

**Kingston Planning Board  
Public Hearing/Meeting  
September 27, 2011**

The Chairman called the meeting to order at 6:30 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Jay Alberts (joined the meeting in progress)
Glenn Coppelman, Vice Chair	Adam Pope (joined the meeting in progress)
Ernie Landry	Richard St. Hilaire (Alternate)

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

Absent: Mark Heitz, BOS representative

**Public Hearing:**

**John's Truck and Auto and Salvage of Kingston, NH  
71 New Boston Road  
Tax Map R18-22, 23**

Mr. Wilson reviewed the site walk attended by Mr. St. Hilaire, the Health Officer and himself. He commented that everything appeared uneventful; the issues in the pictures taken by the Building Inspector had been addressed and removed as necessary. The general consensus on the walk was that merging the two lots would address the setback issues; it's obvious that the activity needs both lots to work; they couldn't be separate and function. Mr. St. Hilaire said that the site was a lot cleaner than before; auto salvage isn't pretty but they've cleaned up the site; he agrees that a lot merger is the way to go as it cleans up any issues on the site. He continued that the primary purpose of the two lots is the auto salvage and he thinks, in the long run, it is the thing to do.

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

Mr. Coppelman asked if the site was consistent with the approved plan; there were 2 small concrete pads, approximately 9 by 9 and another approximately 3 by 12 or 15 that were inconsistent; Mr. Wilson added that there was nothing on them. Mr. St. Hilaire said that it gives them more room to control the spills; the concrete had stopped right at the door but this provides more protection. Mr. Wilson clarified that these concrete pads are currently showing on the existing conditions plan.

Mr. Wilson noted at this time that Mr. St. Hilaire and Ms. Faulconer will be voting this evening.

The merger issue was reviewed; Mr. St. Hilaire said that it pre-existing condition that had been previously approved; Mr. Coppelman stated that it was up to the applicant to go to the ZBA to merge the lots and it was not appropriate for the Board to make it a condition of approval.

**MM&S to approve the modifications to the site plan as presented with a strong recommendation to merge the lots so any future activity wouldn't have to deal with the setbacks and therefore make it a cleaner plan.** (Motion by Mr. Coppelman, second by Mr. St. Hilaire) Discussion on the motion: Mr. Wilson suggested moving ahead with the suggestion as there appears to be support from the current Health Officer based on comments at the site walk. Mr. Coppelman, in response to Mr. Alberts comments, noted that the minutes would reflect the support of the Planning Board for the lot line merger; the applicant could request the Board's recommendation in writing should they apply to the ZBA.

<Board note: Mr. Pope arrived at this time; Ms. Faulconer stepped down from the Board.>

Vote on the Motion: **Motion carries, 5-0-1 with Mr. Pope abstaining.**

### **Public Meeting:**

**Bill Ranney**  
**5 Route 125**  
**Tax Map R3-06**

Mr. Ranney introduced himself and the property owner, George Kalil who confirmed that he is aware of the activity being proposed for the site. Mr. Coppelman explained that if the applicant wanted to follow the approved site plan than no further action would be needed by the Board. Mr. Ranney explained that at this time, there is no plan to do anything else but there were some potential ideas for the future. The Board reviewed the proposal and stated that only items 1 and 2 were allowed: car sales; auto repairs for the cars sold on site; auto inspections; the Board noted that the original approval only allowed for auto inspections for cars sold on site but due to State requirements of inspection stations being open to the public this would be questionable to enforce. The Board consensus was that items 1 and 2 were allowed without any further review; any of the other items on the list would be considered an expansion and require Planning Board review. Mr. Coppelman told the applicant that they would still need to get a Business Occupancy Permit prior to opening; Mr. Wilson re-iterated the need for the applicant to hold to the approved review including all specifics such as, but not limited to, hours of operation. Mr. Ranney explained that he was leasing the site. The Board authorized Mr. Wilson to initial the Dealer Plate request and forward to the BOS.

### **Board Business**

#### **Correspondence:**

- Michaud Motors  
Kevin Michaud, owner of Michaud motors, explained that they will be taking over the site of Daher motors; other than changing the sign, they expect to operate within the specifics of the current approved plan; he introduced the owner of the site, Carlos Daher.

Mr. Wilson confirmed that Mr. Michaud was aware of the existing site plan and knew the limitations. Mr. Greenwood noted that he had spoken with the applicant's representative and reviewed the site plan and current approval; they were comfortable with transferring those elements to their operation. Mr. Greenwood had not received clarification as yet on Mr. Daher's use of the property in conjunction with Mr. Michaud.

Mr. Daher stated that there were currently two lots on the site; he wanted to still operate out of the small building. Mr. Coppelman commented that the site was going from two lots with one business to two lots with two businesses. Mr. Wilson read the Health Inspector's report noting restrictions within the building; he read the Building Inspector's report cautioning that the applicant be aware of the use restrictions in the small building and stating that Building 4 should be demolished as it is falling down and dangerous.

Mr. Daher agreed to take down Building 4. The Board discussed possible issues with the proposal. Mr. Greenwood would like to speak with the Inspectors about the restrictions site; Mr. Greenwood confirmed that this would be 2 distinct businesses; there was no bathroom in the small building. Mr. Alberts commented that this had been an issue on a similar business on Exeter Road and had been denied; there was a question as to whether this was an issue because it was a mixed commercial and residential site. The Board questioned Health Officer issues; Mr. Wilson stated that the Health Officer needed to be involved with this discussion. Mr. Daher explained that he would still own the building and the bathroom would be shared. Mr. Wilson replied that the bathroom not being open to the public may make it a different issue; it would need to be reviewed with the Health Officer to clarify whether this issue might restrict the proposal.

**ACTION ITEM: Ms. Faulconer will speak with the Health Officer about the issue at the Daher/Michaud site concerning one business operating without a bathroom facility; she will inform the applicant and the Board of the results of the discussion.**

The Board confirmed that no further review was required if the Health Officer had no issues with the proposal.

- Mr. Wilson reminded the Board of the Site Walk on Saturday; Mr. Alberts took the plans to bring to the site. Mr. St. Hilaire will ask the applicant for permission to walk the site on Friday instead.
- Law Lecture series confirmation for Mr. Landry received.
- Letter was received from Mr. Geoffrey regarding a proposed 20 x 24 shed on blocks with a dirt floor; Mr. Greenwood stated that a 480 sq. ft. building qualified for an expedited site review (based on current approval of 4194 sq. ft).

**ACTION ITEM: Ms. Faulconer to inform Mr. Geoffrey that the Board will require 12 copies of a plan showing the proposed building which can be hand-drawn on a copy of the recorded plan; this needs to be accepted by the Board at a public meeting.**

- LGC announcement of Planning Board training series on Oct. 29<sup>th</sup>.
- DES drawdown of Great Pond announced.

- Copy of letter sent from BOS to DES re: Groundwater Withdrawal hearing for Diamond Oaks Golf Club.
- Planning Board budget review with Budget Committee scheduled for Nov. 20<sup>th</sup> at 4:00.
- Budget proposal was reviewed and approved as presented.
- Board authorized additional hours, as needed, to complete Certified Record.

**MM&S to approve August 2, 2011 minutes as written.** (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

**MM&S to approve August 16, 2011 minutes as written.** (Motion by Mr. Coppelman, second by Mr. Landry) **Motion passed 5-0-1** (with Mr. Alberts abstaining).

**MM&S to approve August 23, 2011 minutes as corrected; remove “from the Town Manager” on page one.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

### **Impact Fees**

Mr. Greenwood explained that Mr. Mayberry had been on vacation so he hadn't been able to speak with him about the contract and breakdown of fees. Mr. Landry suggested that the fees may decrease depending on whether the School District was going to have their Impact Fees updated. Mr. Landry asked whether this would affect the budget; Ms. Faulconer explained that a note had been added to the budget explaining this.

### **Wetlands Information Request**

Mr. Wilson asked Mr. Greenwood if it would be appropriate to ask for Wetlands Classification for Solar Hills; there had been some issues raised at the last hearing and whether asking for independent verification could be done outside of the hearing. Mr. Greenwood said that this would usually wait to be done at the public hearing however, he had asked for the Wetland's report but the Board hadn't received it yet; Ms. Faulconer reminded the Board that the Conservation Commission had asked for it, too.

**ACTION ITEM: Ms. Faulconer to contact Mr. Lavelle about providing the Board with the Wetland Scientist's report prior to the next hearing.**

### **Review Procedures**

The Board discussed procedures involving Department Head/Inspectors comments for public hearings; timeframes involved with the reviews; the Board's approval process. Mr. Wilson commented that many times if the applicant had reviewed the regulations, the Town Engineer wouldn't have to require a lot of changes; it is the applicant's engineer and lack of preparation causing the issues. Mr. Greenwood noted that the Brox application, without the access issue, was a well-prepared design with limited comments and changes.

### **Aquifer Discussion**

The Board reviewed proposals from Danna Truslow. Mr. Coppelman reminded the Board that Ms. Truslow created a comparison checklist to help with the review. Ms. Faulconer stated that Ms. Truslow cautioned the need for enforcement to be in place in conjunction with some of the changes. Mr. Pope suggested that if the Board were going to take a conservative approach then they should have language for the Board to allow uses under certain conditions. Mr. Alberts would like to have the Board speak to someone from the EPA due to strict federal guidelines. Mr. St. Hilaire agreed with Mr. Alberts; he didn't like the information received from Ms. Truslow and restrictions still in place regarding certain activities due to strict inspections and regulations. Mr. Landry said that there are areas not in the Aquifer Protection Zone that might allow certain uses not in the APZ; he questioned how many gas stations and dry cleaners are needed for Kingston again suggesting they could be developed outside of the APZ. The Board discussed activities, guidelines, pollution, Federal and State regulations, proper locations of activities, proposed changes, technologies for environmental protection, protection of natural resources. Mr. Greenwood suggested the Board needed to meet with the Board of Selectmen about whether they are willing to enforce as needed for the changes.

Mr. Alberts asked if there were items on the prohibited list that we are not currently protected from; Mr. Wilson was hoping to see descriptions explaining that if something was prohibited, there were ways to allow it and how it could be achieved. The Board reviewed possible proposals, uses and zoning; reviewed the proposal to see where the Board stood. The votes are for information to see where the Board stands and is advisory.

**“Zonation”** of A and B: Mr. Alberts (JA): no; Mr. Pope (AP): yes, Mr. St. Hilaire (RSH): agrees with idea, doesn't agree with classification: yes; Mr. Landry (EL): likes one zone: no, Mr. Coppelman: likes the concept but while giving the Town more flexibility it is more complex an issue causing complications and more demand on the Town and the creation of two zones brought the strongest caution of needing enforcement and oversight; so at this point he would argue against it; Mr. Wilson considers that section of the discussion a “tie” at this point; the zones discussion will be addressed after the other distinctions have been reviewed.

**Three acre requirement** in Zone A – unanimous “yes”; two acre in Zone B: all “yes”.

Mr. Alberts announced that he will agree with the way Adam votes this evening.

**Lot coverage:** Zone A at 15%; Zone B at 15%, up to 35% with Stormwater Mgmt:

JA: not agree;

RSH: not agree

AP: not agree; needs to be revised; okay with Zone A suggests leaving what exists for Zone B.

EL: agree

GC: agree

RW: not agree

**Run-offs** recharge to site in Zone A: all agreed; questions were raised as to why it is not in Zone B.

**Stormwater Treatment** in Zone A: all agreed; questions were raised as to why it is not in Zone B.

**ACTION ITEM: Need to review why the run-off requirement and Stormwater Treatment is not in Zone B.**

**Proposed Prohibited Uses:**

- **Hazardous Waste** – both zones: all agreed.
- **Solid Waste Landfill**; Adam is proposing to leave as currently written; questions concerning definition of solid waste.

**ACTION ITEM: Need to look at definitions of RSA 149:M regarding Solid Waste Landfill.**

- **Outside Storage of Road Salt** currently prohibited in A and B; leave as is:  
GC: yes  
EL: yes  
AP: yes  
JA: yes  
RSH: no
- **Development or Operation of Junkyard**: need to look at list and see how it's written; Mr. Alberts suggested that a junkyard is a clean business due to how its regulated; Mr. St. Hilaire agree that it is regulated but added that there is nothing clean about them.
- **Snow Dump**: the Board needs to look at this.
- **Wastewater or Septage Lagoon**: currently not specifically mentioned in ordinance, says leachable waste. Mr. Coppelman agrees with adding this to prohibited list using Ms. Truslow's recommendation; everyone agrees.
- **Petroleum Bulk Plant or Terminal**: Mr. Pope agrees with prohibiting it in Zone A; should talk about it in Zone B; the Board will need to look at this.
- **Gas Stations**: the Board will need to look at this.
- **Vehicle Wash Facility** –Mr. Pope stated that this is currently only allowed if on a municipal sewer system; the Board will need to look at this.
- **Commercial Laundry** – Mr. Pope agreed with prohibition in Zone A; need to look at Zone B; the Board will need to look at this.
- **Development or Operation of Manufacturing using Petroleum based products** – Mr. Pope stated that he understood the intent but needed it to be more specific; Mr. Coppelman stated that it might depend on what is being produced; Mr. Alberts felt that everything was lumped into one description; Mr. Wilson confirmed that the Board would need to review this.
- **Hazardous Materials greater than SQD or >25 g.**; the Board will need to look at this; Mr. Coppelman would vote "yes" on Ms. Truslow's recommendation; Mr. Wilson would like to review again to understand it better.
- **Add other Prohibitive Uses**: currently we have "commercial animal feedlots"; we need to find out why and go back to it. The Board thought it might be addressed under

performance standards. Mr. Wilson asked if anyone had any issues with Performance Standards; questions were raised about why items were different; Mr. Wilson suggested that the Board needed to review the proposal and review the text.

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- the Septic and Health Regulations are ok.
- The Board needs to look at **Geothermal Wells** for community wells in residential developments.
- **Expansion or re-development needs to conform with APZ**; Mr. Greenwood said that this was standard; everyone okay with this.
- **Enforcement of provisions by RSA 676 or 485C**; the Board wants to review the language in the RSA's.
- **Third party review**: The Board is okay with this language.

**Other requirements:**

- **Long-term groundwater monitoring may be required**; the Board will review.
- **Existing non-conforming uses will follow State and Federal regulations**: the Board will look at Ms. Truslow's recommendations.
- **Inspection/Impact Fees**: the Board needs to look at these and establish them.
- **New groundwater withdrawal applications submitted to the Town**: the Board needs to review.
- **Groundwater applications submitted to Town**: the Board needs to review for our Ordinances.
- **Exemptions/Permitted Uses**: the Board will review.

Mr. Wilson asked if the text in Ms. Truslow's report says "why". Mr. Landry said that is cases she does say why. Mr. Wilson suggested Ms. Truslow coming back to the Board to say why she made the recommendations that she did; Mr. Greenwood suggested the Board review and come up with the questions first, then bring her in; Mr. Coppelman agreed.

Mr. Greenwood will take 2 hours to see if he can link up the text with the recommendations and present to the Board. Mr. Pope said that if the Board doesn't want to do a major revision then they should stop talking about it and work on other items; he thinks there might be a middle ground that the Board could agree to. Mr. Greenwood announced that the Town received the grant from RPC and he has 30 hours to work on APZ amendments and public outreach. Mr. Wilson suggested that the Board should come up with prohibitive uses and why, based on Danna's comments.

Mr. Pope said that realistically, the right way to do it would be to take the Ordinance and fill in the missing information; to find out what might be allowed or decide when, where or how it could be done; to figure out proper protection or pay someone to define those protections if going to allow certain uses; he finds this to be a big issue. He wondered if the Board could hire someone to establish the parameters for allowing some uses. Mr. Wilson stated that certain uses might not need to be prohibited under certain circumstances; possibilities, probabilities, contamination was discussed.

Mr. Pope volunteered to take a shot at the “middle ground” with relaxing some requirements and increasing some in other areas; it was important to understand why Ms. Truslow said what she said.

**ACTION ITEM: Mr. Greenwood to match up text (why she said) to recommendations (what she said).**

**ACTION ITEM: Mr. Pope will write Aquifer proposal.**

Ms. Faulconer reminded the Board that she had gotten Ordinances that the Board requested regarding Aquifer Ordinances.

**ACTION ITEM: Send Ossipee Region-Town Ordinances to Mr. Coppelman and Mr. Pope.**

**ACTION ITEM: Send information on Ms. Truslow’s report disc to Mr. Pope.**

**ACTION ITEM: Ms. Faulconer to make copies of Ms. Truslow’s report for Mr. Landry, Mr. Coppelman and Mr. St. Hilaire.**

**MM&S to adjourn at 9:30. (Motion by Mr. Coppelman, second by Mr. St. Hilaire) PUNA**