

1 **KINGSTON PLANNING BOARD**

2 **AUGUST 1, 2023**

3 **PUBLIC MEETING**

4 **MINUTES**

5 Ms. Merrill called the meeting to order at **6:45 PM**; there were no challenges to the legality
6 of the meeting.

7
8 **MEMBERS PRESENT:**

9 Lynne Merrill, Chair

Peter Bakie

10 Robin Duguay, Vice Chair

Peter Coffin

11 Laurie Szwed, BOS Representative

Steve Padfield

12 Rob Tersolo

13 **ALSO PRESENT:**

14 Glenn Greenwood, Town Planner

15 Robin Carter, Land Use Admin.

16
17 Ms. Merrill declared a quorum present and introduced the Planning Board ("PB" or
18 "Board").

19
20 **BOARD BUSINESS**

21
22 **Correspondence:**

- 23 1) Letter from Thomas O'Hara of Independence Bioenergy Collection Services, dated
24 July 25, 2023. Regarding a proposed business at **Patriot Park, 63 Rte. 125, Map**
25 **R13 Lot 10**, C3 zone.

26
27 Mr. O'Hara was present at the meeting and spoke before the Board and wanted to
28 know what he needed to do to get approval for his business. He gave an overview
29 of the business.

- 30 • Partner, William Mello, and Mr. O'Hara would like to open a business in one
31 of the commercial condos at Patriot Place, 63 Rte. 125, Map R13 Lot 10.
32 • They collect used vegetable oil for the purpose of recycling and clean the
33 small 20-gallon grease traps located inside the restaurants.
34 • They are permitted through the State of NH Residuals Management
35 Section, Wastewater Engineering Bureau, Water Division and NHDES.
36 • They have been in business for 18 years.
37 • Mr. O'Hara commented that attached to his letter was a letter from the
38 Department of Safety (DOS) Fire Marshall (Mitchell Cady), dated
39 September 23, 2022 regarding maximum allowable quantity of hazardous
40 materials per control area for fire code purposes.

41
42 Ms. Merrill asked if there was an odor. Mr. O'Hara commented there is some odor.
43

Mr. Bakie asked if the business was contained within the building. Mr. O'Hara said yes and explained that there are tanks in the area of the building that are generally picked up once a month, sometimes two times per month and it's less than two hours per pick up.

- Mr. O'Hara mentioned that there is one person's vehicle that will be on site during the week and on Saturday. Occasionally there will be two people on site.
- If they spill something they pick it up. It is non-hazardous and non-flammable.
- This location is an ideal spot for picking up off the floor and there is a small location outside for secondary containment.

Mr. Coffin noted that this property is not in the aquifer protection zone.

- Mr. O'Hara clarified information from the State Fire Marshall and said that they are allowed up to 8,000 x 2 with the proper tanks.

Ms. Merrill brought up the recovery pond referenced in his letter and asked if a spill would go into the recovery pond.

- Mr. O'Hara explained that a spill would never reach the recovery pond unless there was a catastrophic failure of the building. He noted that oil is lighter than water and would float on the top of the water and could be sucked off.

Mr. Padfield asked if they do any processing on site.

- Mr. O'Hara said they do not. They do separate the water and the oil and sell it and it is used for other processes/products outside of their business.
- They are a green company.

Mr. Greenwood commented that this business could be associated with 110.3 Permitted Uses, section I, under restaurants-it's a product that comes from restaurants, it's an accessory use and used for different things.

Mr. Coffin asked Mr. O'Hara if he had been informed of the process required to obtain an occupancy permit from the Town. He said he was, and they have to go through the State for permits as well. They are looking for an October, 2023 timeframe for occupancy.

Motion made by Ms. Duguay that no further action is required by the Planning Board. Seconded by, Mr. Bakie. A vote was taken, all were in favor, the motion passed. (7-0-0)

Mr. Greenwood informed Mr. O'Hara that he would have to go through the building permit process to obtain his occupancy permit.

- 2) Letter from Robert Lumnah of **Ovitt LLC (Alternative Sales)**, dated July 28, 2023, located at 135 Rte. 125, Map R13-10, C3 aquifer zone. (Mr. Lumnah was not present at the meeting.)

Ms. Merrill read the letter. A conceptual sketch prepared by S.E.C & Associates dated 07/26/2023 was provided with the letter. The Board had a copy of the site plan prepared by Paul F. Nichols, dated 06/17/2008 that was approved by the Planning Board (09/16/2008) to reference also.

- They would like to add a 11' x 14' (154 sq. ft) storage building for a maple sugar house and are seeking approval to do this.
- The building will be portable and on concrete blocks to match the existing structure, maintaining pervious soil.

Ms. Merrill asked the Board if they had any further discussion on this. She commented that it is well within the setbacks.

Mr. Greenwood explained that what the Board would need to do is determine if this meets the standards of the expedited site review. This allows this to be handled at a public meeting it doesn't have to be a public hearing.

Motion made by Mr. Bakie to accept the request to build a 11'x14' storage shed as requested. The setbacks are met as shown in the plan submitted. No further action required from the Planning Board on this proposed addition. This meets the Town's expedited site plan review. Seconded by, Mr. Padfield. A vote was taken, all were in favor, the motion passed. (7-0-0)

Mr. Lumnah should contact the building department to inquire about any applicable building permit(s).

Town of Kingston Ordinance Discussion:

The meeting with the Historic District Commission will be changed, possibly to the first Planning Board meeting in October (October 3, 2023). Ms. Merrill will follow up with the HDC on this.

In preparation for modifications to the Town Ordinances for the 2024 Warrant articles, the Board reviewed and discussed the following sections:

1. Definition of Family - Preamble - Page P2-4.
 - Ms. Merrill mentioned that this is being brought up to ensure that it meets Fair Housing Law. **Mr. Greenwood will look into definitions of "Family" and bring it back to the Board for review.**
2. 1000 distance for vehicular businesses C-III, Article 110.3K
 - The Board decided to leave this article as is.
3. Preliminary Design Review - forward directly to site plan public hearing - eliminating one step – 904-2.
 - The Board discussed changing this to pertain to specific situations vs being a requirement for all applications. **The Board asked Mr. Greenwood to prepare language for the 2024 Warrant Article.**

- 133 4. Handicapped Ramps - if a ramp is required by law in an existing building, there
134 can be leeway with the requirements - This is not in the ordinances, if the PB
135 wants to make a change it could be in C-I, II, & III and Historic District.
136 - The Board discussed this does have to meet ADA compliance.
137 - There are some exceptions in Town for some of the historic buildings.
138 **- This subject will be added to the ordinance discussion with the HDC.**
- 139 5. Increase setbacks in lots over 1 acre to 20' – Ms. Merrill noted that she didn't find
140 any setbacks in Single Family, Rural Residential is 104.5E, there are no setbacks
141 in SF=Agricultural.
142 - The Board discussed that if there is a reason for a variance request then this
143 can be handled through the ZBA process.
144 - The one that passed in March 2023 regarding 5 feet was for non-occupied
145 structures such as sheds and not for structures placed on permanent
146 foundations. 301.1.F.
147 **- The Board would like Mr. Greenwood to review the ordinances that refer**
148 **to setbacks, in addition identify if there are any that reference less than 6**
149 **feet.**
- 150 6. Density of cluster development (204.2B and age restricted housing (106) - go
151 with the capacity of the land for well and septic?
152 - The Board discussed if this should be based on lot size capacity. Mr.
153 Greenwood said that basing it on soil type lot size is what the State uses.
154 **- Mr. Greenwood will bring in information for the Board to review and**
155 **discuss further.**
- 156 7. Change the name of Innovative Zoning to Cluster Development or another
157 term that better describes what it is – 204.
158 - The Board mentioned that the main goal of a cluster development is
159 maintaining open space.
160 - The Board discussed this, and it was suggested that the name be changed to
161 Open Space Development. **The Board asked Mr. Greenwood to write a**
162 **warrant article for this.**
163 - The PB to revisit the subject of Cluster Development. RSA 674.21.
- 164 8. Minimum apartment size (ADU) 206.4.E., also under 301.3.2.
165 - Mr. Greenwood mentioned this is a building code item.
166 - The Board decided to keep this as is.
- 167 9. Sign ordinance 303.C.3-allow feather flags? Sign removal 303.5 a.&b. can be
168 contradictory, should this be changed?
169 - The Board decided not to do anything further on this right now.
- 170 10. 304-1 Industrial Developments 107. Discuss and further define.
171 - The Board decided to keep as is.
- 172 11. Include a definition of the word Industrial? 107

- Mr. Greenwood will look into a definition and bring it back to the Board for review.

- The Board suggested a warrant article to remove Article 304-1. Mr. Greenwood will draft this and bring it back to the Board for review.

12. Include warehousing in Commercial Districts? We're getting a lot of calls for small distributors.

- The Board decided this needs more consideration, possibly a subcommittee to address this.

13. Mixed use in the commercial district.

- The Board decided this needs more consideration.

14. 301.1.b.-overall building lot requirements that says that every building lot shall have no more than one single family home or one two-family dwelling.

15. The Board discussed taking Special Exceptions from ZBA and moving it back under the Planning Board where were in the past. They would be handled through the Conditional Use Permit process.

CJ&J Leasing Letter of Denial – 83 Rte. 125, Map 10 Lot 9

CJ&J Leasing came before the Planning Board on June 20, 2023 for a design review for a proposed refrigerator truck leasing business. During the meeting the Board brought up that this location may fall within 1,000 feet of a business with a similar use as described in Article 110.3.K. and discussed if this ordinance applied in this situation.

During the June 20, 2023 meeting, Mr. Greenwood suggested this question be brought to Town Counsel for further advice and the Planning Board agreed. Town Counsel provided a response on this matter to Mr. Greenwood on June 29, 2023. As a result of the communication from Town Counsel that explained that 1,000-foot distance criteria does apply to this type of business, Mr. Greenwood informed the Board and the applicant's representative of this ruling; and he explained that if CJ&J wanted to seek relief on this ordinance they could try and do that through the ZBA variance process.

Mr. Greenwood drafted a denial letter regarding the CJ&J Leasing proposal (dated July 10, 2023). Mr. Greenwood read the letter to the Board.

Motion made by Ms. Duguay to affirm the information in the letter dated July 10, 2023 from Glenn Greenwood to CJ&J Leasing to be written and submitted on behalf of the Planning Board. Seconded by, Mr. Padfield. A vote was taken, all were in favor, the motion passed. (7-0-0)

Planning Board files

The Board had a discussion on converting the paper files to electronic files to be uploaded onto the Town online doc management filing system (Recordsforce).

215 To do this, it will take time and resources to go through the files and oversee this project.
216 Ms. Szwed will bring this up with the BOS. The PB will need to decide what material
217 should be scanned for the electronic files.
218

218

219 **The meeting was adjourned at 9:05 PM.**

220

221 ****Next Public Hearing/Meeting is scheduled for Tuesday, August 15, 2023. Subject**
222 **to change.****
223

223