

**Kingston Planning Board
Public Meeting
February 28, 2012**

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

Members in attendance:

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| Richard Wilson, Chairman | Adam Pope |
| Glenn Coppelman, V. Chair | Jay Alberts |
| Mark Heitz, BOS rep. | Ernie Landry |

Absent: Richard St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant

Melissa Mooradian
167 Main Street

Mr. Wilson explained that the Board had invited her to come to tonight's meeting to review the specifics of her proposal that had been read at the Board's last meeting. Ms. Mooradian explained that she is a licensed massage therapist and is planning on providing this service in the location next to the Town Hall that currently has Pollycoat Junction. She will have a part-time babysitter there as needed for her clients; she expects to use about 3 parking spaces at any one time. She expects to provide services 5 days a week with another therapist working the other two days; the hours of operation will be 8 AM to 8 PM Monday through Thursday; 9 AM to Noon on Friday, Saturday and Sunday. She expects the other therapist to work the weekend hours; she might possibly work them by appointment during the 9-Noon hours. Mr. Coppelman informed Ms. Mooradian that if she should change the hours of operation, she would need to come back and update the Board. Ms. Mooradian said that no remodeling was expected although a separation wall might be installed inside the Building. Ms. Faulconer suggested that she should contact the Building Inspector as a building permit might be required. Mr. Wilson added that a Business Occupancy permit would also be required.

Ms. Mooradian said that she is expecting to be in the building by April 1st with an April 15th opening. Mr. Coppelman asked her to clarify the number of parking spaces for the unit. Ms. Mooradian answered that the property owner told her that she had 4 to 5 parking spaces; she re-stated that she only expects to use 3 spaces at any one time.

Mr. Wilson read comments from the Historic District Commission regarding the need for her to contact them about a sign permit.

MM&S that this business fits within the types of businesses that are in these types of commercial structures and, as described, requires no additional Planning Board review.
(Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Mr. Coppelman re-iterated the need for Ms. Mooradian to check with the Town's Inspectors and to also get a Business Occupancy permit.

Board Business

Correspondence:

- Letter from Little Old Lady Auto describing steps to come into compliance.
- Letter from Pollycoat Junction; re-locating business. The Board needs to verify hours of operation.

ACTION ITEM: Ms. Faulconer to contact owner of Pollycoat Junction to verify hours of operation prior to making final recommendation regarding any further review; remind the owner to contact the HDC about signage.

- Letter received from Commerce Park re: Piano business; Mr. Wilson noted that if the proposed changes to the Aquifer Protection Ordinance passed, then this would be allowed but at this point it is considered prohibited. Mr. Coppelman wondered if it would be wise to wait until after the election to review the proposal. Mr. Greenwood explained that while the warrant had been posted, proposals reducing the current standard were not in effect until after the election.

ACTION ITEM: Ms. Faulconer to contact Mr. Maroney of Commerce Park and suggest re-submitting the request after the March election.

Bill Seaman, Fire Chief **Fire Regulations**

Chief Seaman explained to the Board that there was an amendment to the regulations in 2005 removing some sections of fire suppression regulations within Site Plan and Subdivision but had somehow been removed entirely. He explained that he was able to enforce fire safety issues under the State regulations but found it helpful to have the Town's Fire Regulations in the book for applicant's reference. Mr. Coppelman confirmed that the regulations that the Board had reviewed in 2005, the copy he had forwarded to the Board dated January 6, 2005, was the document he wanted adopted. Chief Seaman stated that this language was still correct and more specific to the Town's requirements than the State language. Ms. Faulconer suggested that the Board amend the Site Plan and Subdivision regulations to include language referencing the Fire Suppression Regulations and give the regulations its own section in the Ordinance book. Chief Seaman agreed as did the Board; Chief Seaman will send these regulations electronically to Ms. Faulconer.

ACTION ITEM: Ms. Faulconer to set-up the changes and additions for the Fire Suppression Regulations to be added to the Ordinance book and post for a public hearing on March 20, 2012.

Chief Seaman told the Board that he has training that evening and will not be able to attend the hearing; the Board agreed that were there any questions that could not be answered during the hearing, the Board would continue to the following week when Chief Seaman could attend.

Mr. Wilson spoke with Chief Seaman about the current road length requirements and asked if he could review that requirement in regards to issues involved with fire protection. Chief Seaman will review and return with a recommendation to the Board.

Subdivision Regulations Review

Mr. Wilson reminded the Board that this discussion was raised as there had been an issue with the Board's intent of requiring 8 lots on a new subdivision road versus the language that did not specify whether they were newly created lots. Mr. Coppelman stated that the issue was due to saying "servicing 8 lots". Mr. Wilson confirmed that our attorney stated the language did not refer to "new" lots. Mr. Greenwood suggested that if the Board was thinking of expanding the road length, the Board may want to go with a different number. Mr. Wilson questioned the possibility of an applicant wanting a very long road with very large lots. Mr. Landry said that the Board was establishing a minimum requirement. Mr. Coppelman questioned why the number was 8 lots; Mr. Heitz stated that it would make it worthwhile for tax purposes instead of maintaining a lot of small roads with one or two houses. The Board continued its discussion of the length of a new road and the number of houses on that road. Mr. Coppelman asked if a road length limit only applied to homes; Ms. Faulconer stated that it was in subdivision regulations; Mr. Greenwood explained that subdivision regulations applied to both residential and commercial development. Ms. Faulconer suggested that access management requirements might need to be reviewed. Mr. Wilson suggesting getting input from the Fire Chief for fire protection issues for both residential and commercial; he suggested getting input from Mr. St. Hilaire on the costs associated with maintaining roads. Mr. Pope suggested getting input from the Town Engineer on issues regarding road contours; Mr. Heitz added that comments from the Town Engineer regarding some of these issues seemed to leave a lot to interpretation and the Board may need to clarify; he asked Mr. Greenwood what Brentwood does. Mr. Greenwood answered that Brentwood has no minimum standard of length for a new road. Mr. Heitz asked if fire suppression is required for long roads; Mr. Greenwood said that the Fire Department requires fire ponds and they recommend placement of 30,000 gallon cisterns. Ms. Faulconer explained the history of the adoption of the road length in conjunction with the Master Plan.

ACTION ITEM: Ms. Faulconer to contact the Town Engineer to make sure that his invoices are up-to-date; follow-up with Mr. Greenwood to make sure that charges for his reviews are up-to-date.

Mr. Wilson asked for any public comment. Dan Bartley provided the Board with suggestions regarding driveway and road instructions citing the Board's ordinances and regulations; raising questions on items that seemed to be not as specific as they should; possible conflicts or ambiguity. Mr. Greenwood, referencing one of Mr. Bartley's suggestions, stated that it seemed logical to require house lot locations shown on the final plat. In referencing another possible conflict, Mr. Wilson noted that a requirement in well protection and placement not within 100

feet of any surface waters was, according to the Town's Health Officer, outdated. Mr. Wilson continued that it either needed to be removed or enforced. Mr. Bartley suggested that language should be specific in requiring that wells being placed in a new subdivision needed to be wholly within the property; he questioned how it was policed if on another's property. Mr. Wilson explained that when a new subdivision is proposed, the applicant must show a full well radius, if it goes onto another's property, there needs to be an easement. Mr. Coppelman added that this easement would be part of the deed and limits the use within the easement. Mr. Wilson continued reading Mr. Bartley's suggestion; #4 was a question that the Board had just discussed regarding 8 lots versus language clarifying 8 new lots; #5 was the language about "connecting" to other streets with Mr. Bartley wondering if perhaps this language might also need to be clarified. Mr. Greenwood suggested that was a good idea and suggested that the regulation subcommittee could review the items brought forward by Mr. Bartley.

The rationale and justification behind Board requirements was questioned and reviewed. Mr. Pope suggested that it would be wise to capture why a requirement existed and have it written somewhere; Ms. Faulconer said that the Master Plan was the place to put some of these issues.

Mr. Wilson questioned the ability of having a provision for the extension of a road in the future; Mr. Coppelman explained that the property owner only had to provide an easement to the property line for a future continuance, not the continuance itself.

ACTION ITEM: Mr. Greenwood will bring these items up for discussion at the Subcommittee meeting on Monday and update the Board at the next meeting for future review and discussion.

Aquifer Protection Ordinance/TBG Grant

Mr. Greenwood distributed the flyer proposed for the Carriage Towne News; this will be printed on colored paper; the maps won't be part of the flyer but they will be available at the polls.

The Board reviewed the flyer; Zoning Board of Approval will be changed to Zoning Board of Adjustment; there was discussion and clarification for the rest of the flyer which included some additional punctuation. The Board approved the proposal as amended.

ACTION ITEM: Mr. Greenwood will make the changes and bring 2700 copies on colored paper to the CTN by Thursday.

Plan Review

Diamond Oaks Golf Club: The Board reviewed the submission. The Board authorized Mr. Greenwood to contact Attorney Loughlin.

ACTION ITEM: Ms. Faulconer to contact the applicant to provide 12 copies of the submitted plan and 12 copies of the proposed condo. docs; send the documents to the Board via email.

ACTION ITEM: Ms. Faulconer to review the current escrow account of Diamond Oaks, if the bills bring the bond below \$1,000 the applicant needs to be contacted to bring the balance back to \$5,000.

MM&S to place the Diamond Oaks Golf Club proposal on the March 20, 2012 public hearing at 7:00. (Motion by Mr. Pope, second by Mr. Coppelman) **PUNA**

Tupello, LLC: The Board reviewed the Lot Line proposal; the applicant needs to provide a \$1,000 escrow bond with a request to waive the \$5,000 requirement.

ACTION ITEM: Ms. Faulconer to contact the applicant about the bond requirement.

MM&S to place the Tupello submission on the March 20, 2012 hearing at 6:50. (Motion by Mr. Pope, second by Mr. Heitz) **PUNA**

Board Business, continued

MM&S to approve the February 7, 2012 minutes as written. (Motion by Mr. Coppelman, second by Mr. Pope) **Motion carries 5-0-1 with Mr. Heitz abstaining.**

MM&S to adjourn at 8:10. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**