

**Kingston Planning Board
Public Hearing/Meeting
October 22, 2013**

The Chairman called the meeting to order at 6:50 PM. There were no challenges to the legality of the hearing.

Members in attendance:

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

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Absent: Rich St. Hilaire, alternate, Ellen Faulconer, alternate

Lewis Dodge
7 New Boston Road

Mr. Dodge is in the process of purchasing 7 New Boston Road and is trying to determine if he needs site plan review. He does not believe there is a change of use as described in his letter to the Board. Mr. Coppelman asked the applicant to review his proposal. Mr. Dodge said he does woodworking; he is in the shop about four hours a day plus he does general contracting which could be 50 to 60% of his work so he is not in the shop a lot. He just needs a place to house his tools; he does little working like small built-ins; small kitchen furniture, etc. He makes it and then installs it. Mr. Coppelman confirmed that all of the activity would take place inside the building; Mr. Dodge agreed and clarified that it is just him. It is a place for him to store equipment like staging and ladders; all to be stored inside the building; there would nothing stored outside the building at all. Mr. Coppelman asked if there was anything in the file about what the approval was for the use of the building. He said there was a plan showing a single story metal building. The Board discussed the location of the site. Mr. Wilson said there was an approval dated November 20, 1991; no well or septic, no water to be pumped to the site; no employees will be on site for more than four hours at a time; no office or shop will be in the building. Mr. Dodge says that he lives in Kingston close to the building. Mr. Coppelman asked about signage or lighting; Mr. Dodge said no lighting; he said there would probably be a Dodge wood-working sign on the building that is all he really has now. Mr. Dodge explained that it is low-profile; no showroom, no visitors; there is no signage on the building now. Mr. Wilson did not recall seeing a sign there at all; Mr. Greenwood agreed. Mr. Coppelman said upon approval, he would need a sign permit from the Selectmen in order to have a sign on the site.

Mr. Wilson reviewed a letter from Larry Middlemiss dated October 12, 1991 that basically says that they cannot have running water into the building without a septic system or workers there longer than four hours unless something is done about having a septic system. Mr. Dodge reiterated that it is just him and he is very low profile, low-key with little work done inside the

building. Mr. Greenwood said that for such a limited piece of property this is the best use with the limitations on the site. Mr. Coppelman said that it suits itself for storage and not much else, but with someone who lives locally, it is a good fit. There is a note from Mr. Middlemiss that there might be a possibility of putting the septic system at the front of the building. Mr. Greenwood confirmed the lot is in C-III. Septic systems and wells and their operation were discussed. Mr. Pope asked about any hours of operations. Mr. Coppelman suggested using the submitted letter as a base for any approval; Mr. Greenwood said we would want any approval to comply with the existing approval for the site which showed in the minutes. Mr. Wilson said it didn't say much: storage facility with no water, no employees, not there for more than four hours a day. Mr. Wilson referred him to noise regulations when operating to comply with that. Mr. Coppelman said that the letter needs to go into the file; acknowledge that he is now going to be using the property as described and as long as he complies with the approval that was given to the property than he doesn't see an issue with it. The Board agreed. Mr. Wilson said that he had the Board's blessing; Mr. Coppelman said that a sign permit could be applied for down in the Selectmen's office; he would need to get an occupancy permit from the Selectmen's office, too.

Deb and Michelle
2 Spruce Lane

Mr. Wilson said this was Formerly Mermaid antiques; he read a letter explaining the business: initial hours of operation will be Wednesday through Sunday, 10 AM through 5 PM with no employees as they will be running the business themselves. It was confirmed that it will continue being an antique/second hand operation; more of the lower end of the antiques; basically the same use. Mr. Coppelman asked if there was a plan on file; Mr. Greenwood said he believed this predated that requirement. Mr. Wilson read the letter requesting permission to operate an antique/collectible/second hand shop. Mr. Coffin said that the initial hours of operation were noted, but not the full hours. One of the owners said they would like to do six days a week; they asked for seven days, 10 AM to 5 PM; no additional employees are planned. The property is owned by Ray Durbin and leased by the business owners. Mr. Wilson said they would have to apply for a business occupancy permit, sign permit if they were having one. Mr. Coppelman asked if there were any changes to lighting; none were noted. Mr. Shalett asked if there were plans for the second floor of the building; the applicant said they were not leasing the second floor, only the ground floor; the owner of the building would need to answer that question. The Board agreed that this was a continuation of use and would require no further review.

UNITIL
12 Mill Road
Tax Map R11 Lot 10

Nick Golan introduced himself and Jacob Dustling. They had received input from the Board at the last meeting; one point was the southerly property line and the ability to provide additional screening; he was happy to say that through some revisions and further evaluation, Unitil's engineers were able to provide a fifteen foot buffer along that property line; they supplied a waiver request for section 904.6, general standards, sub-section d; they are requesting that the

Board consider an alternate vegetated buffer area for the portion of that area remaining at 15 feet instead of the 50 feet. Mr. Wilson asked Mr. Greenwood about information regarding exemptions as a utility. Mr. Greenwood said there is a process if a Planning Board provides an approval to a public utility that the public utility takes issue with, they can ask for a hearing from the PUC and the PUC has the right to either override the local requirement, get some sort of mediated agreement or fully back the Town's decision; so there is an appeal process but it seems like an element of that is trying to see if the utility and the Town can work cooperatively for an agreement. Mr. Dustling reviewed the proposal as described at the previous meeting.

Mr. Golan said that there was also a request for clarification on the site lighting. The plans that were just handed out do indicate that there would be a typical site light located at the four corners of the yard with that light being shined in towards the electrical structures; they have updated note twelve to be more consistent with the expectations; the fixtures will be dark-sky certified or compliant. Mr. Dustling said there are no plans to put any lighting on the control building itself any longer, just the four corners shining inward. Mr. Coppelman asked if there is a description of the proposed buffer alternative; what will it consist of; items existing being left? Mr. Golan said that if there is an issue that the existing vegetated screen is substandard, he is sure Unitil will work with the abutting party to make sure what remains is acceptable. Mr. Coppelman said his concern is that the vegetation there is fairly mature trees with not much understory as far as the winter is concerned; Mr. Golan said that the emergent vegetation has the ability to grow and remain; it is going to expand across the width; Mr. Coppelman said that there will be a fifteen foot width of the existing mature vegetation and then another 70 feet of the lower vegetation that would be trimmed back but not trimmed back to the ground. Mr. Dustling explained that they would remove large trees, anything that would grow up into the lines and then everything else, anything else that could grow between ground level and 8 feet wouldn't be removed; they are moving away from the "mowing" of the right-of-ways; they are keeping the lower items, 8 to 10 feet and only removing the large trees that could grow into the lines. Mr. Wilson said that it was better than last week. Mr. Greenwood confirmed that the applicant did need a waiver from the regulation from 50 to 15 feet. Mr. Coppelman asked them to show the particulars on the photograph provided. Mr. Golan showed the area.

Mr. Wilson invited abutters to address the Board.

James Couterie and another gentlemen reviewed the property showing where a home was built, the buffer zone and the road is going on to his property about ten more feet that will be a depreciating problem on his property. The property value and actual tree buffer was discussed. Mr. Golan tried to explain the differentiation between the PSNH project and Unitil project. The Unitil project is not impacting the property Mr. Couterie is discussing. The PSNH project was continued to this evening but they are asking to continue to the next meeting while the agreements are finalized. Mr. Golan said that they are not looking to remove any of the vegetation in the area Mr. Couterie is discussing and anticipate maintaining the buffer and tree screen. Mr. Coppelman suggested that this be reviewed again at the next PSNH hearing.

Mr. Wilson said that PSNH is asking to move to the next hearing; they will be heard again on November 19th.

Mr. Golan returned to Unitil's project; Mr. Greenwood said that he had not received any Department comments.

MM&S to accept the plan for jurisdiction. (Motion by Mr. Coppelman, second by Mr. Landry) **Motion passed 6-0-1** with Mr. Pope abstaining as he was out of the room.

(Board note: Mr. Pope left the meeting at this time.)

The waiver request was read by Mr. Golan regarding the alternative vegetated buffer.

MM&S to grant the waiver for the buffer as it appears in the letter dated October 21, 2013. (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

Mr. Coppelman stated that the notes on the plan also indicate more detail in regards to lighting; he confirmed that the plan set now indicates the new buffering along the south side.

MM&S to approve the plan as provided this evening. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

PSNH

Mill Road

The applicant asked for a continuance.

MM&S to continue the PSNH hearing to November 19th at 7:30. (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

Board Business

- No correspondence this evening; no minutes to approve.
- **Committee Updates:** CIP meets November 6th, HDC is moving forward with some language to bring to the Board for Bed and Breakfast activity in HD I; nothing from the ZBA.
- Mr. LeClair called and asked where he stood with the Board; Mr. Greenwood said that there is a hearing for a possible revocation on November 19th; Mr. Wilson said that there was some disagreement with the affidavit that he needed to correct; Mr. Greenwood will contact Ms. Faulconer as follow-up; Mr. Coppelman suggested reviewing the minutes.
- Mr. Wilson signed a mylar per Mr. Greenwood's recommendation.
- Mr. Coffin – in reviewing issues raised at the law lecture series: dealing with a tie vote should be part of the Board's rules of procedures; Mr. Heitz stated that if a motion is made and it is a tie vote, then it fails; Mr. Coppelman agreed that the motion doesn't pass with a tie vote. Majority of a vote is only for those votes cast (in case of someone abstaining from the hearing). He has some issues to bring forward to the ZBA based on these seminars. There was a lot of discussion regarding some of the issues brought back by Mr. Coffin; previous legal advice was reviewed. Mr. Wilson suggested Mr. Coffin write up any suggestions on changes based on the law lecture series.

MM&S to adjourn at 8:00 PM. (Motion by Mr. Coppelman, second by Mr. Heitz) **PUNA**

KPB

Minutes prepared from recordings

October 22, 2013

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