

1 **KINGSTON PLANNING BOARD**

2 **OCTOBER 4, 2022**

3 **PUBLIC MEETING**

4 **MINUTES**

5 Ms. Merrill called the meeting to order at **6:32 PM**; there were no challenges to the legality
6 of the meeting.

7
8 **MEMBERS PRESENT:**

9 Lynne Merrill, Chair

10 Chris Bashaw, BOS Representative

11 Peter Bakie

12 Peter Coffin

Glenn Coppelman, Vice Chair

Robin Duguay

Steve Padfield

13
14 **ALSO PRESENT:**

15 Robin Carter, Admin. Assistant

16
17 **ABSENT:**

18 Glenn Greenwood, Town Planner

19
20
21 Ms. Merrill opened the meeting explaining that tonight is the Planning Board's ("PB")
22 Public Meeting night and not a Hearing night, and will be discussing primarily zoning
23 issues that may be going on the ballot for next March's election.

24
25 A few members of the public entered the room during the meeting and listened in from
26 the back.

27
28 **BOARD BUSINESS**

29
30 **Approval of meeting minutes:**

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32 **Motion made by Mr. Coffin to approve the 09/20/2022 minutes as written. Seconded**
33 **by Mr. Coppelman. Ms. Duguay was not present for the vote. A vote was taken, the**
34 **motion passed.**

35
36 Ms. Duguay joined the meeting at 6:33 pm.

37
38 **BOARD BUSINESS CONT.**

39
40 **Correspondence:**

- 41
42 a) Letter from Sarah Roland dated 9/29/2022 regarding the property located at 1 Little
43 River Road (R34-54).
44

- Ms. Roland purchased the property on September 19, 2022 and went before the Kingston Zoning Board of Adjustment ("ZBA") for a change of use from a Sleep Institute to a Veterinary Clinic. Her request was for a Variance was granted by the ZBA. Refer to the letter from the Kingston Zoning Board of Adjustment, dated June 14, 2022.
- Ms. Roland would like to have a white vinyl fence professionally installed to the side entrance to walk dogs without risk of them escaping onto Rt. 111 and 125. Also, fencing installed at the rear of the building to enclose a chest freezer.
- The purpose of Ms. Roland's letter to the PB is to ask "if these changes can be made with an expedited site plan review".

INTRODUCTIONS

Ms. Merrill paused the discussion to introduce the Board at this time.

Correspondence cont.: Letter from Sarah Roland dated 9/29/2022 regarding the property located at 1 Little River Road (Map R34-54).

- The Board referenced Site Plan Review Regulations Article 904.2-3. to determine if an expedited site plan applies to this situation.
 - There is a site plan already on file.
 - An expedited site plan doesn't apply here because it is not an expansion, it is just a change of use.
 - The question was raised, is a full site plan review required?
 - Ms. Duguay asked if a waiver could be requested for a full site plan review. Mr. Coppelman responded, yes. Mr. Coppelman mentioned he didn't believe a full site plan was required. However, the Town should have an Affidavit on file for the waiver with the required conditions (i.e. hours of operation, number of employees, and other required elements), and have it recorded at the Registry of Deeds and a paper filed at the Town.
 - **[A1.1-10.04.2022] Ms. Merrill will send an email to Ms. Roland outlining what will be required to request a waiver for a full site plan review, and to suggest, that Ms. Roland talk with Mr. Greenwood, the Town Planner to guide her through the process.**

Motion made by Mr. Coppelman to proceed as discussed. Seconded by Ms. Merrill. A vote was taken, all were in favor and the motion passed.

b) Fieldstone Industrial Park (Map R2-13), Construction Cost Estimate & Bond Reduction Worksheet, dated August 25, 2022.

- The applicant would like to have a portion of their bond released.

- Total bond: \$90,829.50, \$35,555.75 of work, fees & contingent remaining. Requested amount to be released: \$55,273.75 minus 10% for maintenance bond (\$9,082.95), amount of this release would be \$46,190.80.

Motion made by Mr. Coffin to refund \$46,190.80 of the bond amount and that \$44,638.70 to be retained by the Town. Seconded by Mr. Bakie. A vote was taken, all were in favor and the motion passed.

- c) Email from Karen Evans, dated October 1, 2022, regarding 72 Rte. 125 for K9's Training and Doggy Daycare Facility, LLC (Map R8-35) informing the PB that they have decided not to go forward with the operation and are requesting a refund of the deposit of \$2,500.

- This deposit was for required bond fees.
- The refund should be \$2,500 minus any fees and/or bills that may still be owed.

Motion made by Mr. Bakie to refund the remaining balance after all bills have been paid. Seconded by Mr. Coffin. A vote was taken, all were in favor and the motion passed.

Zoning discussion:

Possible Warrant Articles are being brought tonight for further discussion.

Ms. Merrill addressed the people in the audience and asked if there was anything specific they wanted to discuss. They were interested in hearing more about the Aquifer Protection Zone Ordinance.

Mr. Coppelman suggested a couple changes to the Ordinance (Article 201). The reason this came up is because he was approached by a member of the public who had been reviewing the 2015 DES Ordinance for Ground Water Protection.

- 1st recommended addition is to insert a new section under the **Definitions Ordinance called Regulated Substance, 201.2.K.**

"Any substance material or waste the use generation, handling, storage treatment or disposal of which is regulated by any local or state government authority, including any of the same designated by any authority as hazardous, genetic, cloning, fetal, or embryonic."

- Mr. Coppelman then referenced adding language to the **General Requirements section, 201.8.F.**

135 *“Facilities that store and use regulated substances shall submit with their*
136 *application to the Planning Board, an adequate spill prevention, control and*
137 *countermeasure (SPCC) plan approved by the Kingston Fire Department.”*
138

139 201.8.F. is the definition to correspond with 201.2.K.
140

141 Mr. Coppelman explained it is not that those uses are prohibited, but if you are using
142 regulated substances you need to provide a spill plan.
143

144 Ms. Merrill asked is the Fire Department qualified to do this or should there be another
145 entity? Mr. Coppelman said there could be other entities, but the Fire Department seemed
146 like the most logical one.
147

- 148 • 201.4.E.4. Prohibited Uses: propose not allowing gas stations, so remove the
149 language *“except for gas stations where allowed.”*
150
- 151 • 201.4.E.14. remove the following language, *“In Zone B such facilities require a*
152 *special exception from the Zoning Board of Adjustment that imposes additional*
153 *protections for groundwater.”*
154

155 Ms. Merrill suggested that we do not discuss this subject until the PB talks to Town
156 Counsel since the Town is in litigation over this. Mr. Coppelman said the proposal is for
157 gas stations not to be allowed, per the guidance of the Model Ground Water Ordinance
158 from DES.
159

160 Mr. Bashaw mentioned that he will let the BOS know that the subject of gas stations is on
161 the table and ask if they want to approach Town Counsel or if the Chair of the PB should.
162

163 Mr. Coppelman explained that anything that the PB wants to move forward for further
164 discussion should be done at a Public Hearing. The motion on any of these would be to
165 bring to Public Hearing.
166

167 Mr. Coppelman said since the Board wants to get an opinion from Legal Counsel on the
168 topic of gas stations first, that he'd like to move to bring changes dealing with Regulated
169 Substance and General Requirements to require a spill plan. Mr. Coppelman would like
170 to bring these forward.
171

172 **Motion made by Mr. Coppelman to move to bring the changes dealing with Regulated**
173 **Substances by adding the Definition and the adding of the section dealing with**
174 **Requirements to require a spill plan shown above to Public Hearing. Seconded by**
175 **Ms. Duguay. A vote was taken, all were in favor and the motion passed.**
176

177 **Motion made by Mr. Coppelman to Amend the Motion regarding Regulated**
178 **Substance to add this to the December 6, 2022 Public Hearing. Seconded by Ms.**
179 **Duguay. A vote was taken, all were in favor and the motion passed.**
180

Ms. Merrill said the discussion on gas stations will be put on hold until we hear from Town Counsel.

Ms. Merrill asked the audience if they wanted to talk about any of the other Zoning Ordinances. The audience did not have anything else to add and left the meeting.

(AI.1.) from 09.20.2022 minutes – move this action item regarding consistency for permitted uses in residential districts to the November 1, 2022 Public Meeting.

(AI.1.1) from 09.20.2022 minutes - put discussion of definition of Residences on hold indefinitely.

(A1.2) and (A1.3) from 09.20.2022 minutes – move the zoning information and the status of the draft Warrant Article relating to penalties and conflicts to October 18, 2022 Public Hearing for clarification from Mr. Greenwood.

(A1.4) from 09.20.2022 minutes - Feather Flags. Ms. Merrill read the Wikipedia definition of feather flag. The Board discussed whether the Temporary Sign Ordinance Article 303.3.B. should be changed to include Feather Flags/Banners. Possibly limit the number of flags, make sure they don't obstruct view when driving or stopped at an intersection, placement of the sign, keep safety in mind when drafting language. **Would like to discuss with the Code Enforcement Officer to get some additional input for recommended language.**

(AI.5) from 09.20.2022 minutes – regarding the Lighting Ordinance. Move this to the Oct.18, 2022 Public Hearing.

(AI.6) from 09.20.2022 minutes – regarding setbacks. Move to the Oct.18, 2022 Public Hearing.

(AI.7) from 09.20.2022 minutes – further discussion on the **Residential Home Occupation Ordinance** – 207.4 and 207.5 per Mr. Coppelman's handout on September 20, 2022.

- **207.4 Enforcement:**

"This section shall be administered by the Board of Selectmen. Any Person who violates the provisions of this section shall be fined \$100 for each offense. Each day that a violation is continued shall constitute a separate offense. An action may be brought about under this provision after the alleged offender has been given at least seven (7) days' notice from the Selectmen by certified mail, return receipt requested, that a violation exists."

The Board decided that the Enforcement section is ready to bring to Public Hearing, but the Application Procedure regarding permitting is not. Renumber the section from 207.5 to be 207.4. This should be added to the Dec. 6, 2022 Public Hearing.

225 **[AI.2-10.04.2022] Mr. Greenwood and Ms. Carter to work on a fee amount for the**
226 **fine.**

227
228 **Motion made by Mr. Coppelman to bring to Public Hearing the proposed**
229 **Enforcement section (207.4), with a possible change to the fine amount, to the**
230 **December 6, 2022 Public Hearing. Seconded by Ms. Duguay. A vote was taken, all**
231 **were in favor and the motion passed.**

232
233 (AI.9) from September 20, 2022 minutes – Ms. Carter in the process of drafting a Fee
234 Structure format for review.

235
236 **Age Restricted Multifamily Housing:** Mr. Greenwood provided a handout for
237 discussion.

238 **[AI.3-10.04.2022] Board would like Mr. Greenwood to make recommendation(s) on**
239 **this subject and bring to one of the upcoming meetings.**

240
241 ****Next Public Hearing** is scheduled for **Tuesday, October 18, 2022 at 6:30 PM.**
242 Subject to change.**

243
244
245 **ADJOURNMENT:**

246
247 **Mr. Coppelman made a Motion to adjourn. Seconded by Ms. Duguay. A vote was**
248 **taken, all were in favor and the meeting adjourned at 8:16 pm.**