

**Kingston Planning Board
Public Hearing
December 15, 2015**

The Chairman called the hearing to order at 6:47 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Carol Croteau
Peter Coffin	Ernie Landry (Alternate)
Ellen Faulconer (Admin. Asst. and Board Alternate)	

Members absent: Mark Heitz, BOS rep, Adam Pope; Glenn Coppelman, and Richard St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Police Chief Don Briggs, Jr.

Mr. Wilson noted that Mr. Landry and Ms. Faulconer will be voting members this evening.

**Eversource Energy
Kingston Distribution Substation
14 Mill Rd.
Tax Map R11 Lot 11**

Mr. Wilson stated that this was a hearing continued from November. Nick Golon was present representing Eversource Energy along with Celine Bilodeau, Eversource Substation Engineer. Mr. Golon reviewed the information presented at the November hearing and the site walk that took place on November 28, 2015. He noted that the Conservation Commission was represented at the site walk. Mr. Golon explained that the proposal was a small impact to the site; he explained that the site lighting issues were really with Unitil; a memo regarding that issue was forwarded to the abutter and Mr. Greenwood; Mr. Golon will forward to the Board. The landscape screen was reviewed; 10 additional 8 to 10 foot Norway Spruce will be planted. Mr. Wilson explained it was in an area from the driveway forward to fill in the gap. Mr. Golon explained that they will entirely screen the gap; they believe it is appropriate and what was discussed at the site walk. Mr. Wilson said that the hand-out is a little misleading; Mr. Golon handed out an additional map that gives a more complete view of the site. Mr. Golon reminded the Board that they were looking for site plan approval, a waiver for the buffer requirements and a conditional use permit for the area impacted in the wetland buffer. Mr. Greenwood asked about any comments from the ConsCom. Mr. Wilson explained that the Commission asked for the more trees being added and got an answer as to the need for the proposal which was for the turning radius and requirement of the trucks for any repairs.

Public Comment: Kevin Connors of 20 Mill Road thanked the Board for the site walk and their diligence. Ms. Bilodeau explained the reasons for the expansion; she explained that the mobile aspect is to be used in case of emergency to get the power back on. The reasoning behind the

expansion was explained which was primarily to accommodate the turning radius and dimensions needed to tap into the overhead lines with the additional item providing redundancy. The need for a mobile unit versus a permanent unit was explained; the type of trailers, length of the trailers, and size of the transformer were all reviewed. Mr. Golon said that the use of the trailer was not something that would be happening weekly or monthly, it was to be used for catastrophic events/emergencies. Chief Briggs talked about portable substations during power outages; he was in favor of the use of a portable substation for emergencies. Mr. Connors asked about hazardous materials; Mr. Golon said that it used mineral oil; there were no hazardous materials. Chief Briggs confirmed that coming in near the Pondview area was not a weight problem for the roadway. Ms. Bilodeau explained that maintenance on the station itself using the substation is basically just once every 10 years; it is only in the case of a catastrophic event that it would be brought in to be used.

MM&S to approve the conditional use permit request of 1,450 sq. ft. of impact to the 55 foot wetland buffer. (Motion by Ms. Faulconer, second by Mr. Coffin) **PUNA**

MM&S to approve the request to reduce the 50 ft. buffer to 45 ft. in an area of 10 linear feet as shown on the plan and to remove as little vegetation as possible. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

MM&S to approve the amended site plan as presented including the vegetation added to the landscape screen as shown on the exhibit plan (marked plan “B” on the Board’s copy) distributed this evening. (Motion by Mr. Coffin, second by Mr. Landry) **PUNA**

Ms. Faulconer reminded the applicant that they had 90 days to submit the final plans and mylar.

Diamond Oaks Golf Club
Diamond Oaks Boulevard
Tax Map R3 Lot 4 Land Unit 1

Steve Cummings, representing DOGC, introduced himself and Jim Dufresne to the Board. He explained that this was a site plan review for a 4800 sq. ft. maintenance building for Diamond Oaks, Land Unit 1; it will have a steel roof, vinyl siding and an entrance on either end of the building. Mr. Greenwood read his comments; he had no concerns but he did question if there was any lighting on the building and asked about the use. Mr. Cummings said the building will have downcast lighting and will meet the Town’s regulations and ordinances; it will be used for the storage of equipment and maintenance/minor repairs of the equipment for the Golf Course. Mr. Coffin said that this building will not impact the lot coverage. “No Comments” were received from Fire and Building. It was confirmed that this is over 100 feet from the wetlands. There were no abutter comments.

MM&S to accept jurisdiction of the plan. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

MM&S to accept the amended site plan as presented. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

Aaron E. Johnston
Allied Clearwater, LLC
251 Rte. 125
Tax Map R40 Lot 14

Mr. Wilson explained that this was a Design Review and a mixed use of commercial and residential was being proposed. Mr. Greenwood noted that a design review is non-binding on both the Board and the applicant. The site is presently a duplex with 2 residential units. Mr. Wilson read that the Building Dept. had “no comment”; he read Fire’s comments that included needing a detailed building plan stamped by an Engineer. Chief Briggs spoke in favor of the proposal; he said that the entrance will need to be reviewed to make it as safe as possible as it is a shared driveway. Mr. Johnston said that the initial proposal would be to move into the existing building with the idea of garage in the back in the future noting that the property is in the Aquifer.

Ms. Merrill said that there is a state-approved access road for the three existing properties. Conrad Magnusson, abutter, submitted a written statement that he is fine with the proposal. It was explained that the next step would be for a site plan review. Mr. Wilson recommended they go see the Fire Department. Mr. Johnston explained the type of business noting that there are no chemicals on the site; they are a water filtration business with 6 employees, most of which were on the road; they go to the clients, not the other way around; they are not expanding, they are looking for a better space that is their own; the zoning is CII/Aquifer.

By-laws Update

Mr. Wilson reviewed adding item number 14 to the current by-laws explaining that it is the current policy but hadn’t been put in writing regarding disposition of any recordings of the meetings.

MM&S to accept the amended bylaws as presented. (Motion by Mr. Coffin, second by Mr. Landry) **PUNA**

Board Business

Correspondence:

- NH Municipal Tech. Assistance Grant was received; Mr. Greenwood will review and get back to the Board.
- Letter to Mr. Kalil re: non-compliance was signed by the Chair.
- 22 Marshall Road Cease and Desist Action was reviewed; Ms. Faulconer reviewed Mr. Quintal’s verbal report including the actions taken and those they are working on.
- Bump and Grind compliance request letter was sent.
- Invoice from CCM signed.
- Update on Bandstand repairs; Mr. Landry stated that Mr. Pothier will have many of the repairs done by year-end with the rest to be done by June of next year.
- Reviewed ECSI – no update from BOS at this point.

- Trendezza request to have the Board verify that there will be no school portion of the impact fees required; Mr. Greenwood reviewed the ordinance; the Board needs to make the decision either during the site review process or at a publicly noticed hearing; abutters' notices do not need to be sent.

Action Item: Meeting will be posted for January; Ms. Faulconer will notify Mr. Lariviere of this process.

Warrant Articles Public Hearing

The Board was reviewing proposed articles concerning Nuisance and additions to Definitions.

Public Comment:

Mr. Bakie stated that the Board had removed a definition from the Ordinances without a public hearing. The Board reviewed the posted article and the current regulation and the word Mr. Bakie referenced regarding recreation was not omitted as it had not been in the ordinance. He referenced definitions in the Flood Plain Ordinance. Mr. Greenwood explained that the definitions section in the front of the book was pertinent to the entire book but that certain ordinances and regulations had definitions specific to those particular ordinances and did not apply to the whole book.

Chris Bashaw of 49 Danville Road expressed concerns with Definitions additions and the Nuisance addition. He stated that he felt that the language is too broad and could be misinterpreted and too far-reaching in their scope. Mr. Bashaw continued that the “nuisance” language could be interpreted to include rebuilding an antique car or other vehicle that might not be registered while under repair; he referred to the State’s laws and requirements; he referenced problems that might occur with selective enforcement. Mr. Wilson explained that the Board was putting this in at the request of the Town Attorney to be better able to support enforcement issues.

Joe Premo, 10 Ball Road, re-iterated several of Mr. Bashaw’s comments. He cited examples of misuse of the language leading to complaints based on interpretation of the proposed language. He thought that some of the language was too broad without specifics being added to it. He suggested having an attorney write the proposal. Mr. Wilson asked Mr. Bashaw and Mr. Primo what their compromise might be. He explained previous issues the Town had regarding certain properties.

Tammy Bakie, 109 Exeter Road, asked who would be the judge of the interpretation of some of the language in the ordinance.

Mike Theberge, 5 Fieldstone Drive, talked about creating neighborhood disputes and the interpretation of the language in the ordinance; he was concerned that neighbors who did not like something in someone else’s yard might use this ordinance to cause problems.

Karen Lloyd, 8 Brookhaven Road, also expressed concerns regarding clarification on complaints and enforcement.

Chuck Lloyd expressed concern that the language gives too much opportunity to foster complaints.

Lynn Merrill suggested a subcommittee to meet over the next two weeks to provide changes for the upcoming election.

There was continued discussion regarding possible changes to the proposed wording; existing State language; timing involved for posting requirements. Mr. Greenwood suggested not rushing to make corrected amendments within the upcoming timeframes to meet legal posting requirements; he suggested putting together a subcommittee to develop language for the next year's warrant. Mr. Wilson said the Board typically waits until the March elections and set tasks and deadlines for the next year. The Board will set up an ad-hoc committee; anyone interested in serving on the committee should send an email or letter of interest to the Board.

The Board decided that the amended sections dealing with new definitions will not go forward to Town Meeting.

Building and Building Lots amendment: The Board decided that section 301.10, Nuisance, will not go forward to Town Meeting.

MM&S to have amendments to Article 301 go forward as presented with the section 301.10, Nuisance, removed from the proposed article. (Motion by Mr. Wilson, second by Ms. Faulconer) **PUNA**

MM&S to continue the warrant article public hearing to January 5, 2016 at 6:45. (Motion by Mr. Wilson, second by Ms. Faulconer) **PUNA**

Board Business, continued

MM&S to accept the minutes of November 17, 2015 as written. (Motion by Mr. Landry, second by Mr. Coffin) **PUNA**

MM&S to accept the minutes of the site walk for November 28, 2015 as written. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

Correspondence, continued:

- Letter from Attorney Loughlin re: motion for reconsideration.
- Question regarding test pits for a subdivision received from Tim Lavalley.

Action Item: Ms. Faulconer will contact RCCD to find out the costs involved; Mr. Lavalley will be contacted to set up an escrow account to pay those costs.

- Ms. Faulconer reviewed the new printer; the Board agreed that she will talk with Mr. Heitz about his proposal to put the new copier in the BOS office with the current BOS copier being put in the Planning Board office and a new desktop printer with 11 x 17 and color capability being purchased instead.

Ms. Faulconer reviewed a request from Mr. Torromeo to be added to the upcoming agenda. Mr. Greenwood reviewed the plan and said that it wouldn't work as a site plan as it didn't meet the submission requirements; the Board agreed that it was not able to be added to the next public hearing.

MM&S to adjourn at 9:15 PM. (Motion by Mr. Landry, second by Mr. Coffin) **PUNA**