

**Kingston Planning Board
Public Hearing
January 17, 2012**

The Chairman called the hearing to order at 6:30 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman
Glenn Coppelman, V. Chair
Ernie Landry

Adam Pope (Arrived with meeting in progress)
Jay Alberts
Rich St. Hilaire, Alternate

Absent: Mark Heitz, BOS rep.

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; Ellen Faulconer, Administrative Assistant

Board Business

Correspondence:

- Letter received from School Board re: Impact Fees.
- Letter received from the “Green Griffin” explaining business activity. The Board discussed sending a letter regarding the need to see the Inspectors for Business Occupancy Permit, sign permit; requirements for needing further Board review including changes to the exterior which would need to be consistent with current ordinances; lighting requirements; compliance with existing site plan approval; outside display was not part of the original approval. The Board decided it would be prudent to discuss these items directly with the business owner.

ACTION ITEM: Ms. Faulconer to invite the owner of the Green Griffin in to speak with the Board.

- Letter from Michaud Motors was received re: compliance on the site; removal of the fence due to condition, a new one will be installed in the spring. The Board discussed compliance issues on the site including signage without permits; lighting; cars parked on non-paved surface and outside of the area where the fence used to be; need for business occupancy permits; questions about signage for each business.

ACTION ITEM: Ms. Faulconer to send letters to both the property owner and business owner for Michaud Motors regarding compliance and permitting issues.

- Wetland permit received for Boat Launch
- The Board has reviewed paperwork from Chief Seaman that should be part of the Ordinance; the Board will schedule to meet with him at his convenience.

Board of Selectmen, Kingston

Lot Line Adjustment

Church Street

Tax Map U10-12 and 13

Paul Nichols introduced himself as representing the First Congregational Church, for this application. He explained the previous ownership of the properties involved and the right-of-way; research of the properties which showed, among other things, that two parcels had been sold with no title; a Town-owned piece of land was never released after Town meeting vote. Mr. Wilson asked what the solution would be. Mr. Nichols explained that representatives of the First Congregational Church contacted the Sanborn Seminary Trustees about ownership they had of a parcel with the proposal that the Seminary turn the land over to the Town with the Town giving some of that land to the Masonic Lodge and some to the Church to clear up the ownership and right of way issues. Mr. Swasey, a Sanborn Seminary Trustee, confirmed that they were willing to give up the piece of land referenced on the plan if the other parties involved reached an agreement. Jeff Dowd introduced himself as a Masonic Lodge trustee and an attorney who was representing the Lodge; he was accompanied by the President of the Masonic Lodge Board. Mr. Dowd noted that the Lodge had a deed to the property adding that whether it had good title was another issue.

Mr. Coppelman asked if the Board was being asked to approve a lot line adjustment in which all the parties were not in complete agreement. Mr. Greenwood noted that the approval would also be contingent on Town Meeting vote. Mr. Dowd asked if the Mason's would need a separate application. Mr. Nichols explained that the Town was the applicant. Mr. St. Hilaire explained that the Town currently has clear access right through the two parking lots so it has access to the Pond; the Town doesn't really care about the land transfer, they are applying for the lot line adjustment to clarify existing issues on behalf of all the parties involved and are in favor as long as the Town has continued access.

Mr. Nichols noted that this has been an issue since 1964; Mr. Dowd said that the ROW was conveyed in 1907. Mr. Nichols, Mr. Dowd and the Board reviewed the proposed plan, current and possible access issues; suggestions from all parties.

<Board note: Mr. Pope arrived at this time.> Mr. Wilson stated that Mr. St. Hilaire was a voting member for this evening's hearings.

The Town's dry hydrant location was reviewed. Mr. Wilson returned to the questions of the Board needing all the parties in agreement. Mr. Nichols explained that the current proposal did not include all the parties. Mr. Greenwood noted that the Board of Selectmen may not be interested in conveying the property if there isn't going to be the final conveyance to protect the Town's ROW. Mr. Wilson suggested that the parties involved might want to continue their

discussions and come back to the Planning Board with a proposal that all the parties could agree to. Mr. Greenwood asked that the Board continue in February as the Board of Selectmen has it on the ballot for March.

MM&S to continue the Lot Line Adjustment hearing to February 21st at 6:45. (Motion by Mr. Coppelman, second by Mr. Alberts) **Motion carries 4-0-2** with Mr. Pope and Mr. St. Hilaire abstaining.

Zoning Amendments, Continued from January 3, 2012

Groundwater Management Zone:

Mr. Wilson handed out the amended version of the Groundwater Management Zone ordinance. Mr. Greenwood explained that it had been amended so the ZBA portion would comply with State Law.

MM&S to move the Groundwater Management Zone ordinance forward to the ballot as presented. (Motion by Mr. Pope, second by Mr. Landry) **PUNA**

Aquifer Protection Zone:

The zone language and the associated map were handed out to the Board. Mr. Greenwood explained the language describing Zone A and Zone B; the language written was in conjunction with the map.

ACTION ITEM: Mr. Greenwood will prepare a 3 x 4 map of the Aquifer Zones to be displayed at the election.

MM&S to move the Aquifer Protection Ordinance forward to the ballot. (Motion by Mr. Coppelman, second by Mr. Landry) **Motion carries 4-2** with Mr. Alberts and Mr. St. Hilaire opposed.

Solar Hills Estates Subdivision

76 and 78 Hunt Road

Tax Map R6 Lots 10-4, 14

Mr. Wilson read the letter received by the Board in December asking for the continuance. Mr. Coppelman noted that the plan received shows the road servicing 8 lots, two of which already existed; it was also noted that the plans were received after the deadline. Ms. Faulconer explained that the deadline at noon allows her one hour to put the paperwork together to distribute to the Department Heads to receive by Friday; the delay means they don't get it until Tuesday due to her schedule. Mr. Wilson noted that there were no comments received from Department Heads which may or may not be due to timing of the receipt of the plan.

Mr. Landry told the Board that he had received Mr. Quintal's review of the latest plan; the State of NH is viewing the site next week for the Dredge and Fill; they feel that the 6 lot issue is still outstanding and the 1000-foot road length issue is still outstanding. He apologized for the plan being late and asked to address the 6 lot issue. Mr. Wilson commented that the Board and the applicant had reviewed this issue previously and came up with a plan that had been agreed to that included 8 lots. Mr. Lavalley said that the agreement wasn't financially able to be done at this time and they believe that the road services 8 lots with 6 new homes; they feel they meet the requirements and just require a waiver for the road length.

Both Mr. J. Lavalley and Mr. T. Lavalley stated that the property discussed at the January 3rd Planning Board meeting had been transferred; the sale had gone through. Mr. Greenwood having confirmed with Mr. T. Lavalley that R6-10-4 is now owned by someone different said he was concerned that there was now a new property owner involved who had not been notified of this proposal; the Board would need an affidavit agreeing to not needing the right of 10 day notice. Mr. J. Lavalley said that the property owner is aware of what is happening; the seller of the property's son stated that she is aware of the plans and has been notified. Mr. Greenwood said that the Board now has a plan that does not accurately reflect the owners of the properties involved on the plan. Mr. Alberts said he has no doubt that she is aware of the plan but the Board did not have a leg to stand on to continue the discussion. Mr. Wilson asked Mr. Greenwood if the Board should stop the discussion; Mr. Greenwood said that he would recommend the Board continue the hearing; he cautioned if the Board did continue the hearing that no decisions be made; he added that a new owner of the property that had the access point for the entire subdivision wasn't at the meeting and the Board had no record of notification. Mr. Wilson commented that drainage easements had been added to the lot line adjustment plan the Board had not seen nor reviewed but wasn't an issue keeping it from being recorded. Concerns were raised about the public coming to the hearing and having to have it continued without discussion about the plan. Mr. Coppelman said that the folks in the audience would probably rather hear the discussion about updated, valid plans. Mr. Wilson suggested that the applicant could have the hearing postponed for a month, allowing time to send a certified notice and to work out the issues and questions raised by the Town Engineer. Mr. Lavalley stated that they would be asking for a month's continuance.

MM&S to continue to February 21 at 7:00. (Motion by Mr. Coppelman, second by Mr. Alberts) **Motion carries 4-1-1** with Mr. Pope opposed and Mr. St. Hilaire abstaining.

Board Business, continued

Mr. Wilson asked if there was any additional business for the Board; there was none.

MM&S to adjourn at 7:40. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**