

**Kingston Planning Board  
Public Meeting  
March 29, 2016**

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

Members in attendance:

Glenn Coppelman, V. Chair (acting Chair)	Peter Coffin
Adam Pope	Carol Croteau
Peter Bakie	Chris Bashaw
Ernie Landry (Alternate)	

Members absent: Mark Heitz, BOS rep., Richard St. Hilaire (Alternate)

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

Mr. Coppelman welcomed the new Board members. Mr. Bakie presented his appointment papers; Mr. Bashaw did not have his appointment papers available for the meeting.

The Board members introduced themselves.

Per the election, the amended Article 301 was distributed for the Board members to replace in their ordinance books.

**Board Business**

**Correspondence:**

- **OEP Spring Planning and Zoning conference announced; scheduled for June 4<sup>th</sup>.** Mr. Landry noted that this would be in conflict with the Envision Kingston II charrette scheduled for that weekend. He added that the next steering committee meeting will be this coming Thursday; anyone interested should feel free to attend.
- **Coastal Risk and Hazard report announcement;** Mr. Greenwood stated that if anyone was interested or had questions, they could contact Cliff Sinnott or Julie LaBranche at RPC.

**ACTION ITEM:** Ms. Faulconer will email to Board members for them to read.

- Site inspection report for Kings' Landing received from the Town Engineer. Mr. Coppelman explained the function of the Town Engineer, Dennis Quintal in reference to site development.

**ACTION ITEM:** Ms. Faulconer will email to the Board members for their review.

- Bond Balance List reviewed.

**ACTION ITEM:** Ms. Faulconer will email to Mr. Bakie and Mr. Bashaw for their review.

**Environmental Compliance Specialist, Inc. (ECSI)**  
**111 Rte. 125**  
**Tax Map R10 Lot 2**

Mr. Coppelman announced the time scheduled to meet with a representative from ECSI; there was no one present at the time scheduled to meet with them. At this time, Evy Nathan, Chairperson of the Kingston Conservation Commission arrived for the meeting. The Board decided to keep this portion “open” in case the representative was running late or misunderstood the time.

**Correspondence, continued**

- Memo on behalf of Rich St. Hilaire regarding an upcoming vacation and the driveway permitting process. Mr. Bakie asked about costs and paying the Town Engineer. Ms. Faulconer explained the permitting process and the Planning Board’s associated line items.

**MM&S to delegate the authority to issue/review driveway permits and associated questions to the Town Engineer, Dennis Quintal, while Mr. St. Hilaire is on vacation.** (Motion by Mr. Pope, second by Ms. Croteau) **PUNA**

- Town and City Magazine, March/April 2016 received
- Law Lecture Series 2015 #2 – Agriculture; extra copy received by Mr. Coppelman who brought it into the office as a reference for the Board; Mr. Coppelman explained the Fall Law Lecture series to the new Board members.
- Request for addition to next week’s agenda to discuss issues relative to property on Penniman’s Grove. The Board agreed to add to the agenda. The Board authorized Mr. Greenwood to contact Attorney Kalman as to why the issue has been referred to the Planning Board. The Board discussed whether to notify abutters as it was not a public hearing; not setting precedents was a significant part of the discussion as was having abutters aware of activities that might pertain to their property. The differences between a public meeting versus a public hearing were reviewed for the new Board members. By consensus, the Board agreed that the property owner would be notified that they were on the upcoming agenda but the discussion will be non-binding as there is no information for the Board to review prior to the meeting including information allowing the Board to determine appropriate notification.

**ECSI, continued**

Mr. Coppelman noted that no one had arrived for ECSI. Ms. Nathan asked about the Cease and Desist that had been issued. Ms. Faulconer said that she thought it was “lifted” pending this meeting. Ms. Nathan said that the activities on the site were suspected of creating issues in the Aquifer Protection District; there is the possibility of asbestos being stored on site with debris flying out of dumpsters; there is concern of inappropriate activities on the site. She clarified that she has not been on the property but has seen some of these things happening on the site.

The Board agreed to continue to wait for someone from ECSI to come in for a while longer.

### **Board Business, continued**

#### **Waiver requests reviewed:**

- **5-lot subdivision on Exeter Road asked for a request to waive the engineering bond from \$5000 to \$2500;** the explanation for the request was due to the subdivision not including a new roadway as the lots are off the existing road. Mr. Greenwood said that it is not out of the realm of reality to think that \$2500 is enough without a road being proposed as part of the development. Mr. Pope explained that if the initial bond was not enough to cover the expenses, the Board stops reviewing the plan until the bond is re-established. Mr. Greenwood confirmed that if the bond amount goes below \$1000 or sometimes \$500, the applicant is notified to add to the bond. Mr. Bashaw said that as long as the Board clearly articulates the reason for the waiver during the discussion, he is fine with the waiver.

**MM&S to approve the waiver request to reduce the engineering fees bond from \$5000 to \$2500.** (Motion by Mr. Coffin, second by Mr. Pope) **PUNA**

- **Site Plan for a 4800 sq. ft. building;** waiver request from \$5000 to \$500; Mr. Coppelman asked about the justification for the request. Mr. Greenwood explained that it is basically a garage for commercial vehicles; the applicant stating that it is very low impact and a minor site plan for a non-habitable building which meets all setbacks and zoning requirements with no septic or water supply. Mr. Greenwood said that he thinks the amount is reasonable for the initial review as there is a lengthy list of requested waivers. The engineering fee bond may change pending the results of the Board action on the waiver requests. Mr. Pope noted that if the waivers are not approved, the Board could change the amount required for the bond.

**MM&S to approve the waiver request as written and inform the applicant that it may increase pending the Board's stance on the additional waiver requests.** (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

### **ECSI, continued**

Mr. Coppelman noted that no one had appeared for the ECSI hearing. He explained that the Board was meeting with the applicant to discuss the status of the site and the amount of attempts to meet with the owner to review the activities and the approved uses; requirement of no storage of hazardous materials. He added that it had come to the Town's attention that asbestos or other hazardous materials might be being stored on the site and it would have been good to have had a site walk; the only steps left available to Planning Board was to consider revocation of the site plan. Mr. Coffin and Mr. Pope asked that the BOS be contacted for continued enforcement. Mr. Pope suggested adding the public hearing to consider the revocation to the Board's agenda on April 19<sup>th</sup>. Mr. Greenwood explained that the abutter notification would be an expense to the Town.

**MM&S to schedule a hearing for potential site plan revocation for ECSI to the Board's April 19<sup>th</sup> hearing agenda for 7:45.** (Motion by Mr. Pope, second by Mr. Coffin) **Board**

discussion: Mr. Bashaw said that it sounded like the Board had been patient but that he would likely abstain as he did not have all the information. Ms. Croteau would like discussion for a site walk on the 19<sup>th</sup>; Mr. Pope agreed that should be talked about should the owners come in at that time. The actions that could occur at that hearing were reviewed.

**Vote on the motion:** Motion carries 4-0-2 with Mr. Bashaw and Mr. Bakie abstaining.

**Enforcement Review:**

*<Board note: Mr. Coffin stepped down from the Board for this discussion.>*

Mr. Greenwood distributed a comment sheet regarding the review of two files that had letters of concern addressed to the Board. He began with his review of the letter regarding activity at Landscapers Depot noting that he had not been on the site; he reviewed the concerns in the letter with the attached photographs against the approvals received by the Planning Board. He stated that based on this information, the letter provided legitimate issues and he suggested inviting the property owner in to speak with the Board.

Mr. Greenwood discussed his review of the “Memories” file. He said that there had been 5 approvals over the years: ice cream retail; a small barn as a farm stand for things grown by them with a note saying fruits and vegetables not adding other agricultural products; a gateless fence and extension of ramp for ADA. *<Board note: Carol Croteau stepped down from the Board for this discussion.>* Mr. Pope explained that the Board had asked for the review to clarify the approved activities; he asked Mr. Greenwood to clarify the comments regarding farm stand sales. Mr. Greenwood said the approved activity was for items grown on the site; he said that the State definition for farm stands requires 65% of the items sold to be from the on-site location; the most recent use at Memories for the farm stand was 100% of the product sold was from off-site. Mr. Pope asked if the decision was clear. Mr. Greenwood said the body of the minutes is ambiguous as there are statements in the minutes that are not in the motion; the guidance is that the items are grown on the site. Ms. Croteau asked about any review of issues regarding residential structures. Mr. Greenwood said that was not part of the Planning Board’s approvals or his review. Ms. Croteau corrected the abutter’s name referenced in Mr. Greenwood’s notes. Mr. Pope suggested putting these thoughts in a letter and sending it to the applicant adding that any other activity or changes required approved changes to the site plan.

**ACTION ITEM:** Mr. Greenwood will write a letter on behalf of the Board to “Memories” regarding the existing approvals; ability to apply for site plan review for any additional activities. If the letter is completed on Monday, he will send out to the Board for their review prior to next Tuesday’s meeting for the Board’s approval prior to being sent to the property owners.

**ACTION ITEM:** Ms. Faulconer will send abutter’s letter regarding Landscapers Depot activities to Mr. Bakie and Mr. Bashaw for their review.

**ACTION ITEM:** Ms. Faulconer will send the enforcement request and associated paperwork to Mr. Bashaw and Mr. Bakie for their review.

Mr. Pope suggested sending the “Landscapers Depot” letter to the property owner and ask them to come in to discuss the issues with the Board.

**ACTION ITEM:** Ms. Faulconer will contact “Landscapers Depot” and invite them in to speak to the Board and offer them the choice of April 5<sup>th</sup> or May 3<sup>rd</sup>.

*<Board note: Mr. Coffin and Ms. Croteau returned to the Board at this time.>*

### **Board Business, continued**

**MM&S to accept the February 16, 2016 minutes as written.** (Motion by Mr. Coffin, second by Ms. Croteau) **Motion passed 3-0-3** with Mr. Pope, Mr. Bashaw and Mr. Bakie abstaining.

### **Board Elections:**

Mr. Coppelman said the Board needed to deal with the election of the Chair and Vice Chair and opened it up for discussion and nomination.

#### **Chairman:**

Mr. Coffin said he was nominating Mr. Coppelman as Chairman.

**MM&S for Glenn Coppelman as Chair.** (Motion by Mr. Coffin, second by Ms. Croteau)  
Discussion: Mr. Coffin said that Mr. Coppelman had served the longest on the Board. Mr. Pope stated that the previous chair ran an efficient meeting and he appreciated that and he would like to encourage that; he said that he agreed that Mr. Coppelman knew the process and had previously served as Chairman and done a good job, he stated that he runs meetings at work efficiently; he re-iterated that he would like the meetings to be short and efficient; these things concern him with having Mr. Coppelman as chair. Mr. Coffin said that he has seen Mr. Coppelman in action as the Chairman of the Rockingham Planning Commission and he sticks to the agenda. Mr. Coppelman replied that he thinks Mr. Pope makes a valid comment about having efficient meetings and he might be a little more deliberate and explanatory about things but he believes that it is part of the responsibility of the Chair for the Board and the public. He added that he does appreciate that the Board is made up of volunteers and we should be careful with our time and appreciates that concern. Ms. Faulconer committed to sending out correspondence prior to the Board’s meeting for the Board’s review in order to eliminate the need for the Chair to read each item during the meeting. Mr. Coppelman asked if there was further discussion. There was none so he assumed the Board was ready for the vote.

The Board started to vote on the motion, with two members stating they were in favor when Mr. Bashaw asked about clarification of the voting process. The Board reviewed how Board elections are done and the process for Board elections. It was explained that sometimes the Board votes one person at a time, sometimes both Chair and Vice Chair are nominated together. Mr. Coppelman said that in recent years, the voting has been done the way the Board is doing it now. Mr. Coppelman said at the moment, there is a motion and the Board is in the middle of the vote so it needs to be finalized before moving on.

Vote on the Motion: In favor: Carol Croteau, Peter Coffin, Glenn Coppelman; Opposed: Adam Pope, Chris Bashaw; Abstaining: Peter Bakie. **Motion carries 3-2-1;** Ms. Faulconer confirmed that Mr. Pope and Mr. Bashaw voted as opposed and Mr. Bakie abstained on the vote.

Mr. Coppelman explained that there would now need to be a motion for Vice Chair. Mr. Bashaw questioned whether there could be another vote for another person for Chairman; Mr. Coppelman explained that the previous motion passed so that decision was just made.

Vice Chairman:

Mr. Coffin said he would like to nominate Mr. Pope as Vice Chairman.

**MM&S for Adam Pope as Vice Chairman.** (Motion by Mr. Coffin, second by Mr. Bashaw)

Discussion: Mr. Coppelman asked if Mr. Pope was comfortable with the nomination. Mr. Bashaw asked for a point of order and questioned about there being six people present and how a tie worked and whether it was just the first person nominated for Chairman who got the position. Ms. Faulconer explained that it was done by motion; if the first motion failed then another person could be nominated but the decision itself is made by vote on the motion not just by nomination; the motion on the floor passed. Mr. Coppelman added that if there is a split vote, a tie, then the motion doesn't pass and can then go to a different motion. He re-iterated that any tie votes are failed votes. Ms. Faulconer explained that once a motion is made and seconded, it is on the floor and how ever the vote comes out decides the motion.

Mr. Coppelman stated that there was a motion on the floor for Mr. Pope as Vice Chair and asked if there was further discussion. Mr. Pope re-stated his position that if the meetings got longer he was not sure that he could remain on the Board and would not want to take a position and not continue. Mr. Coppelman assured Mr. Pope that the meetings would not get longer on his account but could get longer based on additional Board business. Mr. Bashaw stated that he did appreciate Mr. Coppelman taking the time this evening to explain things to him as a new Board member. Mr. Pope said that he did not consider this meeting an example of concerns he was talking about. Mr. Coppelman stated that he understood the concerns. Mr. Pope confirmed that he would take the position. There was no further discussion so Mr. Coppelman called for the vote.

**Motion carries 5-0-1** with Mr. Pope abstaining.

Historic District Commission representative: Mr. Coppelman noted that he has been the representative but was happy to have someone else do it and asked if anyone else was interested. Ms. Croteau expressed an interest. Mr. Coppelman explained the position and the meeting dates and time. Unfortunately, Ms. Croteau was unavailable on the second Tuesday when the Commission meets. No one else expressed an interest.

**MM&S for Glenn Coppelman to continue as the Planning Board representative to the HDC.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

CIP representatives: Mr. Coppelman explained the Capital Improvement Plan program. The Board agreed to wait until it got closer to the program starting up again to appointment members. The Board will vote these positions in May.

**ACTION ITEM:** Ms. Faulconer will get the past meeting schedule of the CIP to Mr. Bashaw to see if he is interested.

Board Membership: Mr. Bashaw noted the fact that he had been told that he was unable to sit on both the Planning Board and ZBA and said that there appeared to be some confusion as to whether it applied to alternate members of those Boards. Ms. Faulconer stated that she was aware of this concern and the Board of Selectmen were supposed to be researching it and getting back to her about it but she hadn't heard anything yet; she will confirm this with the BOS administrative assistant.

**MM&S to adjourn at 8:35.** (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**