

**Kingston Planning Board
Public Hearing
February 16, 2016**

The Chairman called the hearing to order at 6:50 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Carol Croteau
Glenn Coppelman, V. Chair	Peter Coffin
Adam Pope	Ernie Landry (Alternate)
Stan Shalett (arrived with meeting in progress)	

Members absent: Mark Heitz, Selectmen's rep., Richard St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant/Board alternate.

Mr. Wilson noted that Mr. Landry will be a voting member this evening pending Mr. Shalett's arrival.

**Sal Ragonese
4 Marshall Road
Tax Map R33 Lot 21**

Roscoe Blaisdell introduced himself as representing the applicant and the owner, Arthur Pernokas; the proposal is for a 4-lot subdivision. He explained that currently the proposal may include building houses but that is not definite. Mr. Blaisdell noted that there is State subdivision approval; the Highway approval is still pending. He reviewed the plan and the soils; he is asking for a waiver of the requirement for topography for the entire lots due to the wetlands and that part of the lot not being required to meet the subdivision requirements. Mr. Wilson said that Lot C's frontage is in question; Mr. Blaisdell stated that all the lots have the required 200 ft. of frontage. Mr. Greenwood pointed out the "jog" on Lot C explaining that the configuration did not meet the Town's requirements for frontage; the lot currently could not be approved. Mr. Blaisdell said that the other lots have extra frontage so the line could be adjusted.

Mr. Greenwood reviewed his comments including the wetland buffer requirement. He noted that since the maximum setback was being met, a functional wetland report would not be required however, a written waiver would be required; the setback lines need to be delineated and labeled on the plan. He continued that as there are common driveways proposed, the applicant would need to request waivers for the 20 ft. setback as well as easements that would need approval and recording. <Board note: Mr. Shalett arrived at this time.> Required monumentation was reviewed; Mr. Blaisdell explained the types of markers proposed noting that some were existing or in wetland areas. Mr. Greenwood said that he was comfortable with the markers as proposed based on Mr. Blaisdell's explanation.

Mr. Greenwood stated that the Town's regulations require that the impervious surface once developed needs to be shown or a waiver requested.

Mr. Wilson read the Fire Department comments. Mr. Blaisdell and the applicant agreed to install sprinkler systems; the sprinkler requirement will be a note added to the plan. Mr. Greenwood pointed out the areas on the plan that do not meet the 100 foot width requirements adding that Lot A that has an area that does not meet the requirement is the largest lot and the area being discussed is not being developed. Mr. Coppelman said that the applicant would have to request waivers for these areas. Mr. Greenwood stated that another requirement is to show the proposed locations of the driveways and the homes; he added that the combined driveways would need to be discussed by the Board. He suggested that due to the number of waivers needing to be requested, the Board should not accept the plan for jurisdiction.

Mr. Wilson read comments from Conservation, Fire and Police Departments; Building and Health had no comments. Mr. Greenwood did not think this proposal was large enough to require a Technical Review Committee. Mr. Coffin noted that the Board approves lots during a subdivision not technically usage. Mr. Coppelman stated that if it was for commercial use, it would need to come back to the Planning Board for site plan review. Mr. Wilson asked for public comment. Jay Masiolli stated that he was an abutter and was not notified but he is ok with the proposal and signed a waiver for the notification. Jason Fellows asked to review the plan; a copy was provided to him and another unidentified abutter. Mr. Wilson announced that the Board's next scheduled hearing was March 29th.

Mr. Coppelman stated that he understands the need for shared driveways but is sensitive to problems surrounding them and does not expect to vote for shared driveways for possible residential use as opposed to proposed multiple businesses. Mr. Blaisdell said that the driveways will only be 20 to 30 feet long and split off pretty quickly. Mr. Wilson suggested that when Mr. Blaisdell re-submits he may want to consider drawing the plan both ways for the Board to see the options. Mr. Blaisdell explained that the State will only allow three curb cuts which will limit the development to three lots of one lot with a shared driveway.

The Board discussed continuing the review; they need to provide the requests for the waivers, add the notes and move the lot line to meet the frontage requirements. The Board agreed to schedule a hearing on March 1st instead of waiting until March 29th if the revised plans were received by Thursday at 11:00 AM.

MM&S to continue to March 1, 2016 at 7:00 PM. (Motion by Mr. Pope, second by Ms. Croteau) **PUNA**

The Board asked that Chief Briggs provide additional information in the future as to the reason for asking for a technical review to help the Board make a more informed decision.

Doug Green
51 Church Street
Tax Map R34 Lot 1A

Mr. Wilson announced that this was a Design Review. Mr. Green explained that Cleveland Holdings wants to add another floor to the building and add additional parking towards the back of the site and paving on the existing gravel area. Department comments were reviewed; Fire Department: need Fire Engineer review; Building: legal access; ADA issues. Mr. Green said he has a copy of the deeded ROW from the Plaza owner; as the plan moves forward, they will address septic, parking and ADA accessibility issues; he believes the septic is adequate for the proposal as it would continue as professional office space. Mr. Wilson noted that Health had no comments. Mr. Pope noted that the area being paved is well within the lot lines setback. Mr. Coppelman said that the Lot Coverage could be an issue; it is currently a legally existing non-conforming use; it is an undersized lot and can't be expanded without ZBA action; lot coverage would need to be shown. Mr. Green said that the area being paved is currently graveled for overflow parking and snow storage; the parking spaces were reviewed for expansion possibilities. The Board discussed previous reviews sent to ZBA action. Parking, pavement, spaces, types of surfaces, number of employees were discussed. Design review requirements were discussed. Mr. Coppelman reminded the Board that Design Review did not have final decisions and the plan could not be accepted or denied at this type of review; the Planning Board would need to review a site plan before going to the ZBA. Mr. Green explained that this request was just to "suss" out the issues that might come up. Mr. Wilson said the three main issues were: needing a site plan, Fire Department requirements and parking; a variance would be required as it is the expansion of a non-conforming lot. Mr. Coppelman said that both the footage expansion and parking were issues. Aquifer requirements were reviewed. Mr. Greenwood confirmed that the non-conforming use is due to the Aquifer lot size.

Greater Nashua Council on Alcoholism

91 Route 125

Tax Map R10 Lot 7

Attorney Brad Westgate introduced representatives for the application; the 2009 site plan was distributed; they are applying to change the use from retail to office use for professional counseling services. Mr. Westgate reviewed the background of approvals for the site. Keystone Hall (AKA GNCA) would be using the front 2460 sq. ft; Mr. McKeen is using the back part of the building for storage; there will be no retail; this will be a substance abuse treatment program using the 1st and 2nd floor of the front part of the building. Mr. Westgate explained that there will be up to 3 clinicians and 2 student interns. Keystone Hall's background was reviewed; they will be limited to counseling services; they have been contracted by the Rockingham Commissioners for outpatient substance abuse counseling; they have a one-year lease for the property; the activity is purely counseling with no prescription drugs provided; the hours are 8 to 5, Monday through Friday with one evening open to 7:00 PM; there will primarily be one-to-one counseling but there will also be group counseling; there is 23 parking spaces on site and it is not anticipated that they will be fully utilized; they believe there is adequate parking on the site; even with a group setting of 10 to 12, the patients are usually dropped off so the parking will not be an issue; septic is adequate; there will be no outside or structural changes to the building, parking or driveways; some interior cosmetic work may be done to change the space to office use. Mr. Wilson noted that they are well within the approved hours for the site. Mr. Pope asked about signage. Mr. Westgate explained that signage is allowed in the lease and it has to comply by the Town's regulations; they would only need a sign saying "keystone hall". Mr. Coppelman

explained that they would need a sign permit from the Selectmen's office as well as an Occupancy permit. Department comments were read; Police Chief Briggs comments state that he supports the change.

Kevin St. James, RC Commissioner, stated that he supported the proposal 100%; the Commissioners approved the location and hope the Town sees the need and approve the use. Mr. Shalett asked about the anticipated patient load. Ms. McKenna, principal for the applicant, anticipates 25 clients in the program with 30 – 40 in the next year; she explained the phases of the program. Mr. Coppelman said that the Board would require an updated plan with the Antique Shop removed and Mr. McKeen's use of the back of the building included. Mr. Wilson confirmed that an engineered plan would not be required. Mr. Greenwood suggested an affidavit with the specifics that would then be recorded with the plan referenced. Attorney Westgate will prepare the affidavit and submit it to the Board for review and recording.

MM&S to accept the Keystone Hall proposal occupying the former Antique Shop with Mr. McKeen occupying the back of the building, as presented conditional upon an affidavit being prepared, signed and recorded; the affidavit to include the specifics such as number of employees, the scope of use. (Motion by Mr. Pope, second by Ms. Croteau) Ms. Croteau asked about the building needing ADA accessibility. Mr. McKeen said the bathrooms were handicap accessible. Mr. Westgate said the second floor was not accessible but clients needing accessibility would use the first floor. Ms. Croteau suggested that staff could need accessibility. Mr. Coppelman stated that the applicant would need an occupancy permit and compliance issues would be checked by the Building Inspector at that time. **Return to vote on the motion: PUNA.**

Mr. McKeen asked the Board if he could still put an antique shop back if this applicant vacated; Mr. Wilson told him he would have to notify the Board of the change in writing and an answer would be given at that time.

Board Business **Correspondence:**

- GZA Environmental: letter regarding former wetlands permit; there was a significant reduction in the previous approval for the impact and questioned whether there was a need for a conditional use permit; the Board consensus was that, due to the previous approval and the reduction of the impact there was no need for further approval or permit.
- ECSI replied to the letter from the Board regarding a possible revocation of the site plan approval; the Board will meet with the owner on March 29th.
- Email from Peter Coffin (Board note: Mr. Coffin recused himself and stepped down from the Board for this discussion) regarding previous correspondence about Landscapers Depot. Previous minutes were reviewed; Mr. Coffin reviewed the inconsistencies with the approved site plan. Mr. Coffin will get the Board a list with the specific violations; the Board will review against the approved site plan to determine if an enforcement request should be requested.
- Bond balances were reviewed

- RCCD procedures regarding test pit witnessing: Mr. Greenwood contacted RCCD; the Board's procedures were confirmed; the confusion appeared to be the applicant's; the process has also been confirmed with the Health Officer.
- Prism Energy Services letter received; will be forwarded to the BoS.

MM&S to accept the minutes of December 15, 2015 as written. (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 3-0-3** with Mr. Coppelman, Mr. Wilson, Mr. Pope abstaining.

MM&S to accept the minutes of January 5, 2016 as written. (Motion by Mr. Coppelman, second by Mr. Shalett) **Motion carries 4-0-2** with Mr. Wilson and Mr. Pope abstaining.

Committee Updates: nothing to report.

The Board authorized Mr. Wilson to put a letter to the Editor in to CTN about support of the warrant article.

Mr. Shalett informed the Board about a Supreme Court case regarding free speech and signage regarding neutrality of content. Mr. Greenwood said some adjustments may need to be made but there is still time to wait for the real results of the Supreme Court's decision and the Board should wait to hear more feedback; he anticipates additional discussion during the upcoming year. He did review the Town's Ordinances regarding the decision on Accessory Apartments and they seem to comply.

MM&S to adjourn at 8:27. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**