

1 **KINGSTON PLANNING BOARD**

2 **JANUARY 17, 2023**

3 **PUBLIC HEARING**

4 **MINUTES**

5 Mr. Coppelman called the meeting to order at **6:30 PM**; there were no challenges to the
6 legality of the meeting.

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8 **MEMBERS PRESENT:**

9 Glenn Coppelman, Acting Chair Peter Coffin
10 Chris Bashaw, BOS Representative Robin Duguay
11 Peter Bakie

12
13 **ALSO PRESENT:**

14 Glenn Greenwood, Town Planner
15 Robin Carter, Land Use Admin.

16
17 **ABSENT:**

18 Lynne Merrill, Chair
19 Steve Padfield
20

21 Mr. Coppelman declared a quorum present and introduced the Planning Board ("PB" or
22 "Board").

23
24 **PUBLIC HEARING**

25
26 **Robert and Nancy J. Griffin**

27 **68 Danville Road**

28 **Map R22 Lot 45**

29 *<Board note: This hearing began at 6:36 PM.>*
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31 Mr. Coppelman read the legal notice. The applicant is requesting the subdivision of a 20.6 acre
32 parcel into two (2) residential lots.
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34 Mr. Coppelman mentioned that Dennis Quintal is the Town's Engineer, but in tonight's case he is
35 representing the applicant. Mr. Coppelman commented that there isn't a whole lot the Board can
36 do because there is a zoning issue. Mr. Quintal introduced himself and Mr. Griffin who was present
37 in the audience. He explained that normally he doesn't get involved for these type of local projects.
38 However, 20 years ago he was involved with this property in subdividing lots on Danville Rd. and
39 some of the information he had was pertinent to this proposed subdivision, therefore, he agreed
40 to help with this project.
41

42 Mr. Quintal explained that there is about 20 acres of land.

- 43 ▪ The plan shows the existing house, septic and well.
44 ▪ The Griffins would like to subdivide off three (3) acres from the 20 and have a 17-acre
45 lot remaining and create a house for themselves to downsize.

- The plan shows the proposed driveway and proposed septic area where he wants to build.
- The property has been surveyed and a topographic map has been done.
- There's a significant amount of upland to build on.
- On the proposed lot there is enough frontage, but on the lot with the existing house there is only 175.5 ft. of frontage which doesn't meet the zoning requirements.

He understands that he needed to go before the Board and get a letter stating that it doesn't meet the zoning requirements. Then, they would need to complete an application for Zoning Board (ZBA) and go to the ZBA and seek a variance for the three (3) acre lot.

Board discussion:

Mr. Coppelman asked Mr. Quintal why they didn't go to the ZBA first. Mr. Quintal said that when he spoke to Mr. Greenwood, he explained that he should go to the PB first to receive some sort of denial letter. Mr. Coppelman asked even though it didn't meet zoning. Mr. Greenwood said that has been the requirement of the ZBA. Mr. Coffin explained that the ZBA does prefer it this way. Mr. Coppelman asked Mr. Greenwood that since this has come before the PB as an application, do they have to deny it. Mr. Greenwood explained that the Board would have to deny the frontage aspect of it, but do not have to deny the application entirely and could continue this public hearing up to a date/time that is specific to allow the applicant to go to ZBA. Mr. Greenwood said that the Board has done this before. He mentioned that the only drawback of this is when he presumably prepares the letter discussing the zoning issue that it is clear that he is not being presumptive about the ZBA's action. If the Board continues this hearing, we are not saying we are anticipating an approval of the variance. We are saying that we understand that a zoning variance is required and that this action can only happen through ZBA. Mr. Coffin asked if in the past, hasn't the Board accepted jurisdiction without prejudice. Mr. Greenwood explained that because the Board can't move forward with the zoning necessary, he wouldn't expect that the Board would be comfortable to accept jurisdiction. If the Board denies the application, then it would require a whole new application and the process would start all over again. Mr. Greenwood expressed that if we continue the public process and make it clear that we are not trying to force the ZBA's decision; we are simply giving the applicant time to achieve a hearing date to go before the ZBA.

Mr. Bashaw questioned that going forward would it be legal to say that if an applicant comes to the PB office and it's obvious it requires a variance, and the applicant is not contesting anything, and doesn't really want to bring it before the Board first, is it more practical for Mr. Greenwood to send an email to the Board saying that this was going to come through as an application and I advised them that it is a violation and they agree. Then they will have to go to the ZBA, is it the Board's consensus that they can go directly to the ZBA, and that email would satisfy the ZBA's requirement. Mr. Greenwood answered that the Board has empowered him in the past and an example would be the request for initial activity in Camp Lincoln, and in this instance the Board wanted the application to go before them to make the vote and then could go to the ZBA. This goes back to what the ZBA is comfortable with as their starting point. Mr. Coffin said yes having the letter of denial specifying the reason is their preferred procedure. Mr. Coppelman suggested that the Board can have a procedural and policy discussion at another time.

Mr. Quintal said that sometimes you can submit an application and there could be more than one (1) requirement for a variance. For him the reason to go to the PB first is for a brief review to the plan, then the applicant is pretty much ready to go. If an applicant goes to the ZBA first for one variance, then goes to the PB and there's another one, going to the PB first saves on the back and forth.

Mr. Coppelman asked Mr. Greenwood if the Board chooses to continue it, could the Board take this action without invoking jurisdiction. Mr. Greenwood explained that there have been hearings when the Board does not invoke jurisdiction for two (2) or three (3) meetings. Mr. Bakie asked does this mean this is not a complete application. Mr. Coppelman said technically it's not, and Mr. Greenwood commented it just doesn't comply with zoning and that we don't stop the process when something is incomplete, we give them a list of things they need to comply with.

Mr. Coppelman asked if the Board wishes to deny based on zoning or wishes to note the zoning deficiency and have Mr. Greenwood issue a letter explaining the deficiency and cite the part of the zoning and then continue the meeting to a time and date certain.

The Board discussed the meeting dates and application submission deadline for the ZBA to determine a date to continue the PB hearing.

Public comments:

Mr. Coppelman asked the audience if they had any comments. *<Public comments opened at 6:49 PM.>* David Cross of 64 Danville Rd. had comments and came to the table. He asked if he understood correctly and that a house lot needs 200' of frontage. Mr. Coppelman said yes and that one of the lots is 25' less than that and in order to continue with the Planning Board through the subdivision process it needs a variance from the Zoning Board of Adjustment. Mr. Coppelman explained that is what the applicant is going to do next. If they are successful with that, they can come back to the PB to go through the process. If they don't get the variance, then this process doesn't happen. Mr. Cross asked if this was going to be done within the confines of the existing property. Mr. Coppelman said it is a 20+/- acre parcel which will be split into two (2). The smaller lot having roughly 3 acres and the larger one having roughly 17 acres. Mr. Cross asked if he would get notified if there is another hearing. Mr. Greenwood said that tonight the Board will set a date for the continued hearing and that will serve as the notification. Mr. Coppelman explained that if the Board decides to do a continuance to the March meeting, this effectively is your notice for that, and he would not be receiving another certified mail notice from Planning Board. However, as an abutter, if it goes to ZBA first you will get a notice of that in the mail. *<Public comment ended at 6:50 PM.>*

Mr. Coppelman emphasized that the understanding is that any communication that goes to the ZBA is not an endorsement by this Board for the variance, but merely that if the applicant wants to continue forward that their process for relief is through the ZBA.

Motion made by Mr. Bashaw that the Board affirm that the frontage requirements for the plan submitted do not meet the zoning regulations and the Board should direct the applicant, through the Town Planner, to the ZBA and he will cite specific language regarding the ordinance that needs to be addressed (Article 301.1 Lot Regulations, A., "Every building lot shall have a minimum contiguous frontage of two hundred (200) feet on a "public right-of-way.") Seconded by, Ms. Duguay. A vote was taken, all were in favor, the motion passed.

Motion made by Ms. Duguay to continue the application submitted by Robert and Nancy Griffin of 68 Danville Rd to the public hearing on March 21, 2023 at 6:30 PM. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed.

<Board note: This hearing ended at 6:53 PM.>

BOARD BUSINESS

Approval of the December 13, 2022 Minutes:

Motion made by Mr. Coffin to accept the 12/13/2022 minutes as written. Seconded by, Mr. Bashaw. A vote was taken, all were in favor, the motion passed.

Warrant Articles for the March Ballot:

The language for the March ballot was distributed to the Board for review. The Board had the following editorial changes:

Add the section title to the two (2) articles below pertaining to the **Aquifer Protection Ordinance:**

Amendment #6 - 201.,4.,E. Prohibited Uses, 4.

Amendment #7- 201.,4.,E. Prohibited Uses, 14.

Petitioned Warrant Articles:

Amendment #10 (Section 300 – Building, Article 301 - Buildings and Building Lots) in the first line, remove the word "Citizen's". On the last line remove the word "citizen's".

Amendment #11 – (Section 300 – Building, Article 301 - Buildings and Building Lots) remove the entire article.

Discussion: Mr. Bashaw said that one listed as #11 of the petition articles was voted on by the Selectman to be removed, the one not requiring a permit stays. The reason Mr. Bashaw was able to motion to have it removed was because all of the people who signed it as a back-up article were informed at the time they signed it that it was only designed to replace the other one (Amendment #10) if it was shown to be illegal by Legal Counsel. They weren't able to get a straight answer but didn't want two (2) similar articles on the ballot. Mr. Coffin said that the BOS can determine the structure of the warrant articles. Mr. Bashaw replied, yes. He said the only reason they authorized it was because the people who signed it at the time were aware it was designed to replace the other one if

needed. Mr. Bashaw said he may have made a motion to have the other petitioned warrant article removed (#10), but when those people signed it, it was not explained to them that that article (#10) may not be there.

Amendment #12 (Section 100 - Zoning Districts, Article 102 – Historic District. Section 102.9 Guidelines) - in the first line, remove the word “Citizen’s”. On the last line remove the word “citizen’s”.

Mr. Coppelman mentioned these have nothing to do with the Warrant Article so there is no issue with making these adjustments.

Correspondence:

- RE: 14 Bent Grass Circle. Copy of the letter from Town Counsel, dated January 6, 2023, to Omar Shahin, Manager of Blue Moon Brothers Investments, Inc. regarding their failure to pay the Impact Fee.
- RE: Housing Support Inc. Mr. Greenwood wanted to let the Board known for their information only, that Housing Support Inc. of 186 Main St. submitted an application that wasn’t put on the agenda because it didn’t have a surveyors stamp and that is one of the primary requirements. However, now they have provided a waiver request of the survey plan. This will be put on the agenda for the next public hearing, February 21, 2023.

Capital Improvement Plan (CIP):

Mr. Greenwood mentioned that because of COVID, one was adopted early last year. Mr. Coppelman asked if the cycle would be started all over again for 2022-2028. Mr. Greenwood replied, yes. Mr. Coppelman went on to outline the process and that the Board establishes a committee. Originally it was Ms. Duguay, Mr. Coffin, and Mr. Bashaw. Ms. Merrill is interested in being a member. Mr. Bashaw will step down. The committee will consist of Mr. Coffin, Ms. Duguay and Ms. Merrill as Planning Board members. We will need a Budget Committee member. **[A.I.1-01.17.2023] – Mr. Greenwood will get in touch with the Budget Committee on this. [A.I.2-01.17.2023] Mr. Bashaw will bring this up to the BOS to see if there is anyone that may be interested in being on this committee.** Mr. Greenwood handles and oversees this process.

Planning Board Staffing:

Mr. Bashaw said he was at Saturday’s meeting and when it came to the Budget Committee and BOS and their votes for consideration for upcoming warrant articles, he did voice his opinion that it is needed to increase the hours for the Planning Administrator. There will be one more time items can be discussed at the deliberative session. He explained that the Town does need this, and the Town may be missing out on opportunities. We need the support now even before some of the larger pending projects. It’s a service to the citizens and businesses of the Town to have staff available to assist them in timely manner. Mr. Coppelman mentioned that a town the size of Kingston and what we have going on should have a full-time administrator and planner. Mr. Bashaw said one of the things people criticize is that we don’t have enough economic

development, and if there isn't anyone in the office to answer phones and provide support, the people willing to bring economic development will move to a community where they can make it happen faster.

Sanborn Seminary Project:

Mr. Greenwood mentioned that he received an email from Paul Goodwin, project person for Chinburg regarding the Seminary. They are asking if the Town has any interest in applying for demolition funds that have come available from COVID funds. A project that is for housing may be eligible for up to \$500,000 for demolition costs. A private corporation cannot apply for the funds. A municipality could for a private corporation and that is why they are asking if the Town may be interested in doing this. Mr. Bashaw asked if there were any matching costs or engineering costs that the Town will be responsible for. Mr. Greenwood said there is not. Mr. Coppelman asked if the Town was to apply and receive the funds, can they pass it through to the developer or does the Town have to give it out and administer it. Mr. Greenwood replied, no because it is only reimbursed after they do the demolition and submit a request to see if it qualifies. Mr. Bashaw asked if there is an administration fee. Mr. Greenwood said he could look into that. Mr. Bashaw asked if Mr. Greenwood would compile the information and give it to Susan Ayers, BOS Administrator to bring before the BOS. He thinks it might be more appropriate for Chinburg to come in and represent themselves. Mr. Greenwood said they did make that offer. **[A.I.3-01.17.2023] Mr. Greenwood will compile and give the application to Ms. Ayers and will ask Mr. Goodwin to make a direct contact to her.** This program is being handled by Business of Economic Affairs (BEA).

Zoning Ordinances:

Mr. Coffin suggested that over the next year the Board look over the ordinances as they relate to legislation. He mentioned the size requirements for an ADU and looking at that. He explained that the ADU ordinance requests go through the PB and if they are denied they can appeal at Superior Court. So, they really shouldn't go to ZBA at all. Are we able to put in the ordinance that they can choose to go to the Housing Board or the Superior Court. Mr. Bashaw said that when the Board adopted that ordinance the Housing Board didn't exist. Mr. Coffin asked does the ordinance preclude a person from going to the ZBA. Mr. Greenwood said he does believe it does preclude it. Mr. Coppelman asked if the ADU statute talks about the appeals process. Mr. Greenwood said he doesn't believe it does, but he'll look at it. Mr. Coffin said we should have a procedure that matches our ordinance and is understood by the applicant. Mr. Coppelman suggested that this be brought up and addressed by the Board after the March meeting.

ADJOURNMENT

The meeting was called to adjourn at 7:30 PM.

****Next Public Meeting is scheduled for Tuesday, February 7, 2023. Subject to change.****