

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

The Acting Chairman called the meeting to order at 6:46 PM declaring a quorum present. There were no challenges to the legality of the hearing.

Members in attendance:

Glenn Coppelman, Acting Chair	Stanley Shalett
Mark Heitz, BOS rep.	Ellen Faulconer, alternate
Adam Pope	

Absent: Richard Wilson, Peter Coffin, Ernie Landry, Richard St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer;

**Adoption of Impact Fee Assessment
Public Hearing**

Mr. Coppelman read the hearing notice and explained that the Impact Fee Assessment was per the Adoption of the updated 2013 Impact Fee Ordinance; he introduced Mr. Mayberry as the Board's consultant for Impact Fees. Copies of the Executive Summary as prepared by Mr. Mayberry were distributed to the Board.

Mr. Mayberry explained how the fee schedule was determined and reviewed the Executive Summary (attached). He stated that all fees were proportionate to relative demands for the facilities; schools and library fees were based on recoupment of capital costs. He stated that the Fire Department references specific items in the CIP; if they are planned to go forward in a reasonable period of time then those fees are supportable. The Board can decide to go forward with one of two options for the Fire Department; fees with apparatus and building or just building. He added that the numbers are pretty conservative. He suggested that it is best to keep apparatus and building accounts separated, even both are for the Fire Department.

Mr. Mayberry explained that the 10% adjustment for the schools is based on expected decreasing enrollment. He continued that the Police fee would be contingent on an expansion of the Police building; if built by donations, the impact fee would be moot. Mr. Heitz asked about Impact Fees for a Highway garage; Mr. Mayberry explained that, per the RSA, Highway buildings and equipment is excluded; only the road systems and rights-of-way are included in the RSA. Highway Impact Fees are not included at this time as there wasn't enough information at this point to make it supportable. Ms. Faulconer stated that she, Ms. Kenerson and Mr. St. Hilaire will hopefully be meeting soon to see if the information Mr. Mayberry needs can be determined through prior Town records.

Mr. Greenwood said that he has suggested the Board adopt as presented; the Board needs to adopt the methodology and the fee schedule. Mr. Greenwood clarified that the fees are adopted by the Planning Board; the ordinance itself is adopted at Town Meeting; there is language in the

Ordinance authorizing the Planning Board to adopt the fees. Mr. Shalett asked about providing an option to pay off the Impact Fees over a five-year period. Mr. Heitz did not recommend that option as it might be difficult to get the Impact Fees after a development is complete and the developer has moved on to another project. Mr. Mayberry stated that most municipalities collect fees prior to occupancy permit as allowed by the statute; discounts may be applied based on a yearly determination but he was unsure whether this caused equity issues. Mr. Coppelman stated that if the Town was going to collect them, they should be done as adopted to get the appropriate funding for future projects per the point of the Ordinance.

Mr. Pope expressed concern that some of the proposed Impact Fees were based on things that might be a little unrealistic.

Mr. Mayberry advised that if projects in the CIP aren't anticipated to be done as proposed, don't adopt that portion of the fee schedule; adjustments can be done at any point although not more than once a year.

Mr. Mayberry explained that both the Schools and the Library were built beyond the current demand; a certain portion of the Library is an investment to benefit future residents; the School is working at 72% of current capacity.

Mr. Mayberry explained the formula used for non-residential use; it is based on potential use and the assumption of consuming a certain percentage of the demand on a department; a higher activity in a smaller space generates a higher demand. Mr. Heitz asked if a barn was built and on a residential property, would it be non-residential. Mr. Mayberry explained that it would be considered accessory to a residential use unless it was used for commercial activity. Mr. Heitz asked if there was an exemption for any buildings. Mr. Mayberry stated that there are provisions for appeals; if a building is found to have no prospect for impact there might be an exemption. He explained that a church is not exempt. He stated that there could be different rates for commercial uses but some assumptions would need to be made.

Mr. Coppelman noted that while there was a quorum, there was not a full Board and asked to continue; Mr. Mayberry was available and there were still funds available in the contract for Mr. Mayberry to attend. Mr. Mayberry explained that the Town needed more specific plans to support Impact Fees for roads. There were no public comments.

MM&S to continue to August 6, 2013 at 6:45. (Motion by Mr. Pope, Second by Mr. Shalett)
PUNA

Dan Parks
7 Small Pox Road
Greenhouse Flowers

Mr. Coppelman stated that the Board had received an announcement on Mr. Parks Facebook page regarding retail sales on the property. He read the July 26, 2011 letter from the Board that no further review was required conditional upon no retail sales on the site per the April 5, 2011 minutes. The motion from 2010 was read confirming that the current landscaping use was

considered a home occupation that did not require any additional review; there was to be no retail sales and no outside storage. Mr. Heitz suggested that Mr. Parks bring the Board up to date. Mr. Parks stated that they have been trying to get themselves known as a vegetable farm and deliver to area restaurants; in 2012, they did nothing with the greenhouse; this year they potted annuals and hanging baskets in the hopes of marketing to local nurseries; they had excess stock and put signs up for 2 to 3 weekends to try to sell the stock. Mr. Coppelman re-iterated that they had an overproduction of flowers and had done this as a one-shot type of opportunity to try to sell off the overstocks.

Mr. Coppelman read the 2011 motion: Approve the addition of the second greenhouse with conditions: no retail on-site; one additional employee; no selling of items at farm stand on someone else's property; the last item was explained that the Board would not allow the applicant to erect a farm stand on someone else's property without review; not that the applicant couldn't sell items at a farmer's market. Mr. Coppelman asked if it could be considered that the three conditions are still being met. Ms. Faulconer stated that she was not interested in the past action that brought Mr. Parks to the Board; she just wanted Mr. Parks to stay in compliance with no further retail sales on the site; she explained that if he wanted to have retail sales, he would need to come to the Board. Mr. Coppelman explained that he would need further site review if expanding to a commercial use. Mr. Shalett asked Mr. Parks his future plans. Mr. Parks stated that he would be trying to stick with growing flowers and sell to local nurseries within a 15 mile radius.

Mr. Coppelman thanked Mr. Parks for coming in; he re-iterated that he needed to comply with the previous conditions or come to the Board for site plan review if he expands.

John Ingalls
Solar Hills
78 Hunt Road
Tax Map R6-14

Mr. Coppelman stated that this was a continuation of a hearing from last month. Mr. Greenwood said that his comments from last month stand; he had not received any plans with any changes. Mr. Pellegrino noted that he had received the comments from the Town Engineer. It was noted that this was a new roadway with 6 new lots that would service 8 total lots.

Mr. Pellegrino asked to remind the Board that last year he had approvals the Mr. Cuomo signed off on and that was all the Board asked for last year along with DES approvals and the Army Corps. approvals. He said he would like to hear the comments from Mr. Quintal.

Mr. Quintal explained that he had reviewed the plan set and did a site walk. He did not receive the requested documents from RCCD until July 15, 2013. He reviewed his comments that he had provided to the Board (attached). He expressed his concerns with Lot #4 as its buildable area is only 51,704 sq. ft. and the Town's requirement is 60,756 sq. ft. Mr. Greenwood read Article 905.5 of the subdivision regulations regarding the suitable building requirements and the 15% slope requirements. Mr. Shalett expressed concern with the engineering of that site stating that percentage of slope is quite steep and could cause a great deal of erosion and questioned whether

the applicant could “jockey” around the landscape to avoid a steep slope. Mr. Quintal stated that the applicant probably could use cuts and fills to level off the property; he did not have any information the applicant might use on erosion control methods. Mr. Coppelman stated that a determination is needed as to whether more information is needed between the Board and Mr. Cuomo. Mr. Quintal continued reading his comments. Mr. Quintal said that he did a site walk; took pictures; erosion control was in place; cuts and fills and some road construction has been done; a staging area is near the vernal pool; there is encroachment on the lot with a vernal pool; there has been some disturbance in the buffer zone. He continued that the project has started; trees are cut near the cul-de-sac area. Mr. Greenwood explained that the issues he still has are also around Lot 4. Mr. Pelletier asked if he takes enough slope off to be 60,000 sq. ft. would it be okay. Mr. Quintal said that the 60,000 sq. ft. includes the buffer zone. Mr. Pelletier asked if the Board would continue to their next meeting.

Mr. Pelletier said that Wetland restoration needed to be done on the site; the fill is to come from another area on the site and asked if the Board would okay him doing this. Mr. Quintal confirmed that the applicant has a State permit for the Dredge and Fill and the required restoration plan adding that it is best to do this type of work when it is dry, like it is now. Mr. Greenwood said that unfortunately, the Board should not approve this; it is part of an overall plan that the Planning Board has not approved. Ms. Faulconer confirmed with Mr. Quintal that the applicant does not need the Board’s permission to do the restoration; it can be done outside this particular approval process. Mr. Heitz suggested letting the applicant know that the Board will not take this negatively on this action. Mr. Coppelman confirmed that the Board could not approve this activity since it is part of the on-going review which hasn’t been approved yet but would not look negatively on the applicant going forward to take care of an existing violation.

Mr. Ron Conant, son of David Conant, abutter to the property, asked about the on-going discussions regarding Lot 4; since it was previously approved, why was it an issue now and asked if there was new information. Ms. Faulconer explained that there was new information on the plan which had been left off the previous plan.

Mr. Heitz asked if the 60,000 sq. ft. was requirement was a regulation. Mr. Greenwood suggested it might also be in zoning; these are the standards to have a buildable lot. Mr. Coppelman explained to Mr. Pellegrino that the Planning Board cannot approve a subdivided lot that would be considered unbuildable. Mr. Pelletier noted that there is only an 8,000 sq. ft. difference and asked if he could ask for a waiver. Mr. Coppelman explained that if a regulation, he could. Ms. Faulconer stated that prior to waiving the regulation, she felt that Mr. Quintal should discuss his concerns with Mr. Cuomo so the Board would have the information Mr. Quintal needs to make his recommendation. Mr. Coppelman stated that Ms. Faulconer’s comments are valid, that it would be inappropriate to take action without Mr. Quintal having a conversation with Mr. Cuomo. Mr. Quintal stated that he does not question the 60,000 sq. feet; it is the suitability of the lot that is in question; he is not comfortable that the slope designation is correct and would hope Mr. Cuomo would review. Mr. Greenwood confirmed that the 60,000 sq. ft. designation is a subdivision regulation. Mr. Pelletier asked if he should bring in a waiver request and the mylars for signing for the next meeting. Mr. Coppelman told him that if he is asking for a waiver, he should submit it for the next meeting but he should not bring in a mylar in case there were changes. *<Board note: Mr. Pope left at this time.>*

Ms. Faulconer noted that there was 40 ft. easement being provided to the Town but currently there was no access to get to it and suggested that the easement reach the cul-de-sac. Mr. Pellegrino said that he would have this done for the next meeting; he asked that the Board put him on the next agenda and not wait until the next public hearing date. Ms. Faulconer stated that he should provide any new plans to the Board with at least a week's notice.

MM&S to continue to August 6, 2013 at 7:15; the Board needed the corrections per Mr. Quintal and tonight's meeting on the plan; Mr. Quintal to meet with Mr. Cuomo; Mr. Quintal to review the bond. (Motion by Mr. Heitz, second by Mr. Shalett) Motion carries 3-1 with Ms. Faulconer opposed.

Camp Lincoln YMCA
67 Ball Road
Tax Map R25-3, U4-104,105

Jeff Gleason and Charlie Pearson introduced themselves as representing Camp Lincoln; Mr. Pearson introduced Mr. Anderson and Mr. Demers, owners of the other two properties.

Mr. Pearson explained that Camp Lincoln is a large parcel of land that, when surveyed, showed a number of encroachments on the property; the property owners would like to purchase the land with the encroachments. Mr. Greenwood said that this land transfer clears up the encroachment, let the smaller lots get bigger; he added that the boundaries need to be granite or concrete. Mr. Heitz explained that iron pipes tend to get pulled out and disappear. Mr. Coppelman added that it is tougher to move concrete or granite, particularly on new corners. Mr. Pearson confirmed that iron pipes are used for the side lines not lot corners. Mr. Greenwood noted that usually the Board requires a surveyed plan for the entire parcel, but the overall parcel is quite large and the survey for the back lots is sufficient. He confirmed that this is a lot line adjustment, not subdivision; there are no additional lots being created; just the two adjacent lots getting larger. Mr. Quintal and Mr. Greenwood confirmed that the 4 new lot corners need to be concrete or granite; the front corners aren't changing so the existing monumentation does not need to change. The Board reviewed the plans.

Russell Quintal, owner of 15 First Street, asked if these changes impacted his property in any way. Mr. Coppelman asked Mr. Greenwood to review the plan with Mr. Quintal who then stated all of his questions were answered.

Mr. Pearson informed the Board that Camp Lincoln was currently in negotiations with two other property owners and hopefully, would be in soon for another LLA.

MM&S to accept the Lot Line Adjustment as presented with the condition that the note be amended to specify granite or concrete bounds on the rear corners; the condition to be met within 60 days from this approval. (Motion by Ms. Faulconer, second by Mr. Coppelman)
PUNA

Board Business

Correspondence:

- FEMA Letter re: Flood Risk Review Meetings; Mr. Greenwood stated that Kingston is only there as an adjacent Town and there is no impact.
- Letter from RPC re: Broadband Mapping; Ms. Faulconer will check with Ms. Grant; if no action from BOS will provide Mr. Coppelman's name as a contact for RPC.
- 6 Invoices from the Town Engineer; all approved and signed by Mr. Coppelman
- Release of Bond Balance for Benevento Bituminous products; approved and signed by Mr. Coppelman
- DOGC Review #5
- Status on plan submissions from Mr. Greenwood; previously emailed to the Board.
- Coopers Grove Road Bond Information, multiple emails, documents; recently approved by BOS
- Affidavits for Seasons and Bakie Farm; needs to be amended, change "except" to "accept"; add to correspondence for signature at next meeting.
- Wetlands Permit, 47 Wadleigh Point Road; no PB action needed.
- Letter from Brox dated 6/26/13 confirming final approval date of 4/23/13.
- Memo from NHOEP re: update of regulations. Ms. Faulconer will complete and return.
- Archangel Woodworking submitted revised plans; there was discussion regarding the new placement of the dumpster within the 50' setback; this discussion was tabled to next week so the Board members who voted on the conditions of approval could weigh in on the intent of the motion.
- Town and City magazine received
- Notification of Summer Erosion Control Field Days

The approval of the minutes for June 4th and June 18th were tabled until the next meeting.

Mr. Coppelman declared the meeting adjourned at 9:55 PM.