

**Kingston Planning Board
Public Hearing
June 17, 2014**

Mr. Coppelman called the hearing to order at 6:48 PM. There were no challenges to the legality of the hearing.

Members in attendance:

Glenn Coppelman, Acting Chair
Adam Pope
Peter Coffin

Ernie Landry
Stanley Shalett

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer, Ellen Faulconer, Administrative Assistant

Absent: Richard Wilson, Mark Heitz, Rich St. Hilaire, alternate

**Town Resource Management
36 Depot Road
Tax Map U9 Lot 31**

Mr. Coppelman announced that the Board had received a request from a TRM representative, Craig Cody, for a continuance to the July public hearing.

Carl Oppenheimer, an abutter, told the Board that he had not received a notice; Ms. Faulconer confirmed that the address given by the applicant was incorrect and stated that a new notice would be sent to him at his correct address, 12 Depot Road. Mr. Pac of 31 Depot Road asked about the process; Mr. Coppelman explained that testimony would come at the next hearing and explained the public hearing process; he questioned why a diesel generator instead of a propane generator. Mr. Greenwood stated that the abutter could contact the applicant prior to the hearing to express their concerns. Mr. Pac and Mr. Oppenheimer were informed they could contact the Planning Board office for the applicant's contact information.

MM&S to continue this hearing to July 15, 2014 at 6:45. (Motion made by Mr. Coffin, second by Mr. Pope) **PUNA**

Mr. Coppelman informed abutters that this is the notification for the next hearing; they would not be receiving additional notification in the mail.

Board Business

- Wetland Permit Application received and reviewed by the Board; Ms. Faulconer to notify property owners that they will need to apply to the ZBA re: Shoreland Special Exception.
- Wetland Permit Application had been received and reviewed (Little River) by the Board; Ms. Faulconer to notify property owners that they will need to apply to the ZBA re: Shoreland Special Exception.

- Building Heights answer received from Fire and Building Inspectors; Ms. Faulconer to schedule discussion for upcoming meeting.

<Board Note: Mr. Shalett arrived at this time. Mr. Coppelman noted that Carol Croteau was also present at the meeting.

Hansi and Marie Kruger
52 Main Street
Tax Map U6 Lot 15

Mr. Coppelman said that the Board had received three department comments; the Conservation Commission and Health Department had no comments; the Town Engineer cited State requirements may be pertinent and the applicant should be aware of that possibility.

Mr. Kruger explained the proposal adding that they had tried to have portable gazebos on the site and both times they had been blown away, even though they had been weighted down; they are asking to extend the deck so they can place screen like curtains below it that can be rolled up and down and removed in the winter. Ms. Faulconer stated that the Fire Chief had confirmed that they had been to the site to help remove the gazebo from a roof. Mr. Greenwood explained that a conditional use permit is required as technically it is new construction toward the lake and the Shoreland Protection Ordinance allows accessory structures less than 400 sq. ft. with a conditional use permit; the new construction is the expansion of the deck. Mr. Kruger explained that there is corrugated PVC associated with the deck, with a drain and it will be part of the same stormwater management that already exists and is not changing; there is already a patio on the property consisting of stamped concrete with expansion joints. Mr. Greenwood said that the deck already extends 18 ft. over this area, it will now extend to 28 feet, but the underlying surface already exists. Mr. Kruger added that this all had been done with permits.

Mr. Greenwood said the Board needed to address the criteria for granting a CUP in Article 205. Mr. Coppelman reviewed the 5 criteria. The Board unanimously agreed that this proposal would not detrimentally affect the surface water as the run-off was not changing; the Board unanimously agree that this will discharge no waste water as this issue is not applicable to the proposal; the Board unanimously agreed that this proposal will have no impact to wildlife; the Board unanimously agreed that this complies with the use requirements and all other sections of Article 205; the Board unanimously agreed that the design and construction will be consistent with intents and purposes in Article 205.1.

MM&S to grant the CUP for this proposal as presented by the Krugers. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

Ms. Faulconer will let the Building Inspector know the Board's decision and write up a Facts and Finding for this.

By-laws – Proposed Amendment

The Board had previously reviewed language to be added to the By-laws authorizing the Chairperson to sign a certified record and authorizing the Vice-Chairperson to sign if the Chairperson was unavailable.

MM&S to adopt the changes to the by-laws as presented authorizing the signing of a certified record by the Chairperson and the Vice-Chairperson. (Motion by Mr. Coffin, second by Mr. Pope) **PUNA**

Board Business, continued

Correspondence, continued:

- Letter of Interest for the Board's alternate position, previously reviewed by the Board, from Carol Croteau
- Letter of Interest for the Board's alternate position, received from Robert Pellegrino

Mr. Coppelman stated that the Board had received Ms. Croteau's letter and reviewed at a previous meeting and had invited Ms. Croteau to attend a couple of Planning Board meetings to see if she was still interested; she attended the Board's hearing on the 12th and again this evening. Mr. Coppelman asked her if she was still interested and she said she was. Mr. Coppelman reminded the Board that Ms. Croteau had served on the Planning Board's CIP committee; Mr. Greenwood added that she had attended those meetings faithfully; Mr. Coffin stated that she was on the Conservation Commission.

MM&S to appoint Carol Croteau as the Board's alternate filling the term of the open position. (Motion by Mr. Coffin, second by Mr. Landry) **PUNA**

Ms. Faulconer will send a letter to Mr. Pellegrino thanking him for his interest and letting him know the position has been filled.

Upcoming meeting: The Board discussed their upcoming schedule; since the Board had already met three times in June and there is nothing scheduled for the June 24th meeting, that meeting is cancelled. The Board authorized Mr. Greenwood to review any submissions received for the July public hearing and add to the agenda if appropriate.

CIP Committee: Mr. Coppelman said that the CIP committee needed to be reconstituted. Mr. Greenwood suggested that the committee should meet prior to sending out an initial correspondence to the Town Departments. Ms. Faulconer will notify the Budget Committee and Board of Selectmen that the first meeting will be at 6:30, and ending at 6:45, on Tuesday, July 15, 2014 and ask them who their representatives will be on the committee.

Steve Early, Rte. 125 "pit" closure: Mr. Early explained that the Notice of Intent to Excavate that had been submitted to the State was just a technicality and it states that nothing is being removed adding that the seeding has already been done; he is trying to sell the property. He is expecting the closure plan to be done by the end of the month and will submit it to the Board at that time. Mr. Coppelman said that a concern the Board has is that his performance guarantee is expiring in July; Mr. Early agreed to have it extended 6 months, he will provide this to the office. Mr. Coppelman said that once the Board receives the plan, Mr. Quintal and Mr. St. Hilaire can review it for the Board. Mr. Early was advised to come to the office and review closure procedures with Mr. Greenwood.

Correspondence, continued:

- Duval request for bond release received and approved by the Board.
- Notices of Violations sent out from the BOS were received for Shell, Kolias, Mr. Mike's and Atlantic Properties.

The Board asked Ms. Faulconer to check on the status of the Memories enforcement request given to the BOS.

- Reviewed discussion with Mr. Lancaster about recent letter regarding signage on his site for Wicked CAS; he stated the signs were removed. Additional information was discussed about Wicked CAS operating at 10:30 at night with garage doors open, working on cars on Monday, June 16th; the Board is hoping this is an aberration and will wait to see if this is a continuing problem.
- Budget reviewed
- Email request from ATF regarding Atkinson Machine dated June 12th; Ms. Faulconer will call Atkinson Machine to verify if they are selling guns/firearms at this location/site and get the information from them in writing for the file. If Atkinson Machine is not selling firearms at the site, Ms. Faulconer can contact ATF and tell them that they are conforming to zoning (by Board consensus).
- Maroun Auto Sales – Inspection license – the names on the license now match the owners of the property – the paperwork was approved to forward to the BOS.
- Copy of Memo to the ZBA re: property in the HDC given to the Board as an FYI (Mr. Coffin abstained from any comments regarding this information)
- Memo from OEP asking for zoning updates – Board authorized Ms. Faulconer to complete.
- Ad costs reviewed
- Sign enforcement issues raised at Inspector's meeting – Ms. Faulconer to complete Enforcement requests to the BOS for violation of the sign ordinance for Stanley paving – sign with no permit, Green Griffin – portable signs, Diddies and Doo-dads – portable signs; all on Rte. 125. The Board questioned why the Inspectors were not able to ask the Board of Selectmen directly for this type of enforcement; they will address the process with the Selectmen's representative at the next meeting.

MM&S to approve the minutes of May 6, 2014 as presented. (Motion by Mr. Coffin, second by Mr. Landry) **Motion passed 4-0-1** with Mr. Pope abstaining.

MM&S to approve the May 20, 2014 minutes as presented. (Motion by Mr. Landry, second by Mr. Shalett) **Motion passed 4-0-1** with Mr. Pope abstaining.

Ms. Croteau was invited to the table; Mr. Coppelman explained that the alternate position can, and is encouraged, to participate in all Board discussions even if not voting at that particular meeting. Ms. Faulconer will get the appointment papers done and will get her the Board calendar, by-laws, ordinance book and other associated documents.

MM&S to adjourn at 8:20. (Motion by Mr. Pope, second by Mr. Landry) **PUNA**