approval can be provided at this time due to the need to review the many changes made.

Mr. Korn requested that this issue be wrapped up at this time as there are other matters to be discussed before the Board at this meeting. He informed Richard that he can do what he can to protect the lumber but that no further construction can be done at this time. He also thought it prudent to discuss the need for another public hearing, as requested by Mr. Ouellette. He stated that he is willing to check with town counsel about whether another public hearing is required. Mr. Coppelman suspected this may be the case as amended plans in the Planning Board also require a public hearing.

Richard stated he does not know how he can instruct his engineers to amend the plans with this information. Ms. Morse informed Richard that it is likely he will not receive approval for a down-under garage and should be prepared for that. She stated the Board would be happy to review any amended, detailed plans.

Ms. Prescott stated no garage is a viable option in her opinion. Richard restated that he was disappointed that the attached garage could not work. Ms. Prescott again asked what Richard's intent is regarding the garage. Richard said he could block it off and will be happy to talk to the Road Agent regarding that.

Ms. Morse asked if any other Board members had feedback for Richard.

Mr. Korn would like Richard to recheck the height of the proposed new house as well in an effort to expedite this process going forward.

Ms. Morse stated that she is willing to meet with Richard, Mr. St. Hilaire, and Mr. Stewart as the Edmunds begin plan modifications to make sure they fit in the town's ordinances and regulations. Richard agreed to do so. Ms. Morse informed Richard that the next HDC meeting is Tuesday, August 8, 2017. She will put Richard on the agenda for that meeting, and they can collaborate before that meeting if needed. Mr. Coppelman stated that he believes a legal notice will need to be issued and abutters notified; Mr. Korn will be verifying that requirement.

#### **Daniel Mills, 52 Church Street**

##### **Unplanned Appearance Regarding Change of Lot Usage**

Mr. Daniel Mills of 52 Church Street now presented to the microphone. He received a letter in the mail about a lot, possibly lot 202R, directly across from Carriage Town Plaza. Mr. Mills owns the house and Steppin' Out Dance Academy. The letter stated there is a proposal to change the usage of the lot to build a 30x30 storage shed with plumbing and a hot dog stand. Mr. Coppelman informed him that this is a matter for the ZBA, and that the ZBA meeting is on Thursday. Mr. Coppelman suggested Mr. Mills get in touch Ellie Alessio of the ZBA. Mr. Coppelman verified the date of the next ZBA meeting for Mr. Mills and informed him that the correct date is indeed Thursday, July 13, 2017.

#### **Brian Gallant, 181 Main Street**

##### **Porch Addition**

Ms. Morse stated that the Board has not been provided plans yet from Mr. Gallant and approval may not be able to be given tonight. Mr. Gallant previously received permission to remove the old front porch and now wants to redesign the porch. Mr. Gallant stated that the old porch that has been removed was not original to the house.

Mr. Brian Gallant and Ms. Cheryl Suliveras now introduced themselves. The Board reviewed the plans. Ms. Morse invited Mr. Gallant to address the Board.

Mr. Gallant stated that the existing roof will remain in place. He wants to put a deck on the house similar to the picture he provided to the Board. It would be 3 feet run evenly with a 5 foot staircase.



Ms. Prescott inquired if there would be any cover over the front door or just a deck. Mr. Gallant said there is already a cover, the existing roof, and no changes will be made to the existing roof.

Mr. Gallant stated Ms. Smoyer sent a picture to him in the past regarding the original appearance of the house. Ms. Smoyer said she just purchased a new picture of the original house to share with Mr. Gallant.

Ms. Morse shared that Mr. Ouellette had a picture of the original house, and when they renovated the house, they matched the appearance of the original house. Ms. Morse said Mr. Gallant's house looks similar to Mr. Ouellette's house.

Mr. Coppelman asked if the new picture purchased by Ms. Smoyer reflects the appearance of the porch and how far out the porch came. She and other Board members stated it is difficult to tell in the picture.

Ms. Morse stated she was looking at the picture and wanted Mr. Gallant to review his plans with the Board. Mr. Gallant stated there would be a platform to go in the door with a step down from the door to the platform to avoid snow buildup against the door. Then there would be a step down to the deck running across the front of the house and then 2 stairs from the top of the deck down to grade level. Ms. Morse asked about how the space under the deck would be finished. Mr. Gallant said slats would be installed. He stated he wants to add more ornate details to front of house. Ms. Smoyer stated in the old picture of the house, there are more attractive details in the front of the house.

Ms. Morse asked Mr. Gallant if he was aware of the Trex railing system. She was disappointed when the HDC approved the usage of this product in a church in town.

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Mr. Coppelman stated there are products with texture, solid products with faux wood grain. Ms. Suliveras said she had one of these decks before, and one can indeed purchase a product with texture. She is not sure if Trex has it, but the company TimberTech does. Ms. Morse said some of these products that are not made with real wood do not feel solid. Mr. Gallant and Ms. Suliveras added they will install a firm-feeling product that is secure and strong. They will install ornate spindles.

Mr. Coppelman said the Board will need to see samples when the final plan is brought forward. Mr. Gallant wanted to find out if what was discussed today is an option. Ms. Morse said she thinks a porch on the house would look nice but expressed concern that the Trex product might not work. Mr. Coppelman mentioned that the picture Mr. Gallant provided to the Board was of a house without bump-outs, although Mr. Gallant's house does have bump-outs, and stated that the details of the porch would need to be reviewed.

Ms. Smoyer wanted to know if the porch to be installed would reflect the actual historical look of the home or if it would fit with the style of the house and what could have been

on the house. Ms. Morse said she would be comfortable if it was what could fit, not necessarily between the bump-outs. Mr. Gallant said they would not do columns as there is no roof there to support and that this will be an open deck, not an enclosed deck.

Ms. Morse reiterated that she would like to see the materials.

Ms. Morse opened it up to other comments from the Board.

Ms. Prescott said she liked the decorative painting on the railing. Ms. Suliveras also liked that and wants to bring life to the house.

Mr. Gallant shared that he wants to do this the right way the first time.

Ms. Morse asked if more information is needed. Mr. Coppelman informed Mr. Gallant that he did not get approval yet, but Ms. Morse and Mr. Coppelman instructed them to fill out a formal application and provide the Board samples. Mr. Gallant and Ms. Suliveras will bring a color scheme next time as well. Ms. Morse will put them on the agenda for the next HDC meeting on August 8, 2017, as long as an application is received.

**Public Comment**

No other comments from the public were received.

**MM&S to adjourn at 8:55 PM.** Mr. Coppelman moved to adjourn the meeting. The motion was seconded by Mr. Shalett. All members agreed.