

**Kingston Planning Board
Public Hearing
September 20, 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:

Glenn Coppelman, Chair	Peter Bakie
Adam Pope, V. Chair	Peter Coffin
Chris Bashaw	Ernie Landry (Alternate)
Mark Heitz, BOS rep. (joined the meeting in progress)	

Members absent: Carol Croteau, Rich St. Hilaire, alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, administrative assistant/Board alternate; Evy Nathan, Conservation Commission Chairperson

Mr. Coppelman noted that Ms. Croteau notified him that she would not be present this evening and Ernie Landry would be a voting member.

**Environmental Compliance Specialists, Inc.
111 Route 125
Tax Map R10 Lot 2**

Mr. Coppelman read the notice for this hearing regarding the possible revocation of the approved site plan. He stated that the Board would be receiving an update from Mr. Wright as well as reviewing the Town Engineer's report and hearing an update from the Conservation Commission chairperson. Mr. Wright noted that he had sent some emails regarding the progress on the site and recognized that this was his second, third and fourth chance. He updated the Board on the activity at the site: construction had started a couple of weeks ago with the installation of the stormwater structure; two drainage pipes were connected to the stormwater separator; drainage off the roof has been connected to the stormwater separator; the retention pond will be started tomorrow; he stated that all is going well to get to the plan. He added that the area with the stormwater separator was reclaimed and rip-rap and stone was added today; he expects to complete the task in about a week. He said that the work in the front still needs to be addressed but that won't be done in a week; any items not being completed in a week aren't involved with the erosion control of the site.

Evy Nathan reviewed her inspection with the Board. She stated that she had noticed a lot going on; the entire area at the bottom of the hill has had a lot of work done; there is a trench in front of the berm; the stormwater separator is in place; a new silt fence is in but some of the hill slid over this fencing in the heavy rain and it would need to be fixed. Mr. Wright explained that this area

had been repaired; the silt and sand had been pulled back and the hill reclaimed, fixed and rip-rapped.

<Board note: Mr. Heitz joined the meeting at this time.>

Ms. Nathan said there were still a lot of containers left on the property however she was impressed with the work that had been done up to this point. Mr. Coppelman stated that Mr. Quintal has visited the site and provided a report to the Board that concurs with Ms. Nathan that significant progress had occurred although site compliance had not been completed yet. Mr. Coffin said the goal is to get the sit in compliance and that is where the process is headed; he suggested the Board could grant a further extension to allow for full compliance. Mr. Coppelman noted the remaining work could be done between now and the next hearing. Mr. Coffin said that the fencing along the front is not a showstopper adding that the dumpsters should be all done in 4 weeks and the fencing could be, too. Mr. Pope said that progress was going in the right direction; he stated that the items in the front of the site still need to be in compliance as well as those in the back; he is fine with continuing for a month as he appreciates the work that has been done so far.

MM&S to continue this public hearing to October 18, 2016 at 6:45 PM. (Motion by Mr. Pope, second by Mr. Coffin) Discussion on the motion: Mr. Wright said that he was unavailable for that date adding that he will not be back until the Sunday before Thanksgiving; he questioned what he was supposed to do to fix the front. Mr. Pope reviewed the approved plan that showed a post and rail fence. Mr. Wright confirmed that he had a copy of the plan that was provided by Mr. Quintal. The Board will ask Mr. Quintal to go to the property on October 17 to review the site and provide comments to the Board and Mr. Wright. Mr. Pope suggested that if the site is still not in compliance but has continued to progress, the Board could continue to November to allow input from Mr. Wright. Mr. Bakie agreed. Mr. Wright accepted that the onus is on him; if a legitimate issue comes up that causes a delay, he would discuss it with the Board or send an email and ask for the Board to not revoke the plan; he understands that it is up to him to get the work done. Vote on the motion: **PUNA**

Mr. Bakie asked if the Town had received any further information on the new business operating on the site. Mr. Wright said that ECSI is still occupying the building; there is a sub-leaser, Econ Services, that does the same type of work as ECSI but in July they changed the way they do business and downsized to now have 3 employees and only occupying a fraction of the warehouse; they will be vacating most of the premises; they will occupy one bay and one small office. Mr. Wright added that there are other parties interested in renting office space. Mr. Coppelman suggested that Mr. Wright submit a letter explaining the businesses functioning on the property to confirm that they comply with the approved site plan. The Business Occupancy Permit process was explained. Mr. Wright will write to the Board explaining the current occupants and future occupants and the work they will be doing. He thinks that the new businesses will provide less pressure on the property.

Floodplain Updates: Site Plan and Subdivision Amendments

Mr. Greenwood explained that the language changes are a requirement to comply with Floodplain language needed to provide flood insurance for the Town's residents. The guidance is in the "red" type in the handouts provided to the Board with the required language below that guidance. Mr. Greenwood recommended replacing the current language.

MM&S to remove the current language in 905.5(B)5 and replace that text after "5" with the language in the handout below the notation in red. (Motion by Mr. Pope, second by Mr. Coffin) **Motion carried 6-0-1** with Mr. Heitz abstaining.

The language for Article 904 was reviewed. Mr. Greenwood suggested adding the language under the submission section. The Board reviewed the possible placement. The language will be added as "H" in section 904.5.

MM&S to add the language as written in the handout after the notation in "red" to section 904.5, number "H". (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**

Mr. Coppelman noted that there was no public to provide any public comment.

Accessory Dwelling Unit

Mr. Greenwood explained that a new law had been passed that takes effect on June 1, 2017 regarding changes to requirements for accessory dwellings; the timing allows municipalities the time needed to address anything in local regulations at Town meeting prior to the enactment. He continued that the current ordinance is fairly straightforward and is compliant for the most part; many of the ideas that the new law allows for, the Town had already addressed a decade ago. Mr. Greenwood's interpretation is the law does not apply to zones that already provide for density bonuses for the type of housing allowed in the zone as the law does say that the intent of the ordinance must still be followed; the residential zones that do not have density bonus allowances that would be subject to the new law would be SFR, SFR-Ag, RR and the two Historic Districts; residential zones that would not be subject to the new law would be the Elderly District, C-I which allows for workforce housing and C-III; it couldn't be used in development utilizing innovative zoning as the density was determined at the time of development which couldn't be changed to include additional units as it would undermine the intent of the zoning ordinance.

Mr. Greenwood noted that the RPC is lobbying to change the State law as there are problems being created by the language; they will be looking for legislative changes. He suggested only doing the amendments as shown in his memo to the Board dated September 20, 2016. The Board agreed. Mr. Greenwood said the public hearing for these changes will be in the November/December timeframe. Mr. Greenwood added that there is a workshop on this law next week. Mr. Bashaw asked what would happen if the Town didn't adopt this at Town meeting; the Board reviewed possible scenarios should this happen. There was discussion regarding doors, locked doors and egress.

ACTION ITEM: For the public hearing, in section 206.4(A)3: take out the word "egress" and the parenthesis; leave the other "egress" word found later in that section.

The language in Section 206.4(A)5 was questioned. Mr. Greenwood explained that the Town can require confirmation if it is stated in the ordinance; he explained the need for the requirements. Mr. Heitz stated that this new law pretty much eliminates single family zoning. Mr. Greenwood agreed adding that this is a poor piece of legislation as many Towns already allow this but specify where they want them allowed in their community.

The Board questioned the 1/3 of the living area requirement.

ACTION ITEM: Have the language say “a minimum of 600 sq. ft. with a maximum of 1/3 of the structure or 750 sq. ft., whichever is greater.”

Ms. Faulconer asked about the requirement that an addition of this type in the SFR zone includes the need for the addition to still look like it is a single family home; Mr. Greenwood said that aesthetic requirements can still remain. Mr. Pope said that the last section in Mr. Greenwood’s memo needs to be added to the proposed ordinance. Mr. Greenwood said that the law still allows for the requirement of a special exception from the ZBA or a conditional use permit from the Planning Board; since the Town already has the provision for a special exception requirement, there is no need to change it.

ACTION ITEM: Under the special exception language, remove the word “detached” in 206.4(A).

ACTION ITEM: The proposed revised language will be reviewed by the Board in October to be put on the agenda for a public hearing.

Board Business

Buildable Area Requirements:

The Board reviewed the proposed revision. There was discussion regarding the setbacks, lot sizes, dry buildable square footage requirements. Mr. Greenwood advocates soil type lot sizing; reviewed the need to declare a certain percentage that isn’t wet. Mr. Bashaw asked how tough it was to use soil type lot sizing; he questioned the aquifer requirements. Mr. Heitz stated that the closer you put people, the more problems are created adding that he is not advocating shrinking the lot size requirement just in reviewing the dry, buildable requirements. There was continued discussion on possibilities for review. Mr. Coppelman suggested a work session so some research could be done and the Board prepare for the discussion. Mr. Greenwood agreed suggesting that this discussion be put aside until the workshop at the next meeting.

Correspondence:

- Letter from Andrea Kenter re: John’s Truck and Auto; Mr. Greenwood stated that he views the proposed concrete pad as a structure; Mr. Bashaw agreed. The expedited review process was reviewed. The Board suggested they either apply for expedited review with a pad not to exceed 1500 sq. ft. or submit for exp. Review at 1600 sq. ft. and

ask for a waiver that may or may not be granted or apply for an amended site plan review.

- Request for hair salon at 34 Church Street; Ms. Faulconer stated that the Health Officer has supplied a letter that it met septic system requirements; reaffirmation of the Board consensus that no further Board action is required.
- Bond Balance list reviewed.
- Engineering fee manifest from Mr. Greenwood and engineering fee release for Roger Mitchell group; after Glenn's fee comes out of the bond, the remaining balance can be returned.
- Tractor Place plates request; reaffirmation of the Board consensus that no further Board action is required; approved and sent to the BOS for signature.
- Blake property report received from the Town Engineer; the area appears well stabilized.
- Best Management Practices letter from DES re: Groundwater Management Protection.

ACTION ITEM: Mr. Greenwood will review for any possible action for the Board.

- NH Sustainable Forest Initiative Workshop notice

MM&S to accept the Aug. 16, 2016 minutes as written. (Motion by Mr. Coffin, second by Mr. Coppelman) **Motion passes 4-0-3** with Mr. Landry, Mr. Pope and Mr. Heitz abstaining.

Mr. Heitz discussed community water issues with the Board and reviewed actions being taken by the Board of Selectmen.

The Board cancelled the meeting on October 4th as there was not currently anything on the agenda allowing for the CIP committee to meet that evening instead.

ACTION ITEM: Mr. Greenwood will contact the CIP members to let them know about the CIP meeting scheduled for October 4th at 7:00.

MM&S to adjourn at 9:00 PM. (Motion by Mr. Coffin, second by Mr. Pope) **PUNA**