

**Kingston Planning Board
Public Hearing
December 11, 2012**

The Chairman called the meeting to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Ernie Landry
Glenn Coppelman, V. Chair	Peter Coffin
Mark Heitz, BOS rep.	Stanley Shalett
Ellen Faulconer (Alternate)	

Absent: Adam Pope, Richard St. Hilaire, Alternate
Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Samantha Mooskian
In-door Gun Range
21 Rte. 125
Tax Map R3 Lot 2

Mr. Wilson opened the hearing. It had been brought to the Board's attention that several abutters had not been properly notified. Mr. Wilson closed the hearing and application due to improper abutter notification. The applicant was informed of the need to re-apply to the ZBA and then to re-apply to the Planning Board.

Correspondence:

- Ms. Faulconer told the Board that Wicked CAS called about the condition of approval sound test; the machine might be relocating for several months; Ms. Faulconer told the owner to write a letter to the Board asking for a continuance; a letter has not yet been received.
- Mr. Coppelman had provided information to the Board regarding NH Community Planning Grant program as he thought it might be an interesting opportunity for the Board; he thought it might be a possibility as the Board looked ahead for ordinance re-writing. Mr. Greenwood explained the program.

ACTION ITEM: Mr. Greenwood and Ms. Faulconer will check program; possibly review for subdivision alternatives for the CPG program.

- Letter received from FCC representatives supporting recent subdivision approval; the Board is still waiting for letters from the Sanborn Trustees and the Masons.
- Northeast Atlantic Properties re: Andrew Wilkins and Auto/Truck repairs on that site: to be discussed at his meeting with the Board.

- Mr. Wilson noted that Mr. Garceau's signs were off when he drove by at 10:10; the next day there was a pattern of some kind on one of the signs and a message advertising massage tables or chairs along with the other signs on the building.
- Mr. Wilson spoke with Mr. Daher about getting the cars off the unpaved surface; these cars have all been removed and a different fence than the original has been installed. Mr. Heitz stated that he went and saw the lights on the property and the fixtures look like they were old fixtures; the cars were all pulled off the gravel area; he said it seemed like everything had been addressed.

Victor P. LaBranche
Six Little River Road Realty Trust
6 Little River Road
30 Little River Road
R34 Lots 44 and 44-1

Charles Tucker introduced himself as the attorney representing Victor LaBranche and the realty trust; he explained that Victor LaBranche's son manages the farm. V. LaBranche is selling a conservation easement to the South East Land Trust; in doing the survey for the easement, to cut out a section of the lot for D. LaBranche's property, it was found that there was an issue with buildings in relation to the lot lines. The Lot Line Adjustment is proposed in order to have the easement not include any of the developed area and solve the setback issues. D. LaBranche's property is currently 2.01 acres; it will become 2.78 acres adding another 60 feet to the current frontage. Mr. Coppelman said that this would make the lot more conforming. Mr. Heitz asked if it was in the Aquifer Zone; Mr. Greenwood said it was and agreed with Mr. Coppelman that it wasn't pertinent as the lot was becoming more conforming. Mr. Coppelman noted that the original smaller lot was carved out years ago. Mr. Shalett asked the status of the disputed land with Mr. Magnusson. Mr. Wilson read a note received by Mr. Magnusson who was in favor of the lot line adjustment proposal. A motion was discussed; Mr. Heitz asked about requirements for concrete or granite bounds at lot corners; existing iron rod markers, existing monumentation was reviewed. Attorney Tucker was okay with adding a condition about the markers.

MM&S to approve the lot line adjustment as proposed with the additional condition that the back two (2) lot corners be marked with concrete or granite bounds per the Town's ordinances. (Motion by Mr. Coppelman, second by Mr. Coffin)

The discussion returned to the lot line markers. Attorney Tucker was inclined to leave existing markers that were drilled holes in rock walls as is. Mr. Coppelman reviewed the plan with the notes regarding the markers one note refers to the original and then to a found drill hole; Mr. Heitz said that a monument will clear up any of the drill hole confusions. Attorney Tucker said that the new plan will be recorded which will clear up any past issues. Mr. Heitz said that due to the Town's involvement, the bounds should be clearly delineated and setting the monuments should be required. Mr. Coffin noted that a monument can't be put in a stone wall. Mr. Shalett said that if the stones could be moved, there should be a monument. Mr. Wilson said that if there was any dispute, a new survey would be required. Mr. Landry clarified that the SE Land Trust is holding the easement, the Town has executor interest. Mr. Greenwood said when marking a boundary, it needed to be put in the right place, not near an existing marker.

Abutter, Doug Wright of 29 Little River Road, asked the Board to clarify the lot line adjustment and where the additional land was coming from. Mr. Wilson explained that there are two parcels essentially owned by the same family and this was a transfer between them. Mr. Tucker showed him the plan and explained what was happening.

The Board returned to vote on the motion: Passed Unanimously (PUNA).

Andrew Wilkins
Northeast Atlantic Properties
Rte. 125

Mr. Wilson referred to the letter previously read during correspondence. Mr. Wilkins explained that he was moving into Unit 6 which had previously been a truck repair facility. Mr. Coffin confirmed that this was in the southern end of the building. Mr. Wilkins said that he would be operating between 8 and 5, Monday through Saturday.

Mr. Wilson explained that he would need a Business Occupancy Permit prior to beginning operating in the facility; a sign permit would be needed. He talked about parking; Mr. Wilson said that he can't have more cars than available spaces; Ms. Faulconer noted that in his proposal he appears to be taking up ½ of the spaces available for all of the development. Mr. Coppelman said that there is an approved site plan and wanted to make sure the applicant was aware of the plan. Mr. Wilkins said that he would come to the office to look at it to make sure he was following the plan. Mr. Coppelman encouraged him to review the plan for his own benefit as the Planning Board would not like to have to issue a complaint to the Town's enforcement body. Ms. Faulconer said that he would need to see the plan to make sure he was complying with the approved parking plan.

The Planning Board, by consensus, determined that no further review was required. Mr. Wilson re-iterated the need for the applicant to get a Business Occupancy Permit.

Public Hearing
Planning Board Proposed Warrant Articles

- **Aquifer** proposal reviewed; all set to move forward to Town Meeting.
- **Telecommunications** reviewed; all set to move forward to Town Meeting.
- **Livestock** reviewed; all set to move forward to Town Meeting. Mr. Heitz asked about going forward with this proposal again; Mr. Wilson said this was only the second time; it failed by a small amount last year, there were a lot of inaccurate rumors, the Board is going to try to better educate the public on the intent. Mr. Greenwood explained that there is no limit on proposing ordinance changes as the vote of one Board cannot control the vote of a future Board. Mr. Coffin suggested adding that the State was in favor of the ordinance; Mr. Heitz said that the Board has been advised not to editorialize in a warrant article. There was discussion on asking for legal advice on adding language.

ACTION ITEM: The Board authorized Mr. Greenwood to contact Attorney Loughlin to ask about adding the language to the article.

- **Noise Ordinance:** approved to go forward as voted at the last Board meeting; to go to the January public hearing prior to going to Town Meeting.
- **Impact Fees:** Mr. Wilson suggested accepted Mr. Mayberry's proposal as presented. Mr. Coppelman said that this would not allow for any changes; Mr. Greenwood confirmed that any changes would need to be done this evening, he added that Mr. Mayberry knew what he was doing and in reviewing the proposal, he didn't see anything that was incorrect. Ms. Faulconer told the Board that Mr. Mayberry had been gathering information and meeting with Department Heads so the ordinance changes could get on the ballot; he will continue working on the project during the year.

MM&S to place the Impact Fee Ordinance on the January 8th public hearing for placing on the upcoming ballot. (Motion by Mr. Coppelman, second by Mr. Landry) PUNA

Mr. Wilson reminded the Board that the public hearing is being held on January 8th at 6:00 PM; Ms. Faulconer will send out a reminder to the Board.

- **Tax Map Changes:** Mr. Greenwood explained that the proposals takes care of those lots that were missed when the Board made changes to clear up the lots affected by "split zoning". Mr. Greenwood explained that the section involving U10 will be added to the existing description; these lots are already shown by the tax map to be in the zone but the text is confusing as these lots are left out; this is an explanatory change for an existing condition and does not need to go on the ballot.

ACTION ITEM: Ms. Faulconer will give these changes to Ms. Sanford in the BOS office; change the ordinance accordingly.

MM&S to place on the public hearing to bring to the March 2013 warrant the changes as presented by Mr. Greenwood which includes changes to R5, R22, R32 and R35. (Motion by Mr. Coppelman, second by Mr. Landry) PUNA

Plan Review:

- **Small Pox Lot Line Adjustment** to be added to the January 15th agenda at 7:00.
- **Benevento Bituminous Products:** Mr. Greenwood noted a couple of problems with the plans as they show a subdivision line was not approved by the Board which would need to be removed. Mr. Greenwood explained that the proposal was an expansion of a non-conforming use as this use was no longer allowed in the Industrial Zone. Mr. Wilson suggested that the property was in the Rural Residential Zone. Mr. Coppelman read section 304.11 that requires that any Industrial Development not located in the existing Industrial Zone must have approval of the Town after being approved by the BOS. Mr. Greenwood agreed that if in the Rural Residential Zone, it would need Town Meeting approval. Mr. Greenwood looked up the property tax card which says Rural Residential but notes the Industrial use. Mr. Coppelman read the Industrial Zone description which includes all of tax map R2; Mr. Heitz questioned if it addressed anything about split lots.

Mr. Greenwood said that either way the Planning Board cannot place on the agenda; if RR, it needs BOS approval and then Town Meeting approval; if in Industrial, it has to go to ZBA. The matchline on the properties and the tax maps were reviewed. After reviewing the tax maps and the proposal's plan, Mr. Greenwood stated that the proposal is entirely in the section of the property located in Tax Map R2. He added that if it is in the Industrial Zone, there is currently a legally existing non-conforming use that is proposing to expand to an additional non-conforming use; that proposal would need to go to the ZBA. Mr. Wilson said that it is his opinion that the section that they are proposing for the development is in the Industrial Zone and would therefore need to go to the ZBA. It was the Board's consensus that this proposal not be put on the agenda as it is an expansion of a non-conforming use which requires ZBA action.

Board Business, continued:

Mr. Landry reviewed a proposal/warrant article that FOKOS brought to the Board of Selectmen. He explained that FOKOS does not solicit land located in a commercial zone but the owner of the property approached them; the heirs of the property were trying to abide by their grandparents' wishes to have the property preserved; they were referred to the SE Land Trust. FOKOS and the property owners met with the BOS for their input. Mr. Landry explained that the issue was that the landowners want to have the property conserved but it would take 50 acres out of Commercial Zone I. Mr. Heitz said that the BOS position was that they would not encourage FOKOS to look to conserve land in the commercial zones but since approached by the property owners, they would not object to the purchase. Mr. Coppelman said that the easement would potentially limit access to other parcels but also agreed that he would not object especially if the landowner wanted the land to have a conservation easement.

MM&S to adjourn at 8:25. (Motion by Mr. Coppelman, second by Mr. Shalett) **PUNA**