

**Kingston Planning Board
Public Meeting
October 25, 2011**

Mr. Wilson called the meeting to order at 6:30 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Adam Pope
Ernie Landry	Jay Alberts
Mark Heitz, BOS representative	

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant (Board Alternate)

Absent: Glenn Coppelman, Richard St. Hilaire (Alternate)

Board Business

Impact Fees:

Mr. Wilson reported that he had spoken with School Board member, Kurt Baitz regarding the school's portion of the Impact Fees; Mr. Greenwood confirmed that he had spoken with Bruce Mayberry and the school portion is approximately 30% which would be approximately \$5000. The Board discussed Impact Fees received in a nearby community and examples of Impact Fees.

ACTION ITEM: Ms. Faulconer to send letter to the School Board about impact fees.

Mr. Wilson mentioned a discussion with Conservation about signs on the trails in the Town Forests; grant opportunities will be pursued.

MM&S to accept the September 27, 2011 minutes as presented. (Motion by Mr. Landry, second by Mr. Pope) **PUNA**

Correspondence:

- Memo from Ms. Faulconer re: Mr. Quintal receiving updated plans for Diamond Oaks; will review for the Board.
- Letter from Mr. Quintal; reviewed LePage construction site
- Nouria Energy Ventures notification of ownership of the Shell Station; Business Occupancy Permit and application to Liquor Commission; the Board consensus was that no further action was needed.
- Groundwater Management zoning proposal from EPA and NH DES was available for Board members; they will be meeting with the Board on November 15th.
- Invoice from Danna Truslow for report of Large Groundwater Withdrawal permit for Diamond Oaks; signed by the Chairman.
- Retail vehicle plates request for Michaud Motors; signed by the Chairman.

Mr. Wilson and Mr. Alberts reviewed their site walk on the DeLuccia “Cars “R” Us” vehicle sales lot; they reviewed the plan and on-site conditions; Mr. Wilson said that the number of cars should be 84, based on the existing pavement. Mr. DeLuccia asked for thirty days to come into compliance; this was okay with the Board. The recorded plan was approved in 2004; Mr. DeLuccia would like to add pavement to the site based on the original plan. The Building Inspector had an issue with the non-conforming lights on the site; they were not part of the approved plan; they currently spill out onto the highway. Mr. Greenwood explained that the owner needed to remove the lights; if he wanted to add lights to the property, he would need to get the site into compliance and show that the lights he wanted to use were dark sky compliant; he could go through an expedited review if the site is in compliance.

ACTION ITEM: Ms. Faulconer to send another letter to Unitil and Exeter/Hampton that includes the current Lighting Ordinance.

**Mark LePage
LePage’s Auto
102 Rte. 125
Tax Map R8-48**

Mr. LePage had been invited to speak to the Board after receiving a compliance letter for the activity on the site. He said that he had corrected the issues; there are no cars on the grass or in front of the fence; he added that he had taken care of all the issues in the letter.

ACTION ITEM: Mr. Wilson to do a “drive-by” to confirm compliance and return to the Board at the next meeting.

Correspondence, Continued

- Memo from Ms. Faulconer regarding new laws for vesting in subdivision and site plan.

ACTION ITEM: Mr. Greenwood and Ms. Faulconer will change the vesting language and bring back to the Board for posting at the next public hearing.

- Building Inspector questioned some of the permitting language in the Sign Ordinance

ACTION ITEM: Mr. Greenwood and Ms. Faulconer to change the Sign Ordinance and return to the Board for discussion and public notice.

**Robert Geoffroy
46 Route 125
Tax Map R5-11 and 12**

Mr. Wilson explained that Mr. Geoffroy had applied for an expedited site plan review for an addition to the approved plan; the proposal was for a car shed; the Board had received a memo from the Building Inspector that the site was not in compliance which was a requirement for an

expedited review. Mr. Geoffroy stated that he did not know that the shed needed to be on the plan and didn't know that he needed a building permit for it. Mr. Wilson asked about the two recreational vehicles on the site; Mr. Heitz asked if anyone was living in them. Mr. Geoffroy answered that no one was living in them; he then added that someone was living in one of them but it was registered; he's helping out a friend who hasn't worked for a while.

Mr. Wilson reviewed the registered plan; he asked if the paving had been completed yet; Mr. Heitz asked if there were any motor vehicles parked on unpaved surfaces; Mr. Geoffroy said that, currently, there were no vehicles on unpaved surfaces; he asked if "grandfathering" allowed the cars to be parked on pavement. Mr. Heitz said "grandfathering" did not pertain to the discussion. Mr. Geoffroy asked if it was okay to have some cars parked on the pavement when he had an occasional influx of cars adding that there was a dealership down the street with bulldozers on the grass.

Mr. Wilson noted that there was a letter in Mr. Geoffroy's files, dated April 3, 2006 regarding compliance issues; he added that grandfathered issues are not pertinent since a site plan was drawn up and recorded; that recording was now the approved plan which he had to come into compliance on. Mr. Geoffroy again questioned if he could park cars on the grass if it was a limited number for about a month. Mr. Wilson explained that he needed to comply with the approved plan. He reviewed other non-compliant issues: re-location of the dumpster; pavement markings. Mr. Geoffroy discussed moving the dumpster three to four feet to the right to remove it from the State ROW and still make it accessible when the dumpster needed to be emptied.

Mr. Wilson stated that there were two issues to be addressed: site compliance and an expedited review that can't be checked due to the site not being in compliance re-iterating that cars are not to be parked on unpaved surfaces. Mr. Pope explained to Mr. Geoffroy that he didn't need to add the pavement shown on the plan but he couldn't park cars on unpaved surfaces. Mr. Greenwood said that someone living in an RV is an enforcement issue; Mr. Heitz stated that parking cars on an unpaved surface is a problem for any amount of time.

Mr. Wilson noted that the shed needed to be moved to add the shed; Mr. Geoffroy said that there would be plenty of room for both in the area shown. Mr. Heitz asked again if someone was living in the trailer. Mr. Geoffroy confirmed that the "man who used to be across the street" is just mainly parking the RV in the back, not near the building. Mr. Geoffroy confirmed that he lived in the mobile home on the site. He said it will take two weeks to move the dumpster. Mr. Wilson asked about the pavement markings in regards to the compliance of the site. Mr. Greenwood said that the arrows and has marks are shown on the plan and they are supposed to be there for traffic and site safety. The ten-year transportation plan was briefly discussed.

Mr. Greenwood explained that the person living in the RV was an enforcement issue over which the Planning Board has not control but continued that no one can be living in the trailer; the trailer on the commercial site is not in compliance and there are issues with someone living in it.

Mr. Wilson asked about the empty oil drums on the site; Mr. Geoffroy exchanges empty one for full ones adding that he keeps the oil to use on items to make them move easier.

Mr. Wilson reviewed that Mr. Geoffroy needed to move the dumpster, paint the lines and settle the RV issue with the Board of Selectmen. Mr. Heitz asked if both sheds are being added to the plan for expedited review as the extra one, not already shown, is not in compliance. Mr. Greenwood agreed that this should be done. The required pavement markings were reviewed with Mr. Geoffroy; Mr. Wilson stated that this was an easy enough fix. Mr. Geoffroy returned to his concern with grandfathering of conditions, asking why anyone would make him upgrade and put in curbing for an existing building. Mr. Heitz explained that if a situation was a hazard for traffic or the environment, the site needed to comply. Mr. Geoffroy continued to question the requirement; Mr. Wilson explained that he submitted a site plan that was reviewed and recorded; any previous "grandfathering" vanished once the approval of that plan was done; there would be no grandfathering prior to the approved plan done in 2001. Mr. Heitz added that the grandfathering was lost when Mr. Geoffroy expanded the site; he stated that if the site was the same as it had been 30 years ago, without any expansion, he probably wouldn't have needed to come into compliance with certain regulations however his expansion of the site required a site plan which now shows the approval for the site. Mr. Geoffroy discussed the history of the site and State licensing requirements.

Mr. Wilson reviewed the discussion for Mr. Geoffroy stating that the following changes needed to be addressed and then he could re-apply for the expedited review:

- Dumpster
- Pavement markings, hash marks, arrows
- No cars on non-paved surfaces
- Address RV's with Board of Selectmen
- No living in an RV on the site.

Mr. Geoffroy asked if the Board was telling him that the RV has to be removed from his property. Mr. Wilson stated that it can't be part of the business and can't seem to be part of the business. Mr. Heitz re-iterated that a person can't live on the site in the RV; it has to be moved and the person has to live somewhere else. Mr. Geoffroy asked if cars could be parked on the grass area if they were just there for a day. Mr. Heitz stated that the Board was not going to tell him that he could park a car in that area for even an hour. Mr. Geoffroy spoke about his interpretation of grandfathering. Mr. Heitz clarified that sites were grandfathered only if there were no changes. Mr. Geoffroy's expedited review submissions were returned to him so he could update them and return to the Board when he had brought the site into compliance.

Aquifer Zoning Discussion

Mr. Greenwood noted that he had not yet prepared a comparison review for the Board. Mr. Wilson reminded the Board that Mr. Pope had volunteered to take a shot at trying to come up with items to review for the Aquifer Zone. Mr. Heitz asked if the information was from the study that was done in hopes of relaxing the requirements but finding out that the recommendation was to increase the restrictions; Mr. Wilson said that it was. Mr. Pope distributed the work he had prepared for the Board.

Mr. Wilson asked Mr. Greenwood if a temporary Vice-Chairman should be chosen; Mr. Greenwood said it wasn't necessary.

Mr. Pope explained the hand-outs to the Board. He explained the coding of the maps; explained the spreadsheet with the comparison of current zoning, the hydrogeologist's recommendations and his recommendations; these recommendations were reviewed by the Board including comments regarding two zones, three acre recommendation for residential; limited access highway for Zone A. Mr. Pope noted that there are only 7 commercial lots in Zone A. He suggested that if the town takes extra precautions in the most sensitive areas than the town can relax the rules in other areas. The Board reviewed the maps showing the proposed zones.

Mr. Wilson said that the Town would be forcing people to do Stormwater Management to meet current conditions in the zoning. Mr. Pope said that 20,000 square feet is the maximum coverage allowed without stormwater management on a 3-acre lot which would increase to 45,000 square feet if incorporating stormwater management. The amount of coverage for a residential lot including small, grandfathered lots was reviewed; it was determined that lots in Great Pond Park are not in either of the two proposed Aquifer Zones. Mr. Pope suggested that the Board review the proposal to make decisions regarding prohibitive uses; clarifying other uses; reviewing prohibited versus special exception requirements with additional protections required. He suggested taking all of the uses and doing some research on the regulations that exist now and add regulations on top of that for added protection adding that this would need to be done by a professional who could provide that information. Mr. Landry suggested that the Board needed to look at the proposal globally by asking what the Town wants in the zones, comparing the risk to the Aquifer versus the gain to the Town. As an example, he had reviewed gas stations and the amount of taxes brought into the town by that use; he re-iterated looking at the risk/reward of allowing certain businesses in an environmentally sensitive area. Mr. Pope questioned where a gas station would go if the two gas stations in Town went out of business. The Board discussed EPA protections; marketing issues along the areas in the Aquifer; containment and contamination. Mr. Pope re-iterated that the Board needs better information, from a professional, regarding regulations to protect natural resources. Mr. Wilson said that sometimes containment is only for 30%; containment specifications and requirements were reviewed. Mr. Pope questioned the ability of the Board to grant special exceptions. USGS determinations were reviewed. Mr. Landry referred the Board to the Master Plan; he read the recommendations; he suggested that the Board look at the risk factors and unintended consequences of certain activities and encouraged the Board to look at encouraging businesses that would not create problems.

The Board continued its review of the A and B Zone maps. Mr. Heitz questioned why the hydrogeologist recommended changes in Zone B; Mr. Greenwood answered that it was based on the Boards desire to allow additional uses within the Aquifer Protection Zone; Mr. Pope added that commercial and industrial uses were added because the Board wanted to develop business in town. Mr. Heitz questioned why he Board would want to reduce residential lots in Zone B to two-acres; suggesting it be kept at three acres.

Mr. Wilson said that this was a good beginning and the Board should review and schedule another time for continued discussion. Mr. Pope suggested having prohibited uses in Zone A and add special exception language for Zone B. Lot sizes were reviewed; the study and requirements were reviewed. Mr. Pope suggested taking the proposal and doing an example of

possible development in Zone B; Mr. Greenwood clarified that his preference is to keep the lot requirement in Zone B at three-acres. Comments were made regarding land size and road frontage within the zones.

ACTION ITEM: Mr. Pope will do a development work-up for parcels in Zone B.

Comments were made about upcoming meetings; schedules for zoning discussions. Mr. Wilson and Mr. Pope will be meeting about the Agricultural proposals.

ACTION ITEM: Mr. Greenwood and Mr. Wilson will meet on Monday to review possible map zoning changes based on questions from the Selectmen's office; review with the Board at the next meeting.

MM&S to adjourn at 9:15. (Motion by Mr. Pope, second by Mr. Alberts) **PUNA**