

**Kingston Planning Board
Public Meeting
October 4, 2011**

Mr. Coppelman called the meeting to order at 6:30 PM. There were no challenges to the legality of the meeting. Mr. Coppelman announced that Mr. Wilson was not able to attend the meeting; he would be acting as Chairman for the meeting.

Members in attendance:

Glenn Coppelman, Vice Chair	Adam Pope
Ernie Landry	Jay Alberts
Mark Heitz, BOS representative	

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant (Board Alternate)

Absent: Richard Wilson, Richard St. Hilaire (Alternate)

Board Business

Committee Updates:

Mr. Coppelman reported on the HDC meeting including the “remember when” gathering sponsored by the HDC in anticipation of the 325th anniversary. Mr. Alberts commented on a recording done for a previous anniversary event. Mr. Alberts did not attend the last ZBA hearing. Mr. Coppelman announced that the Article 22 Land Subcommittee has been rescheduled for Nov. 1st at 6:00 PM; the CIP meeting was cancelled with a possible rescheduled date for the 3rd Thursday in October.

ACTION ITEM: Mr. Greenwood and Ms. Faulconer to confirm and post the meeting date; notify committee members.

Mr. Heitz reported on the Water District; there was nothing new and some recommendations that might need to be reviewed; there were areas to be established in conjunction with the Planning Board. Groundwater classification was discussed. Mr. Greenwood suggested that Paul Susca from DES might come to speak to the Planning Board and Board of Selectmen about this classification system. Since this did not seem necessary for any Town meeting action, the Board decided to plan on this after the last January public hearing.

Correspondence:

- 2011 Law Lecture material has been received; will be available in the P.B. office.
- List of properties received from BOS office questioning whether the zoning was supposed to have been changed last year.

ACTION ITEM: Mr. Greenwood and Mr. Wilson will review the zoning question list and bring back to the Board with recommendations.

- Email request from the Sad Café to postpone from the Oct. 18th agenda to the November public hearing agenda.

Mr. Coppelman stated that the request would need to be addressed at the noticed time of the public hearing; the Board consensus was that a formal request was required for the hearing that included the reason for the request so the Board could discuss whether the request warranted the continuance which would be decided at the hearing.

ACTION ITEM: Ms. Faulconer to contact the Sad Café about the Board's requirements for a continuance.

- Supplemental report from Geosphere for Diamond Oaks
- Public hearing notification for Diamond Oaks for Oct. 17th at 7:00.
- REDC notification of update of CEDS and new project solicitation.
- Volunteer Log
- Resident complaint received on car lots not in compliance: Early, LePage, corner of Rte. 125 and Hunt Road.

ACTION ITEM: Ms. Faulconer to send letter to Early and LePage re: compliance with approved site plan. (done by Board consensus)

- Voluntary Lot Merger for 21 and 23 Maple Street, Tax Map U2-10, 11; the Board reviewed the documents and property cards to confirm that requirements were met.

MM&S to approve the Kaiser lot merger, authorizing Mr. Coppelman to sign as Acting Chairman. (Motion by Mr. Alberts, second by Mr. Landry) PUNA

- LGC Training Session
- GACIT hearing notification, Oct. 13 at 7:00 in Plaistow.

Ms. Faulconer stressed the importance of Kingston being on the record of still being interested in being on the plan. Mr. Heitz took note of the meeting to address the Town's concerns.

ACTION ITEM: Ms. Faulconer to check with BOS Administrative Assistant about sending a letter to the hearing on behalf of the Town; a copy of the letter to be sent to Cliff Sinnott or Dave Walker at RPC to bring to the meeting.

Mr. Coppelman will attend if his schedule permits.

- Expansion of use letter from the Building Inspector re: the Kuzirian property was read; this was a follow-up from a previous action item; Ms. Faulconer will return to the Board upon phone call from the property owner or letter back to the Building Inspector.

ACTION ITEM: Ms. Faulconer will contact the owners of John's Truck and Auto regarding registering the mylar and associated fees.

- Mr. Daher and Mr. Michaud had each contacted the office about numbering on the site of
- Chief Briggs about the numbering, using #8 and #8A on the site; Chief Briggs had no issues. The Board discussed the numbering request. The Board decided that it made better sense to have the larger building, as the primary use of the property, be #8 with the smaller, more auxiliary use being #8A. Mr. Heitz suggested that if the owner felt this was a big issue, he could come in to discuss it with the Board.

MM&S to number the large building at 8 Rte. 125 as #8 and the smaller building on the property be numbered as 8A. (Motion by Mr. Alberts, second by Mr. Coppelman) Motion carries 5-1 with Mr. Pope opposed.

ACTION ITEM: Ms. Faulconer to contact Mr. Daher and Mr. Michaud about the numbering at 8 Rte. 125.

Proposed Ordinance Discussion

Car Lots/Gas Stations:

The proposal was distributed; the language is based on Plaistow's ordinance restricting development of each within 1000 feet of a similar use. Ms. Faulconer explained that currently only one commercial zone allows the use which is limited by the Aquifer Protection Zone. Mr. Pope suggested separating the two issues, not including the Aquifer discussion with the car lot, gas station discussion. The Board agreed. The Board discussed the proposal including other municipality's success in upholding this type of ordinance with court scrutiny; certain responses to different types of land uses; encouragement of competition. Mr. Greenwood suggested reviewing the Master Plan in regards to the issue of car sales and gas stations. Ms. Faulconer said that she understood that part of Plaistow's restrictions had to do with a community only needing a certain amount of an activity to serve the needs of their community. Mr. Alberts felt that a court would uphold if the Town had an ordinance in place but was not in favor of restricting the development of car lots or gas stations. There were comments made concerning recommendations and warrant articles. Mr. Pope questioned whether this was an option that the Board wanted to pursue. Mr. Landry stated that while diversity was good, having multiple car lots next to each other along the highway was not good; he wondered whether the Board should discuss what types of development they wanted for the Town. Mr. Heitz stated his belief that the market will drive the development. Mr. Coppelman said that he likes cars but he does dislike looking up and down Rte. 125 and being a magnet for used vehicle sales. Mr. Heitz agreed that he doesn't like to see a lot of car lots as they tended to be unsightly and dirty-looking but he was not sure the Board should be prohibiting businesses; he agreed that prohibiting these activities on the Aquifer made sense. Mr. Greenwood noted that more Towns are putting spatial distances between large "box" retailers; planners are seeing a lot more of these spatial distance restrictions.

He confirmed for Mr. Heitz that they have stood up to court scrutiny; existing uses would be grandfathered.

Mr. Coppelman suggested supporting continuing talk about vehicle sales but not necessarily gas stations. Mr. Heitz said the gas stations and car sales had restrictions and limitations due to the Aquifer restrictions. The Board agreed to no longer discuss the distance restrictions for gas stations and continue discussing the 1000 foot restriction on vehicle sales in C-III. Mr. Pope commented that he would like the discussion with the full Board in attendance.

Ms. Faulconer commented on the number of inquiries for properties along Rte. 125 that might be suitable for used car sales. She stated that the requirements for auto dealer licenses were such that a very minimal building could be erected with the rest of the land being used for displays that did not really do much for the commercial tax base or creation of jobs hopefully associated with commercial development. Mr. Heitz wondered if the Board to develop a requirement for a specific use to have a minimum size building; Mr. Greenwood did not think that was possible but added that perhaps it could pass muster with community support. Mr. Pope wondered if it was possible to change the ordinances to not limit the spacing but require how it looks. Mr. Greenwood said that there was a maximum size for a building in rural residential but not a minimum. Mr. Pope wondered whether it was possible to limit a ratio of the building to the number of vehicles. Mr. Greenwood said it was very common in urban areas. Mr. Heitz said that the Town would be more likely to have an upscale dealership if they were required to have a minimum size showroom. The Board discussed these requirements as they apply to new and used dealerships; establishment of a design that the Board is comfortable with; operators willing to meet the design standards.

ACTION ITEM: Ms. Faulconer will add the car lot ordinance discussion to a future agenda.

Recreational Overlay/Zone Discussion:

Mr. Coppelman turned the discussion over to Mr. Alberts to explain the proposal that was distributed by email and handed out at the beginning of the meeting. Mr. Alberts noted that there are not ordinances like this anywhere in New Hampshire so it was developed as a platform for the Board with assistance from Mr. St. Hilaire and Jeff Gleason from Camp Lincoln; he also thanked Mr. Coppelman for sending National information to him.

Mr. Alberts explained that this was proposed as an independent zone, not an overlay zone, so as not to need to refer back to the original zone. He suggested using some of the innovative zoning criteria to establish open space; utilize cluster development criteria; combined with NH's State Administrative Rules. He added that the Board should discuss an option to have a percentage outside of the Open Space to not exceed a specific percentage, to be determined by the Board. Mr. Heitz confirmed with Mr. Alberts that the proposal was not an overlay but rather "spot-

zoning” for existing uses. Mr. Alberts added that it would be a permanent restriction or it would revert to the previous designation that existed prior to the Ordinance being approved. The Board discussed aspects of the proposals establishing guidelines for recreational facilities existing in Town and establishing the way to have a new location. Mr. Alberts shared his past camping experiences with the Board.

Mr. Alberts reviewed the permitted uses and other requirements.

ACTION ITEM: Mr. Alberts will contact the Fire Department about spacing of buildings.

Ordinance compliance for new structures and grandfathering was discussed; expansion of use compliance was reviewed. Mr. Pope suggested that the terms “improvement” and “expansion” needed to be better defined. Mr. Alberts stated that the Board would need to review and determine setbacks.

Prohibited uses were reviewed as presented; Mr. Alberts reviewed standards that he found in the Ordinances and Rules; “Living Space”; disabled person occupancy. Mr. Alberts noted that there were items in the proposal that were in multiple places and agreed that the redundancy needs to be removed. Mr. Pope asked about the current zones that the recreational areas existed; Mr. Alberts answered they are in SFR and RR, the Fairgrounds might be in C-II, the State Park is in HD-I; Hoyt’s Island is on Country Pond.

Mr. Landry congratulated Mr. Alberts on crafting the proposal. He believed there was a threshold question that needed to be answered about spot-zoning before the Board continued discussing the proposal. He recognized that the camps have problems changing their structure but wonders how the Town would feel about changing these specific lots; he re-iterated his concern about this being spot-zoning. His next concern was on the “end” state of a Camp if they took advantage of the options available in the proposal. Mr. Heitz agreed that the Board needed to determine how much a camp could build out without the underlying restrictions. Mr. Coppelman returned to the question of spot zoning; if the proposal is intended for sites that already exist, is it spot-zoning or codifying what exists on the ground. Mr. Greenwood said that by including multiple spots it isn’t granting exclusive rights to some property owners that another property owner doesn’t have; he suggested having Counsel look at the issue of spot-zoning versus codifying existing land uses. He also informed the Board that he and Mr. Alberts had discussed this proposal and he wasn’t sure that an overlay zone wasn’t the right way to go. Mr. Pope asked if this Use could just be added to the zone. Mr. Coppelman liked the “revert” clause but had concerns about a new lot being developed that would then be spot-zoning; he referenced a property that had once been a campground but changed into a water facility that has been discontinued and is now for sale; he wondered if this lot could be a campground again. Mr. Greenwood said that the issue would need to be re-evaluated. Mr. Pope suggested making it a “use type”, if allowed, then the underlying zone isn’t allowed. Mr. Coppelman agreed that the language could be worked that stated that if this use was proposed then the underlying zone

restrictions didn't apply; the Board would need to determine where new uses would be allowed. Ms. Faulconer cautioned that the existing types of zoning might affect the development and the extent that expansion is or should be allowed which the Board might need to keep in mind when reviewing this proposal.

Mr. Pope asked why the proposal referred to non-profit only referencing leadership camps that are similar but not "not for profit".

ACTION ITEM: Mr. Pope will get information on "leadership" and other for profit camps to Mr. Alberts.

The Board agreed that this proposal is not referring to RV Parks or areas to pitch a tent. Mr. Coppelman stated that this was a lot of food for thought and a good start. Mr. Landry re-iterated the need to get answers as to whether this is spot-zoning or not.

ACTION ITEM: Mr. Alberts and Mr. Greenwood meet at 1:00 on Oct. 17th to talk about the "overlay" aspect; talk with Peter Loughlin about the spot-zoning issue and return to the Board on October 18th with an update for the Board.

Mr. Pope said he was more in favor of looking at certain areas as an overlay and be able to allow new development. The Board, by consensus, agreed.

Mr. Landry added that he hated to have the ordinance so open-ended; he would like to work out the build-out impact.

ACTION ITEM: Mr. Greenwood will give the parameters to Robert Pryune at RPC so he can do the build-out analysis on a site.

Mr. Landry explained that he is not saying that the proposal might not be a good idea but it could become an issue for the community and he required additional information. Ms. Faulconer suggested that the Board should think about the possible other uses that might be developed that have nothing to do with the actual functions of the camp and expansion of use and activities within different zones and its impact on those areas. Mr. Heitz thought the Board should consider use restrictions on the different properties. Mr. Greenwood said that the Board wants present camps to do their business as camps. Mr. Coppelman commented that this was a good discussion; Mr. Landry thanked Mr. Alberts for providing the proposal ahead of time to review before the discussion.

MM&S to adjourn at 9:16. (Motion by Mr. Pope, second by Mr. Landry) **PUNA**