

1 KINGSTON PLANNING BOARD

2 NOVEMBER 15, 2022

3 PUBLIC HEARING

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

Peter Coffin

10 Chris Bashaw, BOS Representative

Robin Duguay

11 Peter Bakie

Steve Padfield

12
13 **ALSO PRESENT:**

14 Glenn Greenwood, Town Planner

15 Robin Carter, Admin. Assistant

16
17 **ABSENT:**

18 Glenn Coppelman, Vice Chair

19
20 Ms. Merrill introduced the Planning Board ("PB" or "Board").
21

22
23 **Campers Inn**

24 Flair Realty, LLC

25 154 Route 125

26 **Map R 21 Lot 16**

27
28 *<Board note: This hearing began at 6:31 PM.>*

29 Barry W. Gier, PE from Jones & Beach Engineers, Inc. was present on behalf of the
30 property owner of Flair Realty, LLC. The purpose for which the site is being prepared is
31 the construction of a paved display area for the sale of campers and associated
32 infrastructure.
33

34 Mr. Gier mentioned that he was before the Board last year (7/20/2021 and 8/17/2021)
35 and the Board did grant a conditional approval for a 13 lot paved parking display area for
36 Campers Inn. Unfortunately, after the approval, there was a title issue with the property
37 that prevented them from meeting the conditional approval. Instead of continually asking
38 for a continuance, they decided to put the project on hold until the title matter was
39 resolved. They have now worked out the title issue.
40

- 41 • Mr. Gier describe the project as being a 13 space paved parking area expansion
42 for Campers Inn, off Route 125 and beside Campers Inn.

- Mr. Gier referred to his letter dated, September 15, 2022, to the Kingston Planning Board requesting a Conditional Use Permit for the “Campers Inn Parking Lot Expansion”.
- Provided a report, Drainage Analysis Erosion and Sediments Control Plan from Jones & Beach Engineers, Inc. prepared for Campers Inn, Rev. #1-July 27, 2021.
- Jones & Beach Engineering, LLC prepared a Stormwater Management Operation and Maintenance Manual for Campers Inn, Rev. #2 dated, September 14, 2022.
- Commercial use in the Aquifer Protection District requires a Conditional Use permit, Article 204.1.G.1. The Conditional Use criteria is outlined in September 15, 2022 letter to the Kingston Planning Board from Barry Gier, PE, Vice President.
- The applicant requested two waivers:
 - Article 904.15.B.5.10 – Mitigation of Impacts to Parking Lots (Waiver letter dated 09/15/2022)
 - Article 904.4 – Mandatory Preliminary Review (Waiver letter dated 09/15/2022)

Ms. Merrill did reaffirm that that Board did approve this last year.

Ms. Merrill read the Department Head comments. BOS-No comment; Code Enforcement/Building-No comment; Fire-None received; Health-No comment; Highway-No comment; Police-No comment.

Motion made by Mr. Bashaw to **invoke jurisdiction**. **Seconded** by Mr. Coffin. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

Ms. Merrill read the comments from the Town Engineer, Dennis Quintal's review letter dated November 9, 2022.

- Mr. Quintal mentions in his letter that his previous comments were addressed and have been deleted.
- Summarized below are comments from Mr. Quintal for the Board's consideration:
 - **Article 904.7.A** – Groundwater Test wells are required. Recommends detail be added to the Operation and Maintenance Manual. Recommends amending note 25 on Sheet C3 of the Commercial Development “Campers Inn Parking Lot Expansion” plan, dated 09/14/2022, prepared by Jones & Beach Engineers, Inc.

“A third party Environmental Consultant, certified by the State of New Hampshire to conduct ground water testing and acceptable to the Town Planning Board, shall conduct an annual site inspection and obtain water samples from the monitoring well. Testing shall occur prior to commencement of construction to establish base-line conditions, 6 months after work has begun, at one year and then annually in April with the condition that no result show a deterioration in water quality. If testing result show a decline, a remediation direction report

89 *shall be submitted and if necessary, more frequent monitoring shall be required.*
90 *Result of testing shall be forwarded to the Town within 60 days. Standard tests*
91 *for Drinking Water shall be performed. All cost incurred by the third-party*
92 *Consultant for site inspection, testing and reports shall be paid by the property*
93 *owner.”*
94

- 95 • Mr. Quintal also recommends that a detail of the test well should be provided as a guide
96 for the Contractor to install.

- 97
- 98 ○ **Article 904.12** – Requires compliance with 907 Bonding. Cost Estimate
99 Worksheet has been provided with a Total Bond Amount of \$208,977.60.
100 Mr. Quintal commented that he approves this, however, **prior to**
101 **construction** this needs Planning Board approval and must be accepted
102 by the Selectmen.

- 103
- 104 ○ **Article 908.16.6.A** –The Operation and Maintenance Manual has been
105 provided and shall be recorded.

- 106
- 107 • Mr. Greenwood commented that a condition of approval is the applicant must
108 provide three (3) original signed copies of the Voluntary Lot Merger form signed by
109 Mr. Hirsh.

- 110
- 111 • Mr. Greenwood explained that this is a new application, and the Board should
112 reiterate for the record that the two waivers for Article 904.4 – requiring Mandatory
113 Preliminary Review and Article 904.15.B.5.10 – requiring Mitigation of Impacts of
114 Parking Lots were previously granted on July 20, 2021 and are noted on the Plan
115 dated 9/14/2022. Also, that the Board granted a Conditional Use Permit (“CUP”)
116 on August 17, 2021. He suggested that the Board should either confirm the CUP
117 or grant a new one.

- 118
- 119 • Mr. Coffin asked if there were any additions to the Plan. Mr. Gier said that there
120 were a couple of the conditional items added that were previously approved, but
121 over all there were no changes.

122

123 The Board discussed the previously granted waivers and CUP. Mr. Bashaw suggested
124 that since there are some changes to the Board, as long as, the decision to reaffirm the
125 granting of these is unanimous. However, if there is any dissent to reaffirm these, the
126 Board would have to go through the CUP process again.

127

128 **Motion** made by Mr. Bashaw that the Board **reaffirm the previously granted waivers**
129 for the reasons specified and already noted on the Plan. **Seconded** by Mr. Padfield. Ms.
130 Duguay was not present for the vote. **A vote was taken, all present were in favor, the**
131 **motion passed.**

132

133 **Motion** made by Mr. Coffin that the **Conditional Use Permit** for the Aquifer Protection
134 Zone be granted based on documentation provided in 2021 and at the 11/15/2022
135 hearing; and recommend the approval based on the design of the monitoring wells and

ground water protection. **Seconded** by Mr. Bashaw. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

Ms. Merrill brought up to Mr. Gier that they did provide the \$5,000 engineering cost and the current amount left in Bond escrow account is \$4,460.57.

Abutters were noticed again about this new hearing.

Motion made by Mr. Bashaw to **grant conditional approval with the following conditions shown below. Seconded** by Mr. Padfield. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

- 1) All items recommended and outlined in the Town Engineer's review letter, dated November 9, 2022, that the applicant has been assented to be implemented and indicated on the Plan.
- 2) Voluntary Lot Merger paperwork is completed and signed by Mr. Hirsh.
- 3) Update the noting of the granting of the reaffirming of the Conditional Use Permits with today's date.
- 4) Conditions to be met within 90 days.

<Board note: This hearing ended at 6:53 PM.>

BOARD BUSINESS

Approval of the October 18, 2022 Minutes:

Change typo on Pg. 5, line 204. Lightening should be lighting.

Motion made by Mr. Coffin **to approve the 10/18/2022 minutes as amended. Seconded** by Mr. Padfield. Ms. Duguay was not present for the vote. Mr. Bakie and Ms. Merrill abstained. **A vote was taken, the motion passed.**

Lot Merger request: Received a Voluntary Lot Merger Form from Joseph S. Dusvitch, 11 Hooke Avenue, Map U1 Lot 34 (11 Hooke Ave) and Lot 35 (9 Hooke Ave).

Motion made by Mr. Coffin to accept the **lot merger request** to merge Map U1 Lots 34 and 35. **Seconded** by Mr. Bakie. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

2023 Planning Board Public Meeting/Hearing Calendar:

Motion made by Mr. Coffin to accept the **2023 Planning Board draft Calendar. Seconded** by Mr. Padfield. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

Warrant Article votes: Mr. Bakie brought up showing vote counts of Warrant Article from the Planning Board members. **[AI.1-11.15.2022] Mr. Bashaw will bring this up to the BOS.**

Motion made Mr. Bashaw that all **Warrant Articles** whether submitted by the Planning Board or by **Citizen Petition**, will have the documentation of the vote count showing those in favor, opposed, and those abstained. Pending BOS approval. **Seconded** by Mr. Padfield. Ms. Duguay was not present for the vote. **A vote was taken, all present were in favor, the motion passed.**

2023 Planning Board Budget: Ms. Merrill did present the budget to the Budget Committee. Their questions were answered. They will take their final vote in January, 2023.

Bresnahan storage facility: Mr. Bashaw mentioned the BOS would like to get a status update from the Planning Board on the project. Have they planted trees? Mr. Bashaw asked the PB to pull the file and provide him with an update he can bring to the BOS. **[AI.2-11.15.2022] Ms. Carter to pull the file and look up this information.**

<Board Member, Ms. Duguay joined the meeting at 6:58 PM.>

Correspondence:

RPC Letter: Letter to BOS from Alan Davis, Chairman of the Rockingham Planning Commission, dated October 26, 2022, regarding Dues Request for 2023.

The Board discussed some of the things the RPC does for us. Some examples - Negotiate electrical power rates, traffic studies, overlay maps.

Motion made by Mr. Coffin to recommend the BOS **renew our membership. Seconded** by Ms. Duguay. Mr. Bashaw abstained. **A vote was taken, the motion passed.**

Board Business Cont.:

Ordinances:

Mr. Greenwood recommended that proposed draft language for **Article 206: Accessory Dwelling Units** be reviewed by the Health Officer and **Article A – 1000: Amendments, Conflicts and Penalties, Administration, Enforcement, and Severability** be given to Legal Counsel for review. **[AI.3-11.15.2022] Mr. Bashaw will give these to Mr. Wilson to review/pass on.**

Certified mailing fees for Abutter Notices: Certified mailing fees for abutter mailings have increased by .59 cents. Recommend increasing the mailing fee to \$12.25 per abutter to account for this increase.

Motion made by Ms. Merrill to change the Abutter Notice fee to \$12.25 per abutter.
Seconded by Ms. Duguay. **A vote was taken, all were in favor, the motion passed.**

266 Route 125: Mr. Wilson, BOS, Chair asked Mr. Greenwood to contact the attorney for this property and ask them for a status update. Mr. Greenwood sent an email reminding them that their approval is through February 20, 2023 and to provide him with an update.

December 6, 2022 Public Hearing/Meeting will address proposed Warrant Articles. Article 201 Aquifer Protection Ordinance; Article A – 1000 Amendments, Conflicts and Penalties, Administration, Enforcement, and Severability; Article 106 Age Restricted Multifamily Housing Ordinance; Accessory Dwelling Unit (ADU) Ordinance.

Mr. Bashaw mentioned that there may be a Citizen's Petition warrant article regarding Setbacks.

ADJOURNMENT

Ms. Merrill declared the meeting adjourned at 7:14 PM.

****Next Public Hearing/Meeting is scheduled for Tuesday, December 6, 2022.**
Subject to change.**