

1 KINGSTON PLANNING BOARD

2 SEPTEMBER 20, 2022

3 PUBLIC MEETING

4 MINUTES

5 Ms. Merrill called the meeting to order at **6:30 PM**; there were no challenges to the legality
6 of the meeting.

7
8 **MEMBERS PRESENT:**

9 Lynne Merrill, Chair

Glenn Coppelman, Vice Chair

10 Chris Bashaw, BOS Representative

Robin Duguay

11 Peter Bakie

Steve Padfield

12 Peter Coffin

13
14 **ALSO PRESENT:**

15 Glenn Greenwood, Town Planner

16 Robin Carter, Admin. Assistant

17
18 Ms. Merrill introduced the Board. (Ms. Duguay arrived during the introductions)

19
20 **BOARD BUSINESS**

21
22 **Election of members:**

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24 Ms. Merrill brought to the attention of the Board that the Planning Board ("PB")
25 membership has changed since last meeting and that Mr. Bashaw has been appointed
26 as a Selectman and will be the BOS Representative to the PB. Mr. Bashaw will replace
27 Mr. Hart as BOS representative. The Board thanked Mr. Hart for serving on the PB this
28 year.

29
30 The Board discussed the current role of Mr. Bashaw as Vice Chair on the PB and if he
31 could remain in this role. Due to the fact he will not be able to fill in for the Chair it was
32 decided that he would have to step down as Vice Chair and a new nomination(s) would
33 be needed. In addition, that a new member would need to be nominated to replace Mr.
34 Bashaw's position as a PB member.

35
36 Before going into a motion(s) on membership, Ms. Merrill introduced the new PB
37 Administrative Assistant, Robin Carter.

38
39 Mr. Coppelman presented a motion to replace Mr. Bashaw as a PB member with Mr.
40 Padfield who is currently an alternate.

41
42 **Motion made by Mr. Bakie to elect Mr. Padfield as a member of the Planning Board.**
43 **Seconded by Mr. Coppelman. A vote was taken, all were in favor and the motion**
44 **passed.**

The Board thanked Mr. Padfield for his service as an alternate and are pleased to have him come on as a member of the PB.

Ms. Merrill asked if there were any nominations for Vice Chair. Mr. Bakie suggested that Ms. Duguay be nominated as Vice Chair. Ms. Duguay expressed concern that because of her schedule she may not be able to arrive on time to most of the meetings, therefore, respectfully declines. Mr. Padfield suggested Mr. Coppelman be nominated as Vice Chair. Ms. Merrill explained Mr. Coppelman would be a well-qualified person to fill this seat. After a discussion with the Board, Mr. Coppelman accepted.

Motion made by Mr. Padfield to elect Mr. Coppelman as Vice Chair of the Planning Board. A second motion was not needed. A vote was taken, all were in favor and the motion passed.

Ms. Merrill mentioned that alternates will be needed for the Planning Board. If anyone knows anyone that is interested in serving, please let the Board know. Would like to fill three alternate member seats.

Approval of meeting minutes:

August 2, 2022 minutes: There were a few changes – Pg. 1, add last name of Amy, “Gabriel”. Pg. 2, remove the sentence regarding Camper’s Inn under Discussion of Pending Projects. It is not known the exact time the meeting adjourned, so it was determined that the time will be left blank.

Motion made by Ms. Duguay to approve the 08/02/22 minutes as amended. Seconded by Mr. Bakie. A vote was taken, all were in favor and the motion passed.

August 16, 2022 minutes: There were a couple name format changes for consistency, and on Pg. 8 - the blank line between Mr. and Houston should be removed.

Motion made by Mr. Coffin to approve the 08/16/22 minutes as amended. Seconded by Ms. Duguay, Mr. Bashaw abstained. A vote was taken and the motion passed.

Correspondence:

- a) Time card for acting recording secretary – approved and signed by the Chair.
- b) Town Engineer invoice (1) – approved and signed by the Chair.
- c) Bond Construction reduction information received for Alternative Sales. Mr. Quintal, Town Engineer explained in an email that in his inspection report dated May 30, 2022 noted that all site work has been done essentially according to the approved plan and that it appeared the only work to be done was the final layer of asphalt surface painting and as built plans. As built plans are not needed in this case. Agree to release the full bond amount. Mr. Bashaw recused himself from this request.

Motion made by Mr. Coffin **to approve the release of the full amount of the bond. Seconded** by Ms. Duguay, Mr. Bashaw abstained. **A vote was taken and the motion passed.**

Zoning discussion:

In a separate meeting Mr. Wilson, The Chair of the Board of Selectman asked Mr. Greenwood to bring various zoning matters referenced in 1) through 6) below to the PB for discussion and mentioned if anyone else had something to add, it would be a great idea to bring it forward tonight. A handout was provided by Mr. Greenwood that outlined some zoning ordinance discussion topics.

1) Residential districts permitted uses.

- Mr. Greenwood mentioned that in looking over residentially zoned districts, found they weren't consistent in the way they talked about permitted uses. He suggested all that may be needed is editing to numerically list everything in a consistent manner and rename two paragraphs and two of the Ordinances that don't not call themselves permitted uses in 104 Sec. 2-5. There shouldn't be any language changes needed, primarily just reformatting to make it easier to identify what can be done in the various districts.

2) HISTORIC DISTRICT 1 – Permitted uses for residences should be made more specific.

- In a separate meeting, Mr. Wilson asked Mr. Greenwood to work with the Board to put together language to make it clearer and consistent on how to enforce in all districts. For example, if a property is in the single family residential district and also in the historic district how to apply zoning Ordinances consistently. Mr. Greenwood explained how there has been push back on how residential use district is described in HD1. All it shows is residences and doesn't describe a specific definition of residences. Ms. Merrill mentioned it would be unfair to change the Ordinance in the middle of the Seminary project that is already in the approval process. PB discussed that it might be helpful if the Historic District Commission was invited to a future Planning Board meeting.

> (AI.1) Mr. Greenwood will talk with the BOS and gather more information on consistency for permitted uses in residential districts.

>(AI.1.1) Board to have further discussion on SFR, HD and consistency among all districts to be continued at a meeting sometime next year.

134 3) Swimming Pool Fence Ordinance is being re-written.
135

- 136 • An example would be things like fence height requirements. Federal guideline is
137 4.5'. Kingston's is 5'.
138

139 4) Article X: AMENDMENTS, CONFLICTS and PENALTIES, ADMINISTRATION,
140 SEVERABILITY
141

- 142 • Mr. Greenwood mentioned that there are five different penalty sections with
143 individual Ordinances. This makes it more difficult to enforce because language
144 exists in some sections and not others. The RSA is out of date. For example,
145 shows \$100 penalty and now the penalties should be \$275 - \$550 a day.
146

- 147 • Mr. Greenwood mentioned that Town Counsel brought the subject of how conflicts
148 and penalties are dealt with to the attention of the BOS and something needs to
149 be done about them. Reference to make sure confers with the state RSA 676.17
150 Sec. 1-5.

151 a. It was discussed to possibly add a new Warrant Article and do something
152 at the Town Meeting.

153 b. Delete four or five lines from the five Ordinances and all be one amendment.
154

155 **Proposed draft amendment for conflicts and penalties:** 156

157 1000.001 Amendments This Ordinance may be amended by a majority vote of any
158 legal Town Meeting when such amendment has received a preliminary public
159 hearing and a final public hearing by the legislative body, which hearing has been
160 advertised and given legal fifteen-day notices; or when such amendment has
161 received a preliminary public hearing and has been published in its entirety in the
162 warrant calling for the meeting.
163

164 1000.002 Conflicts and Penalties 165

166 1000.002.001 Conflicting Sections Whenever the regulations made under the
167 authority hereof differ from those prescribed by any statute, ordinance or other
168 regulation, that provision which imposes the greater restriction or the higher
169 standard shall govern.
170

171 1000.002.002 Penalties 172

173 Any violation of this Ordinance shall be punishable as stated in the RSA 676:17, I-
174 V, as it may be amended. Additionally, in the event the Town is required to seek
175 injunctive relief to enforce any provision of this Ordinance, the Town shall seek the
176 imposition of all costs and attorney's fees in pursuing such action from any violator
177 of this Ordinance unless in the judgement of the Selectman the violation was
178 inadvertent or otherwise excusable. Additionally, in the event that any person shall
179 fail to obtain any permit required under this Ordinance or any other land use

180 regulation of the Town of Kingston, including but not limited to, the Town's Building
181 Ordinance, the Planning Board's Site Plan Review, Subdivision Regulations,
182 Regulations re: Driveways and other Accesses to the Town Roads, any and all
183 permit or application fees shall be trebled unless the appropriate enforcing body
184 shall find that the failure to obtain the permit was inadvertent or otherwise
185 excusable. The purpose of this provision is to ensure that the Town recovers the
186 costs associated with the administrative enforcement of its land use regulations.

187
188 1000.003 Administration

189
190 1000.003.001 – General:

191
192 The provision of the Kingston Zoning Ordinance shall be administered by the
193 following:

194
195 1000.003.001.001

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197 Building Inspector for building permits;

198
199 1000.003.001.002 Planning Board for subdivision, site plan review, and conditional
200 use approval; and

201
202 1000.003.001.003 Zoning Board of Adjustment for special exception approval of
203 existing lots and any variances granted from the ordinance.

204
205 1000.003.002 Enforcement:

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207 The Board of Selectmen shall be responsible for the enforcement of the provisions
208 and conditions of the Town of Kingston Zoning Ordinance.

209
210 1000.004 Severability

211
212 If any section, clause, provision or portion of this ordinance shall be held to be
213 invalid or unconstitutional by any court of competent jurisdiction, such holding shall
214 not affect or impair any other section, clause, provision or portion of this ordinance.

215
216 **>(AI.2) Mr. Greenwood asked the Board to look over this information and add
217 any language they feel appropriate to discuss at the Oct. 4, 2022 meeting.**

218
219 **>(AI.3) Mr. Greenwood to prepare a Warrant Article to address penalties and
220 conflicts to review and discussion at the Oct. 4, 2022 meeting.**

221
222 5) Feather flags:

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224 In a separate meeting, Mr. Wilson raised the topic of Feather Flags to Mr.
225 Greenwood for discussion with the PB. They are currently an enforcement issue

and would like recommendations on how to address them. Need to determine what category they may fall under (i.e., free standing or temporary sign, other?) There is concern that they interfere with visibility and appear there is too much extra stuff along the road. Should Feathered Flags be defined, offer options that are flexible, should there be limitations, size and shape requirements, and if and where they may be restricted? Further discussion from the Board is needed.

>(AI.4) Board to have further discussion on Feather Flags. To be added to a future agenda, TBD.

6) Lighting Ordinance:

Mr. Greenwood was asked by Mr. Wilson (in a separate meeting) to discuss and review the Lighting Ordinance, Article 302 with the PB. As it reads now it is unenforceable.

>(AI.5) Mr. Greenwood will talk with Mr. Wilson again to get more specifics.

7) Setbacks:

Discussion: Mr. Bashaw brought setbacks and the general 20 ft. set back. Questioned if setbacks should be the same for occupied and non-occupied structures? Discussed that it might be a good idea to look at the Ordinances of other towns.

>(AI.6) Mr. Bashaw offered to draft some language on setbacks for review and recommendations by the Board.

8) Site plan review question:

Ms. Merrill mentioned Mr. Dworman from 3 New Boston Rd stopped by to ask a question on when a site plan review might not be required for this property. Ms. Merrill read 904.2 Section D of the Ordinance to the Board. Ms. Merrill said the Ordinance seemed clear as written and only saw one question in regard to expansion greater than 7% of the original structure. Mr. Coffin mentioned this only applies to commercial properties. Mr. Greenwood explained the language presumes it is attached. Ms. Merrill said it is a regulation and asked if someone could request a waiver. Mr. Greenwood said, yes. He also said that site plan rules can be changed anytime during the year.

266
267 9) Residential Home Occupation Ordinance:
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269 Mr. Coppelman passed out a handout to the Board for further zoning discussion.
270 – Article 207: Residential Home Occupation Ordinance. He suggested adding two
271 additional sections to the Ordinance (207.4 and 207.5 shown below).

272 **207.4 Application Procedure**

273 A conditional use permit shall be obtained in accordance with the procedures set
274 forth by the Kingston Planning Board in the “Application for Residential Home
275 Occupation Conditional Use Permit”. The conditional use permit for a home
276 occupation expires upon transfer of ownership of the affected property.

277 **207.5 Enforcement:**

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

- 284 • Mr. Coffin has concern with the fee structure and suggest that it be updated to be
285 easier to understand.
286
287 • Mr. Coppelman suggested the Ordinance is okay as is, but proposes it needs more
288 teeth. If there is concern about the permitting process, suggests at the very least
289 there be some penalty for non-compliance. (Comment was made that the fee noted
290 is in line with current fee structure and would be subject to change to be consistent
291 with any new adopted fee structure ordinance(s), should there be a change.)
292

293 **>(AI.7) Board to have further discussion in regard to the addition additional**
294 **sections to Residential Home Occupation Ordinances. Add this to the**
295 **October 4, 2022 agenda.**

296 Ms. Merrill asked if anyone else had anything they wanted to discuss on zoning. No further
297 discussion was brought up on zoning.
298

299 **266 Route 125 (R41-17-1):**
300

301 Mr. Greenwood said he has received several calls on this property. He discussed that the
302 DOT suggestion is to depress Rte. 125 eight or twelve feet along the frontage of the
303 development. People have told him they are upset with the possible changing of the
304 location of the entrance way. The hearing would have to be reopened about the entrance

305 since this is substantial change. There is hearsay about changing the speed along that
306 area of Rte. 125. This would affect the frontage depth required. Mr. Greenwood said the
307 PB may be seeing an amended site plan package. This would have impacts to abutters.
308 They did receive preliminary approval from the DOT. Significant outstanding approvals
309 are now tied to the DOT (i.e. DES approvals).

310
311 Ms. Merrill asked if anyone had anything else to come before the meeting.

- 312
313 • Mr. Coffin asked if there were any updates on the Marshall Road project. Mr.
314 Coppelman said the Project was approved a while ago, but hasn't started yet.
- 315
316 • Ms. Carter suggested that the application deadline date schedule for Public
317 Hearings be put on the Town website so it is easily accessible to everyone. PB
318 agreed with this.

319 **>(AI.8) Ms. Carter to coordinate getting this uploaded to the website.**

320
321 **>(AI.9) Mr. Coffin will get the fee structure worksheets for HDC, ZBA to Ms.**
322 **Carter to work on a uniform format and send along to the BOS to finalize.**
323 **Add this to the October 4, 2022 agenda.**

324
325 Ms. Merrill asked if anyone had anything else to come before the meeting.

326
327 Next Public Meeting is scheduled for Tuesday, October 4, 2022 at 6:30 PM. Subject to
328 change.

329
330 **ADJOURNMENT:**

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332 **Mr. Coppelman made a Motion to adjourn. Seconded by Mr. Bakie. A vote was taken,**
333 **all were in favor and the meeting adjourned at 7:57pm.**