

**Kingston Planning Board
Public Hearing
September 22, 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
Stan Shalett
Mark Heitz, BOS rep.
Ernie Landry (Alternate)

Carol Croteau
Peter Coffin
Ellen Faulconer (Admin. Asst./Alternate)

Members absent: Glenn Coppelman, Adam Pope, Richard St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Mr. Wilson announced that Mr. Landry and Ms. Faulconer will be voting members for tonight's hearing.

**Two Sixty-six Rte. 125, LLC
266 Rte. 125
Tax Map R41 Lot 17-1**

A representative was present. Mr. Greenwood explained the proposal stating that the only change to the existing plan was adding fencing and bollards; this qualifies for an expedited review.

MM&S to invoke jurisdiction on the plan. (Motion by Mr. Landry, second by Mr. Coffin)
Passed 6-0-1 with Mr. Heitz abstaining.

MM&S to accept the plan for the installation of the fencing and bollards as presented.
(Motion by Mr. Coffin, second by Ms. Croteau) Discussion: Mr. Shalett asked how far away from Rte. 125 the tanks were located. Mr. Greenwood answered they were a long way from the highway; approximately a quarter mile; they could not be seen from the highway. Vote on the motion: **Motion passed 6-0-1** with Mr. Heitz abstaining.

Board Business

Correspondence:

- Lot Merger form that had previously been approved was signed by the Chairman
- Code enforcement request for ECSI reviewed and signed; will be given to the BOS
- Mr. Greenwood has no update for Memories, he is still working on compiling the uses that the Board has approved for the site.
- Survey and Boundary plat received; it is non-jurisdictional but RSA requires sending a copy to the PB.

- Reply letter from Ken's auto was received
ACTION ITEM: Mr. Greenwood will review the file and letter for compliance.
- Info. received re: permit for underground piping and tank at 37 Wadleigh Point Road; the Board had concerns regarding issues with Shoreland; Mr. Greenwood believes at a minimum it would require a variance; WS 411 was noted.
ACTION ITEM: Ms. Faulconer will confirm with the Building Inspector and Fire Department.
- NHDES permit for 41 Wadleigh Point Road
- NHDES permit for 45 Wadleigh Point Road
- Bond Balance list reviewed
- Expense report reviewed
- Land Use Books order form – Board wants same as before ordered.
- Important Dates for Local Officials calendar received.
- Copier replacement was discussed; Ms. Faulconer had a quote for a used color copier; she will look into ink-jet replacement costs and report back to the Board.
- Email from engineer re: expansion for Eversource/PSNH was reviewed. Mr. Coffin noted that there were some restrictions on the original expansion and setbacks were an issue. Mr. Greenwood noted that it exceeded the 1500 square footage requirement by 1/3 so that eliminated the possibility of an expedited review. Mr. Coffin said abutters needed to be notified. Mr. Wilson agreed that the Board clearly had no other choice than requiring an amended site plan. Ms. Faulconer will notify the engineer.
- Proposed changes for “junk”, “nuisance”, lot lines, building lots and access management were distributed to be reviewed/discussed at the next meeting.
- Notification from Attorney Loughlin that the Montana Realty Trust court date was moved from Sept. 1st to October 5th at 9:00 AM.

Minutes:

MM&S to accept the August 4, 2015 minutes as amended (change the word “neighbor’s” to “neighbors”). (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 3-0-3** with Mr. Landry, Mr. Heitz and Mr. Wilson abstaining.

MM&S to accept the August 18, 2015 minutes as written. (Motion by Mr. Coffin, second by Mr. Landry) Motion carries 4-0-2 with Mr. Heitz and Mr. Wilson abstaining.

Committee Update:

Mr. Greenwood said that the CIP committee had received a smattering of responses so an additional request was sent out; a meeting date will be set up shortly.

New Business:

Mr. Heitz returned to a previous discussion by the Board regarding the use of trailers on the Bakie property on North Road. He reminded the Board that the property owner had come to the Board to get a clarification on trailers with the requirement being that after three days a permit was required and available for one 90-day period that was not renewable and there was a

restriction of no more than one trailer on a property. He stated that after that discussion, he and the property owner left thinking that the trailers on his property were specific to that Ordinance and were not allowed. Mr. Heitz then referenced Article 203, specifically section “R” describing “Manufactured Home” and “U” describing “Recreational Vehicle”. He noted that these definitions were not available when the property owner spoke with the Board. He stated that the Board of Selectmen found it confusing that there were two definitions and he said he would bring it to the Planning Board.

Mr. Greenwood explained that the definition is different as this particular ordinance was developed by the Federal Government and needed to be adopted by the Town as written in order to participate in the Flood Insurance program. He further explained that this definition is particular to and only for the Flood Plain Ordinance adding that they are not comprehensive definitions for the Town. He re-iterated that these were adopted only so the Town’s residents could take advantage of the insurance program. He said it was acceptable for the Town to have a different definition as this is specific to a recreational vehicle being in a floodplain and having issues with insurance. He added that Article 203.4 is not intended to usurp anything adopted by the Town; these standards are for FEMA so residents can get Flood Insurance at a reduced rate. Mr. Heitz said this particular ordinance distinguished one from the other and questioned the reason; he added that Mr. Bakie thought this described his use. Mr. Greenwood stated that he was not positive, but did not think the property in question was in the Flood Plain. He continued that the trailer definition was originally brought to the Board to address health issues in the late 80’s and while he wasn’t personally involved with that, he was involved with the adoption of the Flood Plain Ordinance and it had to meet FEMA’s definitions to be compliant so residents could get the insurance; their definitions were created to establish insurance claim guidelines. Mr. Wilson stated that the Trailer ordinance helps to protect homeowners and abutters from having a property with several trailers with a party from April to August, as an example. Mr. Greenwood said the issue in the ‘80’s when originally proposed also was dealing with trailers not adequately hooked up to septic systems and causing problems.

ACTION ITEM: Mr. Wilson suggested sending the Flood Plain Ordinance to the Board members to review in anticipation of any further discussion.

Plan Review:

The Board reviewed submitted plans to set the agenda for the public hearing in October. Added to the agenda:

- LaFontaine LLA
- Brouillette/Trendezza/Heath LLA
- Berkshire Dominion, LLA (AKA Saddle Up Saloon, AKA Pondview):
 - The Board reviewed a waiver request for the Professional Review fee – there was no agreement to waive the fee.

ACTION ITEM: Ms. Faulconer will contact the applicant to provide the \$5000 bond.

- Department Heads had asked the Board to establish the Technical Review committee to review this application prior to the Board's first meeting; the Planning Board agreed.

ACTION ITEM: Ms. Faulconer will contact the applicant; confirm a date and time with Dept. Heads and the Town Engineer for a Thursday morning prior to October 20th.

MM&S to adjourn at 7:55 PM. (Motion by Mr. Landry, second by Mr. Coffin)
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