

**Kingston Planning Board
Public Hearing
May 15, 2012**

The Vice-Chairman called the meeting to order at 6:45 PM. There were no challenges to the legality of the meeting. Mr. Coppelman noted that tonight's hearing was not being televised. He introduced the Board members.

Members in attendance:

| | |
|---------------------------|--|
| Glenn Coppelman, V. Chair | Peter Coffin |
| Mark Heitz, BOS rep. | Stanley Shalett |
| Ernie Landry | Ellen Faulconer, Alternate, Administrative Assistant |

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Absent: Richard Wilson, Adam Pope, Richard St. Hilaire, Alternate

**Diamond Oaks, LLC
Route 125
Tax Map R3-4, 4A, 4B, 4C, 13**

Mr. Dufresne was present, representing Diamond Oaks. Mr. Coppelman reminded the Board that Diamond Oaks' conditional approval deadline had been extended to January, 2013. Mr. Greenwood said that he had spoken with Diamond Oaks' attorney about the wording in the condo. docs. regarding the protection of the water rights; the language seems to indicate that it will allow a utility to run the service for the development but there does not appear to be rights to sell to anyone; he added that Attorney Loughlin appears to be satisfied with the changes to the documents regarding the Open Space requirements. Ms. Faulconer stated that while the Board has received the documents showing the changes, we have not received the final draft at this point; she would like to review as the previous document seemed to not allow the owner of the property to sell water but was unsure whether the utility could sell water. Mr. Coffin wanted to review the language to clarify that there would be no selling of the water from the property. Mr. Heitz asked if there had been any dialogue about recognizing the Golf Course as open space and having the Town develop the water rights. Mr. Coppelman suggested that the Town's designation as a water utility would give the Town that option. Mr. Heitz asked if the condo. doc. language being discussed would impose the same restrictions on the Town or recognize that it was a possible resource for the Town for the future. Mr. Greenwood stated that it had not been part of the discussion at this point; there had been no discussion of providing for the Town to develop a water resource at this site. Mr. Heitz explained that during his discussions with Attorney Radigan it had been suggested that this type of proposal be developed through the Planning Board process; while the Board is granting concessions is the time to develop and insert those rights. Mr. Greenwood suggested that, if approved by the Board of Selectmen, Attorney Radigan should come to meet with the Planning Board and talk about this issue in general.

ACTION ITEM: Mr. Heitz will arrange for Attorney Radigan to meet with the Planning Board.

Mr. Dufresne stated that he had no problem with providing the Board with 12 copies of the amended condo. docs.

Mr. Coffin questioned whether the issue of separating the golf course and the residential units and the open space requirements and its protection had been clarified. Mr. Greenwood said that Attorney Loughlin had asked that the separation between them included the same protective language; that the golf course needed this language as well for the Open Space requirement; these changes had been made. Mr. Coffin wanted to confirm that while the management of the Golf Course could be sold, the land would still remain as Open Space. Mr. Coppelman asked if they now cross-reference each other in the document; Mr. Greenwood confirmed that Attorney Loughlin made sure that this concern had been addressed.

Mr. Dufresne stated that he would bring the revised documents to the Board by May 24th. Ms. Faulconer noted that Diamond Oaks has a meeting tentatively scheduled for June 26th.

MM&S to continue the Diamond Oaks hearing to June 26, 2012 at 6:45. (Motion by Mr. Coffin, second by Mr. Heitz) **PUNA**

Subdivision Regulations Amendment Public Hearing

Mr. Greenwood explained that the issue of the number of lots on a new road came out during a previous review; it was determined by the Board's attorney that the language was not quite clear. Ms. Faulconer explained that the subcommittee reviewed the language and suggested that there still be 8 lots being serviced by the new road but that only 7 of them should be newly created lots in the subdivision as there might be one lot that was being subdivided that already had a house on it; the language referencing the connection "to other streets" was also being added as a clarification. The proposal for the changes to 905.9 F was adjusted based on this discussion.

MM&S to accept changes to 905.9F by including the bold letter terms "to other streets" in two locations as shown in the proposal and "service a minimum of 8 lots, 7 of which must be new lots" and remove the parenthetical statement. (Motion by Mr. Coffin, second by Mr. Landry) **PUNA**

Board Business

Correspondence:

- Letter received from WS Clark and Sons, 138 Main Street regarding the use of the existing garage and the tenant who would be utilizing the garage; the previous HDC approval was attached. Mr. Coppelman reviewed the file and read the original letter received from Clark and Sons dated June 13, 2008; the Planning Board minutes of June 17, 2008 were reviewed; the motion at that time was to acknowledge that auto repair was not a discontinued use and would not require any further review from the Board. Mr. Coppelman said that the request was essentially that from 2008. Ms. Faulconer, noting the name of the tenant company, suggested that the Board might want to clarify that the use is limited to auto repair and the use does not include vehicle sales. Mr. Shalett noted his agreement with that limitation. Mr. Heitz stated that there should be no problem with

the occasional mechanic's lien sale of a vehicle, not exceeding one vehicle for sale at a time, but that the property is not to be considered being used as a vehicle sales lot. There was Board consensus on these restrictions.

MM&S that, based on the paperwork provided by WS Clark and Sons, the auto repair use does not require any additional Planning Board review; any vehicle sales would require an expanded site plan review. (Motion by Ms. Faulconer, second by Mr. Coffin)
PUNA

- Mr. Coppelman reminded the Board members when replying to emails to only reply to the office, not reply all to the entire Board. Due to Right-to-Know issues, this could be misconstrued as a meeting; it also requires being printed and kept in an "emails" folder. Ms. Faulconer can distribute to the entire Board if necessary.
- Letter received from Pauline Short regarding Business Occupancy Permit for a commercial condo. at Commerce Park; the approved list of uses was read; machine shop was included.

MM&S to send a letter to Ms. Short informing her that no further review is required based on the description in her letter and provided that the business is not in conflict with the Aquifer Protection Zone, Prohibited Uses, Section E, Number 18. (Motion by Mr. Landry, second by Ms. Faulconer) **PUNA**

- Letter previously received from Mr. Quintal regarding Rte. 125 Storage Facility and issues with Stormwater Management on the site.

ACTION ITEM: Provide Board of Selectmen with Enforcement Action Request; attach the Town Engineer's report.

- Emails between Danna Truslow and GeoCities regarding the Diamond Oaks Large Groundwater Withdrawals.
- Budget Updates received; Mr. Greenwood has spoken with Bruce Mayberry who was checking on whether the School District was planning on updating their Impact Fees.

ACTION ITEM: Mr. Greenwood will contact Mr. Mayberry about moving forward the Town's Impact Fees.

- Mr. Coppelman announced the upcoming CIP meeting.
- Update of a court case regarding vested rights from Town and City magazine had been distributed by email and was available for Board members.
- Town and City, May edition

MM&S to approve the April 17, 2012 minutes as amended; changing "differing" to "deferring". (Motion by Mr. Landry, second by Mr. Coffin) **Motion passed 5-0-1, with Mr. Heitz abstaining.**

PLAN REVIEW

Since the Board had already received Wicked CAS' submission for next month, it was reviewed for placement on the June public hearing. There was a request to waive to the engineering fees; Mr. Greenwood noted that should something come up to require additional review, the Board could amend this waiver and require that the applicant increase this amount.

MM&S to waive the engineering review fee from \$5000 to \$100. (Motion by Ms. Faulconer, second by Mr. Heitz) **PUNA**

By consensus, the Board added Wicked CAS to the June 19th agenda at 6:45.

Board Business, continued

Library Signage: Mr. Heitz asked Mr. Greenwood if he had been contacted by Lesley Hume of the Library Building Committee. He reviewed issues pertaining to the request of the Library Trustees to be exempt from the Town's Sign Ordinance. Mr. Greenwood answered that he had not been contacted by any representative of the Library Trustees. Mr. Heitz continued that Ms. Hume had mentioned their wanting an electronic sign and asked Mr. Greenwood if that type of sign conformed to the Town's Ordinances; Mr. Greenwood said that it did not.

Mr. Heitz explained that both he and Mr. Broderick, on separate occasions, had spoken with Ms. Hume about the sign that they wanted. He said he explained to her that he was aware that it is in the purview of the Board of Selectmen to waive an ordinance for municipal use but he thinks that it is bad precedence for the Town to ignore its own ordinances and should be followed whenever possible. He continued that if it was permitted for the Library then businesses would want a similar sign. He added that he had explained to Ms. Hume that he wouldn't consider a possible waiver without talking to the Planning Board first; he continued that he imagined that the Planning Board wouldn't want a sign causing distractions along the roadway. Mr. Greenwood stated that he and Ms. Faulconer had reviewed the Sign Ordinance today and found at least 3 to 4 sections that don't allow the type of sign Mr. Heitz was discussing including a section specifically referencing what was allowed for a library. Mr. Coppelman explained that even though a municipality does not have to follow its own regulations, the Town of Kingston has a history of trying to follow its own ordinances; he re-iterated that Kingston typically does try to follow the Ordinances. Mr. Heitz explained that the Board of Selectmen are not interested in providing a waiver unless the Planning Board felt that they would be proposing some type of revision to the Ordinance; he noted that he had explained to Ms. Hume that the size of the building was a different issue and necessary; this was not a necessary issue. The binding nature of votes was discussed with the Board agreeing that the will of the voters was binding regardless of whether there was a money issue involved.

Sustainable Communities Initiative: Mr. Heitz informed the Board that he had a discussion with a reporter regarding this issue and he commented that it was important for the Town to at least participate knowing that it was non-binding but worthwhile to hear the ideas that might be proposed. Mr. Greenwood re-iterated that it would be an advisory, Master Plan-like document.

Projects: Mr. Landry suggested that when the Board is not having a third Tuesday meeting of the month, the Board members might want to take that opportunity to work on the Board's list of Priority Projects; he was concerned that the Board doesn't wait to have a lot of the projects wait to be reviewed at year-end; he suggested discussing the priorities list and how to schedule and work on them to accomplish more throughout the year and not just at year-end. Ms. Faulconer suggested that the Board finalize the changes for the language for the Aquifer Protection Ordinance at the work session on June 5th to get that off the list and then establish the next project to be worked on.

ACTION ITEM: Mr. Greenwood will add "small generator" definition for Aquifer Protection Ordinance discussion on June 5th.

Workforce Housing: Mr. Coffin questioned the Town's status regarding Workforce Housing requirements. Mr. Greenwood explained that the majority of the housing fell within the threshold so a response was not necessary; if the housing stock conforms then there is not further compliance required. He added that the Town did respond with a Workforce Housing ordinance that was adopted two years ago for multi-family requirements.

ACTION ITEM: If there are no further submissions to review for the June public meeting, the May 22, 2012 meeting will be cancelled. Ms. Faulconer will notify the Board members.

MM&S to adjourn at 8:26. (Motion by Mr. Coffin, second by Mr. Heitz) **PUNA**