

**Kingston Planning Board  
Public Hearing  
March 1, 2016**

The Chairman called the hearing to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman  
Glenn Coppelman, V. Chair  
Mark Heitz, BOS rep.  
Stan Shalett

Carol Croteau  
Peter Coffin  
Ernie Landry (Alternate)

Members absent: Adam Pope, 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.

**Board Business**

**Correspondence:**

- **Letter from Katlyn Fulgoni regarding a hair salon replacing a prior hair salon at the plaza;** Mr. Coffin confirmed that the proposal complies with the current site plan approval. Mr. Wilson noted the receipt of comments from the Health Officer that this was on a different septic system than the recently expanded restaurant on the same site. The Board determined that no further Board action was necessary; the letter will be kept on file. Ms. Fulgoni was instructed on the process of getting a Building Occupancy Permit and a Sign Permit.

**MM&S to approve the February 2, 2016 minutes as written.** (Motion by Mr. Coppelman, second by Mr. Coffin) **Motion passed 5-0-2** with Mr. Wilson and Mr. Heitz abstaining.

**Board/Committee Updates:**

**HDC and Heritage:** Mr. Coppelman announced the recent award of the charrette from Plan NH. Mr. Landry stated that the Steering Committee was having a meeting on Thursday; the dates for the charrette are June 3<sup>rd</sup> and 4<sup>th</sup>. He added that there would also be a session on June 2<sup>nd</sup> called "Shift" to add in the creative thinking process; he said that the group is hoping for a large crowd with a cross section of groups in Town explaining that it will be dealing with the Historic District area and Sanborn Seminary for potential uses.

**ZBA:** Mr. Coffin stated that there hadn't been any ZBA meetings up to this point.

**Correspondence, continued:**

- **Escrow release request from Jim Dufresne received;** the Board agreed to release the balance of the escrow pertinent to the storage shed after Ms. Faulconer reviews for any outstanding charges and confirming that the process is not complete.

- **Affidavit for Keystone Hall, a condition of their approval, has been received and signed by both parties;** Mr. Wilson signed the affidavit, it was notarized. Ms. Faulconer will have the document recorded.
- **Board Calendar:** The Board discussed the upcoming calendar based on current activity; the meeting on the fourth Tuesday of the month will be discontinued until further notice. Mr. Greenwood will review plans to be added to the agenda as needed. Ms. Faulconer can notify the Chairman and the Board regarding any time-sensitive business as needed. Ms. Faulconer will re-post the calendar.

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

The amended plans were distributed to the Board members. The waiver requests had been submitted with the revised application. Mr. Greenwood stated that his previous comments had been addressed; the frontage issues had been changed and the notes were added to the plan. He stated that the remaining issue was the common driveways. Mr. Wilson said that he discussed this with Chief Briggs who was in favor of the common driveways; he would prefer one driveway for all four but was fine with two driveways for four lots; a letter of support was received by Chief Briggs. The waiver requests were read. Ms. Faulconer noted that Mr. Quintal had not received, nor reviewed, the amended plan. Mr. Wilson noted that the waiver requests were all pertinent to the subdivision regulations.

**MM&S to accept the plan for jurisdiction.** (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

**Review of the Waiver Requests:**

The requests were read individually for Board action.

#1: 905.14C.6 (topography/wetlands)

**MM&S to grant waiver #1 based on the reasoning submitted by the applicant in the waiver request.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

#2 - 905.14C.19 (HISS mapping)

Mr. Greenwood explained that the largest buffer requirement would be 100 ft. and they already exceed that amount.

**MM&S to grant waiver #2 for the reasons stated in the waiver request.** (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

**#3 – 905.11D** (20 ft. driveway setback – to reduce highway impact)

Mr. Coppelman read the subdivision regulations pertinent to driveway entrances regarding the minimum setbacks and the section that each building lot shall be serviced by its own driveway unless approved by the Planning Board. Mr. Coffin said that he would agree to the request to limit the number of driveways accessing this State road for safety reasons per the recommendation of the Police Chief.

**MM&S to waive the requirement for individual driveways each with a 20 ft. boundary line setback; each lot gets this waiver.** (Motion by Mr. Coffin, second by Mr. Landry) **Motion**

**carries 6-0-1** with Mr. Coppelman abstaining. Mr. Coppelman explained that he abstained as it is a good road with plenty of site distance and the waiver is not necessary.

**#4 – 905.6.D** – (lots be 100 ft. wide)

The Board reviewed the areas on the lot where the minimum width requirement was below 100 ft.; one area was at the back of lot B that was not impacted by any development on the lot; the other was lot A in an area of 95.68 which was also not impacted by the construction or in the developed part of the lot; the usable parts of the lot are not impacted in either of the two areas.

**MM&S to waive the 100 ft. requirement of Lot A and Lot B as shown on the plan based on the above stated reasons.** (Motion by Mr. Coffin, second by Mr. Coppelman) **Motion carries 6-1** with Mr. Shalett opposed.

**#5 – 905.14C.16** (requirement to show existing vs. proposed impervious area)

Mr. Greenwood said that this requirement was in anticipation of compliance with the MS4 permitting process and really specific to construction of a road; he said a driveway and roofline is not really the reason for this requirement. Mr. Coffin said that he would prefer to see a note of “not to exceed” a certain percentage of the lot due to the non-specific type of development that may occur on the lots. Mr. Greenwood explained that anything commercial would have to come before the Planning Board; he wouldn’t consider waiving the requirement for commercial development. Mr. Wilson said that waiving it now would not impact the coverage as commercial development would be reviewed if and when it was proposed. Mr. Coffin noted that it was in the Aquifer so couldn’t exceed 20% lot coverage. Mr. Greenwood said there is a note on the plan that the site is in the APZ. Mr. Coppelman thought it would be wise to have the maximum amount anticipated shown on the plan. The Board reviewed the waiver request and the intent of the regulation. Mr. Coppelman said it wasn’t necessary to grant the waiver if the number was just added to the plan. Mr. Greenwood noted that it was a subdivision requirement. Mr. Coppelman said that he prefers to have the applicant comply with the regulation and not grant the waiver. Mr. Heitz reviewed the intent of the regulation in regards to the MS4. Mr. Wilson suggested putting a note on each lot estimating the lot coverage. Mr. Blaisdell agreed to add the note regarding lot coverage to the plan.

**MM&S to deny the waiver request for #5, 905.14C.16.** (Motion by Mr. Coppelman, second by Mr. Coffin) **6-0-1** with Mr. Wilson abstaining.

**#6 – Functional Analysis of the Wetlands**

Mr. Greenwood re-stated that all of the setbacks meet or exceed the maximum setback requirement and therefore requiring a functional analysis is a moot point.

**MM&S to grant the waiver request for the functional wetland study as they meet the maximum setback so the math is irrelevant.** (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

Department Comments from Fire, Health and Building were reviewed – there were no comments on the revised plans.

**MM&S to approve the plan as presented with the conditions of adding the proposed impervious areas noted for each lot; a note regarding knowledge of Impact Fees; receipt of the NHDOT driveway permits; notes added regarding the granted waivers for the plan; the conditions will be met and the mylar received by the Planning Board within 90 days.**

(Motion by Mr. Coffin, second by Mr. Landry) **Motion passes 6-1** with Mr. Coppelman opposed due to the shared driveways.

### **Board Business, continued**

#### **Correspondence:**

- Memo from Building Inspector, confirmed by Town Engineer regarding language in 905.8; a Civil Engineer cannot certify boundary lines; this will be amended for the next published public hearing.
- Letter from Peter Coffin and Eleanor Coffin with concerns of site compliance with Landscaper's Depot. Mr. Coffin, who stepped down from the Board for this discussion, noted issues with activity in the buffer; visual screens that were supposed to have been planted; the number of trees that were supposed to be planted per the approved plan; trucks and trash in the buffer areas; he reviewed a list of deficiencies; pictures of the issues were provided and reviewed by the Board. Mr. Coffin stated that he has sent letters to the BOS regarding these issues; the BOS had sent a letter to Landscaper's Depot about the site not being in compliance that noted that they had 14 days to come into compliance but no further action had been taken. There was discussion regarding the posting of trees by L.D. as 'no trespassing' on Mr. Coffin's property; Mr. Heitz asked if the property line was clear; Mr. Coffin answered it was as it was a stone wall. Mr. Coffin clarified that there was a court decision from the 90's clarifying the property line and ownership. Mr. Coffin said that there is no approval for the 9000 gallon and 6000 gallon tanks, just the approval for one 5000 gallon tank. Mr. Coffin said there was a site walk in 2000 with an agreement that the tank in the buffer zone did not have to be moved but there was to be no activity in the buffer zone. Mr. Greenwood suggested inviting the property owner in to talk about the issues. Mr. Wilson suggested having Mr. Greenwood review the file regarding these issues and past approvals and have Mr. Greenwood get back to the Board and then invite Mr. Greer in to meet if it proves necessary. Mr. Coffin said the file is extensive. Mr. Heitz asked Mr. Coffin if his concerns were due to activity in the buffer. Mr. Coffin said that was one concern; there is no visual screen for his property. Mr. Greenwood questioned whether the buffer was constructed in the manner of the approved site plan. Mr. Coffin said that there were piles of used tires, palettes and other debris in the buffer. He said there are currently 6 businesses listed on the property but only two are approved – Depot Energy and Landscaper's Depot; he said that there is currently list a business called Extreme Truck Body, LLC which is a truck manufacturing business. Mr. Wilson confirmed that Mr. Greenwood will review and provide a Board with a summary on March 29<sup>th</sup> under Board Business; the Board would then determine any action.
- Mr. Wilson noted the passing of former Board member, Marilyn Bartlett and her many years of volunteer work for the Town.
- Mr. Wilson reminded the Board of the election on March 8<sup>th</sup> and thanked the Board members for their assistance while he has been on the Board.
- Training opportunities were reviewed.

**MM&S to adjourn at 7:55.** (Motion by Mr. Coppelman, second by Ms. Croteau) PUNA