

**Kingston Planning Board
Public Meeting
August 4, 2015**

The Chairman called the hearing to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman
Glenn Coppelman, Vice Chair
Peter Coffin
Mark Heitz, BoS rep.

Carol Croteau
Stan Shalett
Adam Pope

Members absent: Ernie Landry and Richard St. Hilaire (Alternates)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant/Board Alternate.

**Kim and Dan Mills
Steppin' Out Dance Academy
52 Church Street
R33 Lot 19**

The applicant explained that they are proposing to add a dormer to elevate the roof to better suit their aerial program. Mr. Greenwood stated that he had no concerns with the proposal as they are adding cubic area but no additional floor space; since the look of the structure is changing they needed a review on file. Dan Mills confirmed that there will be no change in the type or amount of the activity or in the amount of students. Kim Mills confirmed that the ceiling height is being raised due to the aerial program requirements. Mr. Coppelman informed the applicant that permits such as building and electrical would be required. Mr. Greenwood explained that an expedited review did not require notification of abutters.

MM&S to accept and approve the amended site plan as submitted for this meeting via the expedited review process. (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

Board Business

Correspondence:

- Interoffice memo re: ZBA application for U3-43.
- Letter received from Mr. Galloway re: the Brenda Blake property; the Board determined that the Board's requirements of the 5/5/15 meeting have been fulfilled. ***Ms. Faulconer will give a copy of the letter to the BoS for tax purposes.***
- Email received from Mr. Coffin regarding compliance with the Sign Ordinance at Feddy's Barber Shop next to Fremont Pizza and Board consistency. ***Ms. Faulconer to***

send a letter to the property owner and Feddy's Barber Shop asking them to remove the sign prior to asking for any enforcement action.

Chris Bashaw
49 Danville Road
Tax Map R22 Lot 54-2

Mr. Bashaw noted that the trucks previously for sale at Alternative Sales have been removed. Vehicle sales licensing requirements were reviewed. Ms. Faulconer reviewed the phone call with DMV; each individual could sell 4 vehicles without a license within a twelve-month period (not per calendar year); if they were owned under both husband and wife then it would be 4 total but since each individual owned 4, then they could sell a total of 8 vehicles without a license. Ms. Faulconer added that the location of where they were selling the vehicles was not a state issue although would have to comply with Town regulations. The Board agreed that, based on individual ownership, Mr. Bashaw met the requirements for selling up to 4 vehicles without a license and his wife could sell 4 that were in her name.

The Board noted that while Mr. Bashaw's vehicles had been removed, there appeared to be a car for sale at Alternative Sales. *The Board will confirm for review at the next meeting.*

Board Business, continued

- Budget Review: due to the current RPC contract, the amount for Planner Assistance needed to be increased to \$27,528; contract activities were reviewed. There was no additional input. *Ms. Faulconer will amend and complete the budget request and submit without further Board review.*

Scott Barker
Nationwide Recovery Services, Inc.
52 Rte. 125
Tax Map R5 Lot 16

Mr. Barker was not present. Mr. Wilson reminded the Board that a license had been requested and deferred pending further action. The Board said that no further Board action would be taken at this time.

Leza and Mark Milham
Kingdom Awakening Ministries
160D Main Street
Tax Map U10 Lot 9

Mark Gerakas, property owner, and applicant, Myles Milham, appeared before the Board. Mr. Coppelman explained that the Board had questions regarding the parking on the site especially on Fridays. Mr. Gerakas stated that he was the only business currently open on Friday evenings; the karate business was only open Mondays through Thursdays. Mr. Wilson noted that problems with the additional activity and parking could possibly impact Mr. Gerakas' business. Mr.

Gerakas stated that he has designated parking for his business; he stated that only employees parked in the back of the building; there were 44 – 45 parking spaces and 2 handicapped parking spaces. Mr. Wilson cautioned Mr. Gerakas to not add additional parking spaces without an amended site plan. Mr. Milham said that they expect approximately 20 – 35 people; Mr. Wilson said that would require approximately 10 – 11 spaces so there should be plenty of parking. The letter emailed to the Board on July 15, 2015 was reviewed which was asking for approval for Sundays from 9 AM to 1 PM and the second and fourth Fridays from 6 PM to 10 PM, with 25 to 30 people expected.

Mr. Heitz stated that if they want additional hours, they should tell the Board now or they would have to come back for additional review. Mr. Milham discussed possible future programming, possibly mid-week/Wednesdays. Mr. Coppelman said that day could constitute a parking issue. Mr. Greenwood said that with 25 – 35 people, it should be okay.

Mr. Heitz added that the property owner is responsible for the parking; there can be no parking on Main Street; the parking must remain on the property. Mr. Gerakas agreed. Mr. Coppelman added that there is a pending sign application before the HDC.

MM&S to approve this application at Kingston Plaza as requested in the email/letter request with the additional hours, every Wednesday, Friday and Saturday from 6:00 PM to 10:00 PM and every Sunday from 9:00 AM to 1:00 PM. (Motion by Mr. Coppelman, second by Mr. Heitz) **Motion carries 6-0-1 with Mr. Pope abstaining.** Mr. Pope explained that he abstained as he was not part of the original discussion.

Scott Barker
Nationwide Recovery Services, Inc.
52 Rte. 125
Tax Map R5 Lot 16

Mr. Barker explained that he misunderstood his appointment time. He stated that his previous license was under Salem Repossessions and was now under Nationwide Recovery Services, Inc. Mr. Wilson said that vehicles were required to be on paved surface referencing 904.7 and included vehicles for sales, service, reconditioning and storage. Mr. Barker stated that he also owns the property under another name. He said that he had two locations for storage of 300 x 75 ft. and a small area in the back of 150 x 60 feet. There was discussion regarding the paving of the storage area. Mr. Barker stated that he can try to take care of the pavement issue, he has brought in ground hot top but it is not paved; he could also move the cars to a paved area while he tries to take care of the pavement concerns. Mr. Coppelman said that the area slopes to the pond so the impervious surface requirement is appropriate but it also requires proper stormwater management so the run-off is properly addressed. Mr. Barker re-iterated that he can park the cars on the existing paved surface. Mr. Coffin suggested dealing with the plates as one issue and the run-off as another issue adding that the dealer plates issue is okay but the stormwater management is another issue; he should contact Glenn Greenwood regarding information for stormwater management and appropriate drainage for the site. Mr. Coppelman said that the Board is talking about parking vehicles on pervious surface versus impervious surface. Mr. Coffin said that he needed to review Stormwater Management and needing catch basins, etc. Mr.

Coppelman thought that suggesting utilizing the existing pavement is a good idea and then bring the other areas into compliance to be able to use them. Mr. Barker said that the vehicles for storage needed to be within a fenced-in area; in order to use the existing pavement, he would need to put a fence around them. Mr. Wilson suggested that he begin working on the issue; Mr. Coppelman suggested establishing a timeframe to accomplish the proper stormwater management. Mr. Barker said that he would hopefully be able to get started before the winter; he could complete the project within a year. Ms. Faulconer suggested that this be accomplished prior to the yearly license renewal; if not complete, the Board could not renew the license.

ACTION ITEM: Ms. Faulconer will contact the DMV re: the license renewal process and making sure the Town receives the renewal for next year for Mr. Barker/Nationwide Recovery Services.

MM&S to recommend approval for the license for Transport Plates per the Board's discussion. (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

MM&S that Nationwide Recovery Services address the paving on the area for the Storage of Vehicles per the Town's regulations prior to next year's license renewal. (Motion by Mr. Coffin, second by Mr. Coppelman) **Motion carries 6-1 with Mr. Pope opposed.**

Daher Motors
8 Route 125
Tax Map R3 Lot 16

Mr. Greenwood and Ms. Faulconer were contacted by a representative for Daher Motors; they were unable to attend tonight's meeting but was going to come into compliance with the Board's concerns. The Board agreed that no further action was needed at this time as long as the property was coming into compliance.

Peter Bakie
26 North Road
Tax Map R30 Lot 32

Mr. Bakie arrived to speak with the Board. Mr. Wilson explained that the normal procedure was for a letter to be received by the Board so a file could be pulled and the person added to the agenda. He noted that the Board had not received a request to be added to the agenda. Mr. Heitz explained that Mr. Bakie was looking for clarification on the intent of an ordinance; he explained why Mr. Bakie wanted to speak with the Board; he suggested the Board fit Mr. Bakie into the agenda.

Mr. Bakie said that the Board had received a letter of complaint and he would have preferred being asked to attend the meeting to be part of the discussion. Mr. Wilson said that the Board read the letter in correspondence but did not discuss it and took no action on it.

Mr. Bakie asked to have the Board look at the ordinance regarding travel trailers and whether it referred to living in the trailer; he suggested that the language was ambivalent and not pertinent

to the activity on his property. He provided copies of that section of the ordinance to the Board. Mr. Bakie suggested a scenario where his cousin came to town and wanted to park a travel trailer on the property. Mr. Wilson explained that a quiet cousin coming to visit might not constitute an issue but if he started a ruckus and the neighbor's were complaining, it might cause a problem; they were two different scenarios. Mr. Wilson confirmed that one travel trailer could be stored on a property; he noted the permitting process through the Board of Selectmen.

Mr. Bakie asked to invite the Board to go on a site walk on his property. He stated that there was a portable toilet on the site and he has it pumped out weekly; he added that he has had the Board of Selectmen out there to review the site. He stated that nobody lives on the property. Mr. Wilson said that currently the site is not in compliance with the Town's ordinances as there are multiple travel trailers on the property. Mr. Bakie stated that he stores 4 of them on site. Mr. Coppelman said that he didn't imagine that the ordinance was designed to prohibit a vehicle being hooked up to a septic system for a small period of time; Mr. Wilson said it was the number of vehicles that were the problem; Mr. Coppelman agreed. Mr. Bakie stated that all the campers had been removed.

Mr. Heitz asked the Board to determine if the ordinance was designed to prohibit multiple travel trailers being parked on the site. Mr. Wilson asked why this site would be different from a property such as the one on New Boston Road that had enforcement issues pending; he suggested that if there had been complaints of multiple travel trailers on that site, there would be no question. Mr. Bakie requested that the Board view the property as it was well-manicured and clean; he stated that he had been parking multiple trailers there for 6 to 7 years; he stated that his abutters finally found something in the ordinance specific to multiple travel trailers.

Mr. Heitz said that the question the Board was being asked to clarify was whether the ordinance applied to this property and additionally, being the way the property is zoned, as it is Rural Residential, could Mr. Bakie put a campground on the property. Mr. Wilson said it seemed to him that he is looking to park multiple units. Mr. Bakie said that eventually he wants to build a single family home on the site; he continued that he has an 800 foot graveled road that has been there since 2005; he has a porta-potty on the property; he re-iterated his request for the Board to visit the property stating that it is not a money-making business. He added that it has been used for recreational vehicles; he has a camp-fire; no one is living on the site. Mr. Wilson said that if the ordinance says that multiple trailers can't park there, then they can't be parked there. Mr. Coppelman said that it is supposed to be a temporary thing; it is not designed for permanent residency in a travel trailer, it is designed for temporary use. Mr. Heitz said that it can only be assumed that the ordinance is to prohibit people; he asked the Board if they felt the ordinance was applicable to this particular situation noting that there were 5 campers that were staggered, plugged into electricity and that Mr. Bakie had friends come over and spent the weekend on the site. Mr. Heitz asked if the ordinance speaks to the use that Mr. Bakie is doing on the site. Mr. Wilson talked about the ordinance being adopted to address a farm on Little River Road that had two or three trailers sitting on the property. The ordinance language was read stating that no more than one travel trailer can be parked on a building lot. Ms. Faulconer said that the language did not sound ambiguous; Mr. Pope agreed.

Mr. Pope asked if this came in as a site plan for recreational use, did the ordinance prohibit it. Mr. Greenwood answered that a site plan is for non-residential activity; he added that while not done before, the Board could make a distinction, if it wanted to, between commercial and recreational use however, the strictest reading of the ordinance is what the Board is supposed to go by. He continued that this is the only section of the ordinance where travel trailers are addressed and the last sentence is not ambiguous at all. Mr. Heitz proposed that if the Board was looking at it like they were applying the ordinance to the site and if the only way to deviate from it would be possible approval of a campground. Mr. Wilson said if that was the case then it would require site plan approval.

Mr. Bakie said that he did not think that the ordinance has anything to do with what he is doing on the property. Mr. Wilson said the last sentence did apply which did not allow what he was doing. Mr. Bakie said that he was not interested in trying to comply with the requirements for a campground. He said that he had reviewed that possibility and there were septic and health issues. Mr. Bakie discussed the activities again adding that he did occasionally stay overnight. Mr. Wilson re-iterated that the ordinance specifies only one trailer. Mr. Bakie said he did not agree but he understood. Petitioned warrant articles and their procedures were reviewed.

Mr. Bakie stated that the Town had known about these activities for years. Mr. Wilson noted that he did not know about them. Mr. Bakie replied that other Boards, including the Selectmen, had known. Mr. Heitz replied that, in all fairness to the Boards, the activities 6 years ago were not the same as was there now.

ECSI
111 Route 125
Tax Map R10 Lot 2

No one from ECSI came to the appointment.

ACTION ITEM: Ms. Faulconer will send another letter, certified mail, inviting them to the next meeting; if no reply at that time, the Planning Board will forward to the Board of Selectmen for enforcement action.

Board Business, continued

- Mr. Greenwood distributed a letter from Mr. Mancini asking for verification of business and resident address; ***Ms. Faulconer will bring the issue to the Town Clerk for clarification.***
- Use on Kinney property and information from Fire Chief was reviewed; ***Ms. Faulconer will drive by and take a look at the property and report back to the Board.***

MM&S to adjourn at 8:40. (Motion by Mr. Heitz, second by Mr. Coppelman) **PUNA**