

**Kingston Planning Board  
Public Meeting  
December 13, 2011**

The Chairman called the meeting to order at 6:34 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Adam Pope (Arrived with meeting in progress)
Mark Heitz, BOS rep.	Ellen Faulconer, Alternate (Admin. Asst)
Ernie Landry	

Absent: Jay Alberts, Glenn Coppelman, Rich St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Mr. Wilson announced that Ms. Faulconer will be a voting member for this meeting.

**Board Business**

**Correspondence:**

- Letter received requesting continuance for Solar Hills review.
- Letter received from Town Engineer re: Diamond Oaks.

**MM&S to accept the minutes of November 1, 2011 as written.** (Motion by Mr. Heitz, second by Mr. Landry) **PUNA**

- Petitioned warrant article received
- Impact Fee contract discussed.

**ACTION ITEM: MM&S for the Planning Board to recommend that the BOS take action required to encumber funds for the Impact Fees contract.** (Motion by Mr. Landry, second by Ms. Faulconer) **Motion passed 3-0-1 with Mr. Heitz abstaining.**

- Dredge and Fill received for Solar Hills.

**ACTION ITEM: Ms. Faulconer to contact Mr. Quintal re: the Dredge and Fill for Solar Hills.**

**MM&S to accept the minutes of October 25, 2011.** (Motion by Mr. Landry, second by Mr. Heitz) **PUNA**

**MM&S to accept the minutes of November 15, 2011.** (Motion by Mr. Landry, second by Ms. Faulconer) **Motion passed 3-0-1 with Mr. Heitz abstaining.**

## **Plan Review**

**The Lot Line adjustment received re: land transfer with the FCC. This will be added to the January 17<sup>th</sup> agenda; Mr. Whittier to be contacted to supply the Board with 11 additional copies.**

## **Solar Hills Subdivision**

Mr. Wilson referred to the letter the Board received requesting a continuance. Ms. Faulconer questioned the jurisdictional deadline; Mr. Greenwood stated that by the applicant asking for a continuance, there was a de facto extension granted for the deadline; Ms. Faulconer suggested granting a two month extension based on the amount of work the Town Engineer was requesting; allowing the applicant to work with the Town Engineer to submit a completed plan. Mr. Wilson suggested the January hearing based on a submission deadline for the updated plan.

**MM&S to continue the Solar Hills subdivision to January 17, 2012 at 7:45; the revised plan to be submitted no later than noon on January 5<sup>th</sup>. (Motion by Mr. Heitz, second by Mr. Landry) Motion passed 3-1 with Ms. Faulconer opposed.**

## **Diamond Oaks Golf Club**

Mr. Wilson stated that the Board had received a letter from the Town Engineer who furnished an update on the project.

<Board note: Mr. Pope arrived at this time.>

Kathleen Sullivan, attorney representing Mr. Dufresne and Diamond Oaks, updated the Board on the project: a continuance of the conditional approval was requested to June of 2012 in order to get the water permit from the State; a couple of drafting changes needed to be addressed. Attorney Sullivan explained that she had sent a letter to the Attorney Loughlin, with the issues being addressed, they had been informed that the Board felt there were enough changes to warrant a public hearing. She continued that they are now proposing one master association with separate sub-associations, one condo. association would be for the land units, one for the residential units; letting the residential units manage their own affairs. Mr. Wilson asked Mr. Greenwood to confirm that this was enough of a change to warrant a public hearing. Mr. Greenwood explained that if the Board was seeing new condominium documents then it would require a public hearing for the Board to deal with the changes. Mr. Wilson stated that he assumed the Board would want legal counsel to review any changes; Attorney Sullivan confirmed that she also assumed she should be sending the documents to the Planning Board and its legal counsel.

Attorney Sullivan also asked to address a second matter that involved the lot consolidation plan and going forward with the sale of the soccer building; there is still a substantial amount of taxes owed on the property. Attorney Sullivan is suggesting recording the plan and merging the lots

simultaneously; keeping the funds from the sale in escrow to be able to pay the Town the back taxes. Mr. Greenwood noted that this proposal is a substantive change from the conditional approval which includes a provision that the plan not be recorded until the merger took place; he explained that this is requesting a reversal of the Board's decision and is the trigger requiring the need for the public process. Mr. Wilson asked if the business or the building was being sold; Attorney Sullivan answered that they were selling the unit as a condo. unit. Attorney Sullivan stated that she looked at this proposal as "mechanical". Ms. Faulconer stated that while this proposal may involve the mechanics of the approval, it was a change that should be addressed during a public process; the Board had finalized its review and any changes should be done after appropriate notifications. Attorney Sullivan said that they had no problem with the public hearing process if that was what the Town required and to keep the Town protected. Mr. Heitz asked about the lots being merged. Ownership issues on one of the lots still needed to be addressed. Mr. Greenwood explained that the merging of the lots was a requirement of the Health Officer who compromised with the Board to review before they were merged with a condition of approval being the merger; he added that the irony in this instance was that if the Health Officer's requirements had been followed, this wouldn't be an issue at this time; amending the plan might still be an issue due to the multiple ownership. Attorney Sullivan explained that it had been a surprise to them when they were notified by the Town that there was an ownership issue but due to the reorganization the required changes couldn't be done at this time; she was hoping to have this issue cleaned up soon.

Mr. Greenwood said that the Board couldn't hold the hearing until notified by the court that action could be taken that affected the property. Ms. Faulconer suggested that this notification be received from the court in writing. Attorney Sullivan confirmed that she would get something from the court; she would get the ownership status of the lot updated; she would get the condo. docs. to the Town for review. She requested an extension for the conditional approval for June 30<sup>th</sup>. Due to the Board's normal procedures, Mr. Greenwood cautioned the Board to explain, for the record, why the protocol was not being followed regarding extensions. Mr. Wilson stated that the minutes would reflect the discussion regarding the court action and other issues causing the delay. He noted that June 26<sup>th</sup> was the regular public hearing night; the Board could add to the agenda to discuss the status at that time which would be prior to the June 30<sup>th</sup> deadline.

**MM&S to grant an extension for the deadline of meeting the conditions in the conditional approval for Diamond Oaks Golf Club to June 26, 2012.** (Motion by Mr. Pope, second by Mr. Landry) **PUNA**

### **Aquifer Protection Ordinance Discussion**

The Board continued its discussion to finalize the Aquifer proposal; specifically section #22 pertaining to hazardous material and regulated substances; the clarification from Ms. Truslow had been received concerning those definitions. The Board decided to list hazardous materials and regulated substances as prohibited in both zone A and B with the exception of items noted in

items 18 (gas stations) and 21 (Manufacturing using petroleum based products) as listed in the previous hand-out regarding permitted uses in those zones with the extra protections required, per the Board's previous discussion on December 6th.

Mr. Landry discussed a conflict with the minutes versus the revised proposal regarding Dry Cleaners; Mr. Pope agreed with Mr. Landry, going with the language shown in the minutes of that discussion.

**MM&S to move forward with the Aquifer Protection Ordinance proposal and post it for the January 3, 2012 public hearing.** (Motion by Mr. Pope, second by Mr. Landry) **PUNA**

### **Proposed Ordinances**

The Board reviewed the additional proposals for the March election:

- Accessory Family Apartments; submit as previously determined.
- Tax Map changes regarding corrections for lots with Split zoning; submit as previously determined.
- Ground Water Management Zone; submit as previously determined.
- Sign Ordinance; submit as previously determined.
- Used Car lot spacing; submit as previously determined.
- Livestock; *add in "or designee" after BOS; regarding Conditional Use Permit: change line to have Planning Board approval for commercial or industrial uses; anything else needs the C.U.P. from the Board of Selectmen or their designee.*

**MM&S to adjourn at 7:45.** (Motion by Mr. Landry, second by Mr. Pope) **PUNA**