

**Kingston Planning Board
Public Hearing
January 3, 2017**

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

Members in attendance:

Glenn Coppelman, Chair
Peter Coffin
Chris Bashaw
Mark Heitz, BOS rep.

Adam Pope, V. Chair
Carol Croteau
Ernie Landry (Alternate)

Members absent: Peter Bakie, Rich St. Hilaire, alternate

Also in Attendance: Glenn Greenwood, Planner; Ellen Faulconer, Board Alternate/Admin. Asst.

Mr. Coppelman announced that Peter Bakie was ill and would not be in attendance; Mr. Landry will act as a voting member this evening. Mr. Pope emailed that he would be arriving late; Ms. Faulconer will be a voting member pending Mr. Pope's arrival.

Public Hearing
Warrant Articles

Mr. Coppelman explained the warrant procedure adding that any substantive changes would require continuance to the next hearing. He noted that the Board had been in prior discussions regarding the proposals adding that there was one petitioned article to review.

- **Impact Fees:** Changes to 495.7 (B) were reviewed. Mr. Greenwood explained that the change was recommended by the Board's consultant; old wording was left in that didn't agree with the authorizing State statute. There were no public questions or comments.

MM&S to accept the proposed wording for changes to Impact Fees and move to the Town warrant. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**
<Board note: Mr. Heitz arrived at this time.>

- **Definitions:** Mr. Coppelman explained that the definitions for "inns" and "bed and breakfasts" were being added due to proposals in the Historic District ordinance. <Board note: Mr. Pope arrived at this time; Ms. Faulconer will no longer be a voting member.> The Board reviewed the definition for Bed and Breakfast; there were editorial changes eliminating capital letters and adding the possessive noun. The definition of "inn" was reviewed. Mr. Coppelman noted that the HDC Chair had noted a preference for the definition including "owner-occupied". Mr. Pope stated that this requirement is not common in the field; Mr. Coppelman noted that some are especially when historic. Mr. Heitz asked the difference between this and a motel. Mr. Coffin said that there are no

individual cooking facilities in each unit; the outward appearance would be different from a motel. Mr. Coppelman said the specifics would be addressed in site plan review. Mr. Greenwood suggested clarifying a specific number of rooms that wouldn't be financially acceptable to a motel. Mr. Heitz suggested that it is important to be specific so as not to have a "residence inn". Mr. Greenwood re-iterated that the best way is to limit the number of rooms making it not feasible for a residence-type motel. The Board reviewed the areas in Town that permitted inns or hotels; the zoning allows in CIII and the Industrial Zone. Mr. Pope noted that there is no definition for hotel or motel.

Ms. Faulconer will work with Ms. Grant about updating C-III on-line.

Mr. Greenwood was questioned about hotel and motel definitions. Mr. Greenwood said that Inn and B&B are the more limiting and the Board is defining the more limited types of residential units for rent. Mr. Pope said that B&B's usually only serve breakfast; Inns have a dining room; he questioned whether the Board should have a requirement for food. Mr. Greenwood gave examples of inns in Exeter, one with a dining area, one without. Ms. Faulconer asked whether the Board had agreed on adding the number of rooms to the definition. Mr. Pope said yes and Mr. Greenwood agreed. Mr. Coppelman proposed no more than 15 rooms; Mr. Bashaw agreed. Mr. Heitz suggested "not to exceed 15 guest rooms". Public comment: Mr. Premo had reviewed standard definitions that reference "entertaining of travelers". Mr. Coffin thought adding "entertaining" was too limiting; Mr. Bashaw said the definition was open enough to not include "entertainment". Mr. Greenwood said that "meeting rooms" covers "function rooms".

Mr. Coppelman asked if the number of rooms in the B&B would be added; Mr. Heitz suggested 10. Mr. Coffin said the usual number was 4 or 5. Mr. Greenwood reviewed converted farm houses, agritourism and a larger number of rooms in those types of converted housing. The Board discussed the number of proposed rooms for a B&B: Mr. Coffin and Ms. Croteau: 5, Mr. Pope: 8 or 10; Mr. Bashaw, Mr. Heitz and Mr. Greenwood thought that 10 was a good number; Mr. Coppelman was more comfortable with 8. Mr. Pope said the average number of rooms for a B&B was 8 ½. Mr. Greenwood suggested that a building for an "inn" would probably expand, but not a B&B. Mr. Heitz said the Board could allow up to 10 but that didn't mean that it wouldn't be less depending on the location. The language "not to exceed 10 guest rooms" will be added. Mr. Landry asked how the substantial alterations to properties would affect the HDC. Mr. Greenwood said that historically, the rooms in a B&B are fairly small; several of the existing houses could have 6 with cozy little rooms. Mr. Coppelman noted that more traffic and cars could be added to the zone; parking areas might need to be increased. Mr. Landry said the restrictions on things like parking and septic will be self-limiting. Mr. Greenwood asked if the Board would be entertaining "owner-occupied"; Ms. Croteau stated that she did not remember this part of the conversation from the HDC meeting. Mr. Greenwood said that the changes the Board has accepted would require this being moved to the next public hearing as they would be considered substantive.

The Board reviewed the upcoming agenda prior to continuing to a time and date certain. Ms. Faulconer explained that the applicant for the All-American Assisted Living had

dropped off plans prior to meeting with the Board of Selectmen, asking that they be distributed to Department Heads for review; she asked the Board if that was what they wanted done due to the technicalities that had not been worked out yet. Mr. Greenwood added that the hydrogeologic study that was a requirement had not begun yet. Mr. Heitz reviewed the meeting the applicant had with the Board of Selectmen; no final decisions had been reached or proposed at that time. Mr. Greenwood will contact the applicant, urging them to ask for a continuation while the issues are addressed. Ms. Faulconer was instructed to not distribute the plans and add the warrant discussion for 6:50. Mr. Greenwood will notify the applicant that the plans will not be distributed prior to addressing the well issue and supplying the hydrogeologic plan to the Board.

MM&S to move to continue the proposed HDC changes regarding “inn” and “bed and breakfast” to the 1/17/17 public hearing at 6:50 due to the substantive changes approved this evening. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

- **Historic District 102.5, A (1), j and k:** Mr. Coppelman explained the additions and removal of the standards that will go into site plan.

MM&S to move the changes to 102 as discussed to the ballot pending approval of “definitions” going to the warrant article. (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**

As the two articles, HD 102 and Definitions, the Board agreed, by consensus, to put the two articles in one warrant.

- **Article 206, Accessory Dwelling Ordinance:** Editorial changes were reviewed; 206.4 (A) remove “detached” before “single-family dwelling” then add “or a detached structure”; (A)3: after “unit” remove “apartment”; remove “egress” and parenthesis, just leaving the word “door”; (A)5: remove the word “must” after “shall”. Public comment: Mr. Premo asked the Board to change the proposal to allow this in Innovative Zoning. Mr. Greenwood explained that the density is established at the time that residential development is approved; this addition would increase this density and would not be allowed; he continued that innovative zoning is different than a standard residential zone as density is a function of the development. Mr. Pope said the ordinance is written to be quite clear that it is not allowed. Mr. Premo re-iterated that he thought the Board should remove the restriction; he thought it was more about land preservation than density; he expressed concern that someone buying the property wouldn’t know about the innovative zoning and therefore the restriction. Mr. Coffin suggested that the property owner in the future would be able to know about the zoning; Mr. Greenwood said there is usually a Homeowner’s Association so the owners would be aware of the innovative zoning. There was discussion regarding previous approvals utilizing the innovative zoning. Smaller cottages in other areas of town were discussed including them needing to meet setbacks and have septic approval. Mr. Premo noted that he thinks the relief should be available for properties in Innovative Zoning and encouraged the Board to remove the prohibition. Mr. Pope agreed with Mr. Greenwood adding that anything in particular that made sense could go to the ZBA. Mr. Heitz said the properties in an innovative

development already had a higher density and it was not a good idea to add more density. Mr. Bashaw said that, based on the wording, it would be tough to get relief from the ZBA. Aspects of Innovative Zoning were reviewed. Mr. Coppelman stated that the Board has a planning advisor giving the Board recommendations; he added that properties needing relief could go to the ZBA. Mr. Greenwood noted that the advice given to the Board about properties in Innovative Zoning was the same advice given to all the Towns by the Rockingham Planning Commission.

MM&S to move the proposal as modified to the 1/17//17 hearing at 6:50 PM.
(Motion by Mr. Pope, second by Mr. Heitz) **PUNA**

- **Citizen's Petition:** Mr. Greenwood noted that the petition meets the requirements for number of qualified signatures submitted in the proper timeframe. He stated that the Board could not amend the petition but could only vote to either "approve" or "disapprove". Mr. Greenwood explained that the petition removes the provision that auto dealers can't be within 1,000 feet of another; if the Board thinks it is appropriate then they should "approve"; if the Board thinks the Town's actions should remain, then "disapprove". Mr. Heitz asked if anyone thought the language was confusing and added that it is not confusing; he stated that the proposal does not bring up more commercial development as stated in the petition but only auto sales. He questioned why the petition was written the way it was as it appeared misleading. Mr. Pope said the only "confusion" was whether a tractor dealership was part of the definition. Ms. Faulconer stated that at the time this was adopted, the Town was actually not pleased that car dealerships were popping up all over and was encouraging the Board to enact limiting regulations. Mr. Pope said that he would vote to "disapprove" as he does remember it being an issue for the Town; he suggested that some publicity should be done to clarify what the petition actually means. Mr. Coppelman suggested some letters to the editor. Mr. Greenwood read the current wording. Mr. Heitz questioned why a petitioner isn't required to use the whole paragraph so voters will know what the proposal pertains to; the Board discussed the way the proposal was submitted. Mr. Coppelman said that when looking at something like this, he asks himself if the proposal is a benefit to the Town and good planning or is it narrow and self-serving. He added that when the article had been adopted it was something the Town wanted regarding multiple car lots and was supported by the voters. Ms. Croteau clarified the procedure for the motion. Mr. Heitz stated that he thinks it would be better for a petitioner to spell out what is being proposed adding that this proposal is deceitful on what they are trying to change and he wouldn't support it based on that alone.

MM&S to "disapprove" the citizen's petition regarding the amendment to 110.3.
(Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

Board Business

Correspondence:

- Memo re: ZBA hearing, 19 Page Road
- Certificate of Approval from HDC for All-American Assisted Living sign

- Letter from Warren Bye dated 12/13/16 referencing Residential Home Occupation, Penniman's Grove. **MM&S to refer the letter to the BOS.** (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 6-0-1** with Mr. Heitz abstaining.
- Mr. Heitz asked about correspondence to ECSI; Ms. Faulconer said a letter had been provided to them this afternoon.
- NH Div. of Historical Resources, approval received re: Pow Wow Pond Council, 39 Coopers Grove Rd.

MM&S to accept the 12/6/16 minutes as written. (Motion by Mr. Coffin, second by Mr. Landry) **Motion passes 5-0-2** with Mr. Heitz and Mr. Pope abstaining.

Other business: Mr. Coppelman reviewed business signage appearing on fencing at Carriage Towne Plaza; Mr. Greenwood confirmed that it would not be in compliance with the Sign Ordinance.

MM&S to ask the Board of Selectmen for review and enforcement action as necessary regarding the un-permitted signage on the site. (Motion by Mr. Coppelman, second by Mr. Coffin) **Motion carries 5-0-2** with Mr. Pope and Mr. Heitz abstaining. Copies of the sign ordinance with appropriate sections highlighted will be given to the BOS regarding compliance issues.

Public comment: Mr. Premo reviewed aspects of the web site and ordinances that appeared to be out of date. Ms. Faulconer questioned if when outside maintenance was done if there was a problem with transferring the data; Mr. Bashaw agreed that he had noticed some of the changes at the time it was done. Ms. Faulconer stated that one section noted this evening had been reviewed earlier in the year by Ms. Grant and herself to make sure it had made it to the site and it had. The Board suggested that perhaps the problem might be with viewing on the mobile devices; the view may be different from the view on the computers. Ms. Faulconer stated that Ms. Grant is very efficient with the web site and very efficient with updating and adding changes; there seemed to be questions from the Board regarding outside maintenance and data transfer or mobile viewing. Ms. Faulconer will work with Ms. Grant to find out the problems and try to address them. Ms. Faulconer confirmed that tonight's hearing had been posted outside the office and in the paper; it had apparently not made it to the web site due to her illness over the past week and not being in the office. Ms. Faulconer reviewed the public notice requirements to changes in a zone with the Historic District having over 100 properties and therefore not meeting the notice requirements.

MM&S to adjourn at 8:47 PM. (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**