

**Kingston Planning Board
Public Hearing
June 19, 2012**

The Chairman called the meeting to order at 6:45 PM. There were no challenges to the legality of the meeting. Mr. Wilson noted that the meeting was not being televised.

Members in attendance:

Richard Wilson, Chairman	Adam Pope (Arrived with meeting in progress)
Glenn Coppelman, V. Chair	Stanley Shalett
Ernie Landry	Ellen Faulconer, Alternate
Mark Heitz, BOS rep.	

Absent: Peter Coffin, Richard St. Hilaire, Alternate, Glenn Greenwood, Circuit Rider/Planner.

**Wicked CAS
45 Route 125, Units 1,2,3
Tax Map R4-3**

Mr. Wilson invited the applicant, Nazar Demir, to address the Board; he read the Building Inspector's report which included that he had no knowledge of the expansion to units 2 and 3 as there was no Business Occupancy permit issued or requested; there were no sign permits for the site. Mr. Wilson explained the sign permitting process.

Mr. Demir explained that the business had originally been car audio installations and had expanded to car customization; they had recently expanded to using a dynamometer; he said the letter they submitted explained what they are doing and what they intend to do. It was noted that they needed to get a Business Occupancy Permit for the other two units they had expanded to and sign permits; they were here tonight to get permission to operate in the additional units and to use the dynamometer.

Mr. Demir stated that the business would be operating Monday through Friday from 9:00 AM to 6:00 PM; Saturday from 10:00 to 5:00 with summer hours being 9:00 to 3:00; they would be closed on Sunday with the exception of an occasional car show. He added that there were 5 (five) full-time employees and 2 (two) part-time employees.

Mr. Demir explained that racing fuel was sold on-site in limited quantities of three to four five-gallon cans at a time. The names of the companies involved are Wicked CAS and Granite State Auto.

ACTION ITEM: Mr. Wilson stated that the Fire Department should be notified of the racing fuel on the site.

Mr. Demir explained the previous uses of the building which included a motorcycle shop. He stated that a garage door had been installed between Units 1 and 2 and a lift had been installed to

obtained for either the garage or lift; Mr. Demir stated that he assumed the professional doing the installation had obtained them; he stated that he had not seen any permits posted at the location during these installations. Mr. Heitz said that this issue would be addressed during the review for the Business Occupancy Permit. Mr. Coppelman re-stated that this was an expansion of the space and could certainly be considered an expansion of the uses going on; he commented that the plan should show the additional space and how it impacts the site plan approval; the impact on the neighbors, the noise, etc.

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

Mr. Wilson explained that if the noise is spilling into the abutting residential zone then it had to be corrected; the Board may need to measure the noise at the property line where it abuts residential property. He stated that the expansion did not concern him but the noise levels may need to be contended with in some way. Mr. Shalett asked if there was a way to reduce the noise levels; Mr. Wilson said the first step would be to get the readings. Mr. Coppelman asked for an explanation of the operation of the dynamometer, when the doors were opened, etc.

Mr. Demir explained the process stating that it makes noise for about 15 seconds for every ten minutes and if the weather is good, they leave the door open. Brian, of Granite State Auto, stated that they need to open the door to air out the facility. Mr. Demir said that they have no problem keeping the door closed if they have to.

ACTION ITEM: Mr. Wilson will contact Chief Briggs about setting up a noise test.

Ms. Faulconer asked about air quality issues for the site and the employees.

Mr. Pope read the ordinance regarding noise levels at the property lines for Rural Residential and Single Family Residential zones. Mr. Wilson explained the process for taking noise level tests. He opened the discussion to the public.

Charles Osborne of 19 Pillsbury Pasture Road addressed the Board; he said he had concerns about odor control and noise abatement. Mr. Wilson explained that there was a prior approval for the site and that any changes to the site needed to come to the Board adding that the applicants were not the owners of the property but the owners of the business. It was confirmed that the dynamometer was not a portable item, it could not go outside. Mr. Osborne said that currently there is an intermittent constant noise for about 5 to 10 minutes and then it is quiet. Mr. Heitz explained that this is a piece of equipment that has been operating for over six months and the applicant is here to come into compliance; he explained the Planning process regarding a new business coming into an existing commercial building. Mr. Osborne explained that he comes from an industry with noise and odor issues and these issues were solved inside the building. Mr. Demir clarified that the use was for cars only, not for trucks. Mr. Shalett asked how loud the noise is in comparison to a chain saw or lawn mower. Mr. Coppelman assumed that the noise would be dependent on the type of vehicle being used. Mr. Landry suggested that the Board determine a minimum vehicle level for the test; Mr. Demir said that they would have a suitable car available for the test. Ms. Faulconer asked if there were any safety requirements

regarding noise or emissions for the employees when using this equipment; Mr. Demir answered that there were no requirements.

Mr. Demir said that no painting is done on the vehicles at this location. Mr. Osborne asked what the Planning Board's understanding was of the Sunday car shows. Mr. Demir said that there were about 100 cars for a special six-hour event; they had a police detail. Mr. Demir confirmed that the racing fuel on site is only by special order at a minimal amount of three to four 5-gallon containers. Mr. Osborne asked if there were no current regulations on custom car specifications or the number of cars allowed on site or parking for the cars.

Ms. Faulconer asked if this activity might qualify for a Special Event permit.

ACTION ITEM: Mr. Heitz agreed to review the Special Event permit to see if the Wicked CAS car shows meet the requirements for a permit.

Mr. Wilson confirmed for Mr. Osborne that the public was permitted to attend the site visit for the noise test.

Dan Mastroianni handed out a letter that he wrote to the Board regarding this application; Ms. Faulconer read this letter aloud for the Board and the public; issues included compliance with Article 408 regarding noise, activity within the buffer, vehicle washing. Mr. Demir confirmed that they do pressure washing of cars on the site. Mr. Wilson noted that the 25 foot buffer compliance has been an issue on this site. Ms. Faulconer stated that pressure washing of cars could be a significant issue due to the proximity of the wetlands.

Mr. Wilson stated the Mr. Greenwood had provided comments with his overall issue being the noise levels with a suggestion that the use of the dynamometer be limited to specific times.

Mr. Pope read that Article 408 appeared to be for vehicles on any public road and did not seem to apply. Mr. Mastroianni suggested that the entire section of the "purpose" be read as it is explaining what is illegal. Mr. Wilson replied that the language includes "prolonged". Mr. Mastroianni suggested that the Board have Town Counsel review the ordinance for applicability. Mr. Heitz explained that this ordinance had been proposed by Chief Briggs and referred to vehicles on public ways. Mr. Pope said that it may be worthwhile to have the ordinance reviewed but the noise levels might not be considered unreasonable. Mr. Wilson said the Board would need the meter readings; Mr. Pope said that the Board would have to determine what is loud and unusual in the Commercial zone.

MM&S to conduct the site walk for Wicked CAS on Saturday, July 21st at 9:00 AM; to meet in front of Unit 1; continue to hearing to August 21st at 6:45. (Motion by Mr. Pope, second by Mr. Shalett) **PUNA**

ACTION ITEM: Ms. Faulconer will notify Chief Briggs of the scheduled time and date of the site walk/sound test; if he is unavailable arrange for Mr. Wilson to borrow the noise meter.

**Board of Selectmen/Town of Kingston
Lot Line Adjustment
Church Street
Tax Maps U10-12, 13**

Mr. Heitz explained that the parties involved had not come to any conclusions at this point; the Seminary Trustees meet again in August.

MM&S to continue this hearing to September 18th at 6:45. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**

Board Business

Correspondence:

- Kingston Lake Association Meeting announcement
- Civil Construction Invoice and Early gravel pit report; the invoice for this review to be paid out of the gravel pit bond for this site.
- Civil Construction Invoice and Magnusson gravel pit report; the invoice to be paid out of the gravel pit bond for this site.

Mr. Wilson reviewed the site walk for the gravel pits. The Early site had been cleaned up a bit; silt fence is maintained; front retention pond fills up, it freezes and drains onto Rte. 125; Mr. Early said that the State was supposed to address this.

ACTION ITEM: Contact Mr. St. Hilaire about the Early site to see if the Town wants to contact the State about addressing the drainage onto Rte. 125 issue.

Mr. Wilson continued reviewing the gravel pit site walk; he said that Mr. Magnusson considers the pit closed and had basically already restored it; there is no further action.

MM&S to issue a gravel pit permit to Mr. Early. (Motion by Mr. Heitz, second by Mr. Coppelman) **PUNA**

- Danna Truslow report and invoice for Granite Fields LGW permit received and approved, to be paid out of the existing bond for the site. The Board reviewed water issues regarding Diamond Oaks; the bond is almost depleted.

MM&S to require Diamond Oaks to replenish the Bond back to \$5,000 prior to their upcoming hearing. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**

ACTION ITEM: Ms. Faulconer to contact Mr. Dufresne regarding replenishing the Diamond Oaks' bond.

- Water Conservation Plan approval from the State for Diamond Oaks.

ACTION ITEM: Ms. Faulconer to scan the Water Conservation Plan and send to the Board members.

- Bankruptcy court issue reviewed.

ACTION ITEM: Ms. Faulconer to contact Attorney Kalman regarding Bankruptcy Court decision; plan being reviewed.

- Civil Construction invoice regarding meetings as Town Engineer, approved to pay.
- Budget reviewed
- Letter re: Residential Home Occupation at 157 Main Street; Board consensus: If they comply with the ordinance the Planning Board does not require any additional review.
- Letter from 4 Hunt Road and Notice of Violation was read; Board consensus was that this needs a site plan as it does not meet the requirements for a Residential Home Occupation.
- Memo regarding Hunt Road development and water withdrawal. Mr. Coppelman thought that the abutting Town should have probably declared the development of regional impact.

ACTION ITEM: Ms. Faulconer to work with Mr. Greenwood on who to contact about concerns, (Hampstead, PUC, DES); contact BOS re: contacting PUC or DES regarding possible expansion of well use/LGW withdrawal permit.

- Contact Town Engineer to revisit Kingston Self-Storage in July regarding Stormwater Management repair on the site.
- Letter received from Ragusa
- Wetlands Permit from Ridgewood Association
- Kingston Country Store letter; needs Planning Board input for Business Occupancy Permit.

Mr. Wilson noted that picnic tables seem to be set-up outside the store.

ACTION ITEM: Ms. Faulconer to send a letter to Kingston Country Store that no further Planning Board review is required per the activity noted in the letter; add that there are no outside activities/sales (including picnic tables) approved for this site; need to comply with Ordinances and regulations (example: HDC, Signs, Health); all applicable food licenses must be obtained. Notify Health Officer that food is being sold on-site.

Mr. Heitz noted that the Board of Selectmen is looking into training people to be able to televise the Board's hearings.

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

MM&S to approve the May 15, 2012 minutes as written. (Motion by Mr. Coppelman, second by Mr. Landry) Motion passed 4-0-2 with Mr. Pope and Mr. Wilson abstaining.

- On-line Training information was distributed.
- Water issues were discussed.

ACTION ITEM: Ms. Faulconer to contact Attorney Ratigan regarding Water District language he was going to provide to the Board.

ACTION ITEM: Send Article 408 to Attorney Loughlin; review the “purpose” section: does the first sentence/first paragraph limit the applicability of the ordinance (just vehicles on the road or applicable to the entire Town).

OTHER BUSINESS:

Lesley Hume, representing the Library trustees, asked to speak to the Board regarding survey work done for a lot line adjustment for the library and the abutting property owners, Mr. Pernokas and Mr. Winwood; land needs to be deeded to the Town; there was a question whether it would be appropriate as a lot line adjustment or subdivision due to issues surrounding the road and requirements by the Road Agent. The application process and deadlines were explained to Ms. Hume. The Board felt that a lot line adjustment was the proper avenue but suggested speaking with Mr. Greenwood and Mr. St. Hilaire to properly achieve the necessary goals.

MM&S to adjourn at 9:12. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**