

**Kingston Planning Board  
Public Hearing  
April 16, 2013**

The Chairman called the meeting to order at 6:47 PM. There were no challenges to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman	Ernie Landry
Peter Coffin	Stanley Shalett
Mark Heitz, BOS rep.	Adam Pope

Absent: Glenn Coppelman, Richard St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner, Ellen Faulconer, Admin. Asst.

**Holly Williams**  
**6 Chase Street**  
**Tax Map R34 Lot 24A**

Tim Lavalley stated that he was before the Board representing the applicant who was proposing a dog grooming business at the location; this is a continuation from last month. Mr. Lavalley pointed out the revisions that the Board had requested on the new plan; a note has been added that there is a 200 ft. well radius; setback lines were added. He explained that Sheet 1 is the existing conditions plan; Sheet 2 shows the proposed conditions. He said that the applicant would be removing the garage door and replacing it with a walk-in door; there are currently three parking spaces on existing pavement. He continued that the proposed sign location was added to the plan with a note that this will conform to the current regulations and the applicant is aware that they need to get a sign permit; no dumpster is proposed; no extra lights are being added to the property, they are going with the existing lights; the activity will be inside the existing garage.

Mr. Heitz noted that the plan shows a note for the 75 foot well-radius; this should be noted at 100 feet per the Town's regulations; the radius is correct but the note is wrong. Mr. Pope added that hours of operation should be included in the notes.

The Board determined that only Sheet #2 needed to be recorded; the Board re-iterated that the mylar needed to have the 100 foot radius note and the hours of operation note added to the plan/mylar for recording. Mr. Lavalley confirmed that the proposal was only for grooming; there would be no overnight keeping of dogs on the site. He stated that the dimensions from the leach field were added. He had provided a copy of the approved septic plan to the Board. Mr. Greenwood agreed that the new plan addressed the previous issues raised by the Board and confirmed that the Board had taken jurisdiction of the plan at the last meeting.

**MM&S to approve the plan with the following conditions: change note on the plan regarding the well radius from 75' to 100', add a note regarding the hours of operation and**

**the number of employees. The conditions need to be met within 90 days.** (Motion by Mr. Pope, second by Mr. Wilson) **PUNA**

## **Board Business**

### **Correspondence:**

- Green bond release request; approved by the Board.
- Andy's Auto repair plates request; this had been continued from the last meeting. A B.O.P. was finally approved and the BOS is working on the rest of the site being in compliance; the Board okayed the request and forwarded to the BOS.

Mr. Heitz discussed issues with the Board regarding plan approvals and fire protection. The Board agreed that any changes to a plan after the Board's approval needed to come back to the Planning Board for a revised plan; the changes needed to be recorded. Mr. Heitz asked about requirements being recorded on individual deeds. Mr. Greenwood stated that he has seen Town's that use a "performance agreement" for fire suppression requirements. He added that often specific covenants are included in the property file; it is a Real Estate Agents responsibility to disclose/provide these at the sale of a property; he agreed that it would be a good idea to have a notation in every property file affected by a requirement on an approved plan.

### **ACTION ITEM: Per Mr. Wilson, add Performance Agreement/Fire Suppression/other Requirements to the Board's project list for this year.**

It was suggested that it would be a good idea to alert the BOS office regarding any specific requirements so it could be noted/flagged on the front of the property folder as a communication tool.

- Wally's Recon: continued from last month, this is a request for retail vehicle plates; Ms. Faulconer found a letter of approval from the Planning Board in the property file from 1997; the Board approved and forwarded to the BOS.
- 3 New Boston Road: letter explaining proposal for commercial use and asking Planning Board for guidance. The Planning Board determined that they have no ability to review a commercial use in a Single Family Residential Zone; due to this zoning, the Board advised the applicant to go to the ZBA and return to the Planning Board if he is granted relief from that Board.
- Galloway/Russo Earth Equipment: The Building Inspector confirmed that an unauthorized use, as noted during the Benevento Bituminous products review, was still on the site. The Board stated that this would appear to be a violation of the Site Plan approval as it is a business that has not been approved by the Board as a use on that site. Mr. Heitz asked proposed hypothetical circumstances to determine possible Board action. Ms. Faulconer suggested that the Board would need to speak with the property owners to determine the specifics prior to determining Board action. The Board sent an Enforcement/Compliance request to the BOS regarding this activity, asking for further information prior to any specific enforcement action.
- Letter from EPA re: Torromeo site violation and fine.

- Letter from Town Engineer re: DOGC pre-construction meeting. A question was raised in the review about the Town not requiring an initial bond upon beginning construction. Mr. Pope noted that the Board agreed with the understanding that no Occupancy Permits would be allowed without the road being built/completed. Mr. Heitz stated that this type of requirement becomes a problem if people move in without an occupancy permit.

**ACTION ITEM: Ms. Faulconer to research the Board's agreement about the Bond and get back to the Board.**

- Letter from Town Engineer re: Solar Hills pre-construction meeting. Ms. Faulconer stated that she spoke with Mr. Quintal about the approval being void due to the lapse in meeting the conditions of approval. Mr. Wilson explained this series of events for Mr. Heitz adding that Solar Hills is re-applying.
- A Grant notification was received

**ACTION ITEM : Ms. Faulconer to review the grant and get back to the Board.**

- Email from Danna Truslow re: impact of prescription drugs on water quality; information regarding drug return program.
- Notice from ZBA re: Special exception for True-form Industries at DOGC
- Wetlands application for 37 Circuit Drive
- Engineering Firm proposal re: MS4 Draft; given to Mr. Heitz
- Bond Balance report
- Budget report
- Notice of Drinking Water Source Protection meeting on May 1<sup>st</sup> in Concord

### **Proposed Board Projects:**

The Board reviewed the project suggestions provided by Mr. Landry, Mr. Coppelman and Mr. Greenwood. Mr. Wilson stated that the only one he really had was regarding tweaking the definitions in the Sign Ordinance adding that he had worked a long time on that ordinance and was aware of the intent when it was written and adopted. Mr. Coffin stated that the Town still needed to address the number of the lumens on the existing sign on Rte. 125 as they do need to comply with that section of the Ordinances. Private road standards were briefly discussed. Mr. Heitz stated that the BOS recommendation is that no private roads should be allowed that aren't built to Town specifications.

Mr. Pope discussed the previously submitted Livestock ordinance and questioned whether the Board had been over-reaching and created something much more than the minimum initially discussed and wondered whether the minimum should be attempted. Mr. Wilson suggested putting in back on the list for discussion; the Board may decide to do nothing. Mr. Pope clarified that the Board definitely wouldn't put it on unless it was changed.

**Ac: Add "road" and "livestock" to the list for discussion.**

**Upcoming Meeting:**

The Board agreed to give Mr. Greenwood the authority for Plan Review and placement on the next hearing's agenda.

The Board will prioritize the projects list on May 7 and review this week's action items.

The Board authorized the Chairman to sign the DOGC mylar as it had been reviewed and okayed by Mr. Quintal and Mr. Greenwood.

**MM&S to adjourn at 7:45.** (Motion by Mr. Pope, second by Mr. Landry) **PUNA**