

Kingston Planning Board

December 11, 2018

Minutes

The Chairperson called the meeting to order at 6:45 PM; there were no challenges to the legality of the meeting.

Members present:

Glenn Coppelman, Chairperson
Peter Coffin, Vice Chair
Phil Coombs, BoS rep.

Chris Bashaw
Peter Bakie

Members absent: Lynn Merrill, Ellen Faulconer, alternate, Robert Pellegrino, alternate.

Also present: Dennis Quintal, Town Engineer; Glenn Greenwood, Town Planner

Mr. Coppelman noted that the meeting was being televised and reviewed items already distributed to the Board members: agenda, Mr. Greenwood's comments, a map from Mr. Quintal for the second item on the agenda, copies of the wording for the proposed zoning changes for the 2019 warrant.

Berkshire Dominion Holdings
Saddle Up
92 Rte. 125
Tax Map R8, Lots 40 and 40A

Mr. Coppelman reviewed the history of the Board's actions on this proposal that included a site walk; he added that the Board has had a number of continuances for this application. Mr. Coppelman stated that the applicant would not be joining the meeting tonight; there was a letter for this evening; he reminded the Board that in November, the Board awarded the requested continuation with the deadline for submitting materials which were not submitted by or after the deadline. Mr. Coppelman read the letter from the applicant's engineer, Charlie Zilch proposing two options for the Board due to the applicant's own slow response; Mr. Coppelman stated that there was a third option that could be discussed after reading the letter. He continued reading the letter; the applicant's preferred option was a granting by the Board of a 60-day continuation to February; if the Board would not grant the continuation, the applicant requested withdrawing the application without prejudice with the commitment to re-apply prior to the Spring season (April hearing) with the understanding that if the applicant did not re-apply then the outdoor seating area would be restored back to the original condition of loamed and seeded and abandoned as a seating option. Mr. Coppelman added that the Board had a third option which would be to make a decision on the application to either accept it or deny it as the 65-day clock has been well-exceeded. Mr. Coppelman asked if Mr. Greenwood had additional guidance for the Board. Mr. Greenwood said that in his comment letter he recommended that the Board deny the application which would achieve the same thing as the withdrawal; he said the important thing for the Board to do would be to send a follow-up letter letting them know the issues that the Board feel are still concerns regardless of what they want to do if returning in April. He continued that they are correct, if

withdrawing, there is an issue with the outdoor seating but there is also fencing that was installed that is non-compliant; penned animals on-sight that is not on the approved site plan; other things that would need to be addressed and the Board should take the opportunity to put those items in a letter and also send to the Board of Selectmen.

Mr. Coffin said that, during the site walk, there were a number of areas not in compliance with the approved site plan, including the hours of operation. He felt that the applicant should make an effort to come into compliance which is why he is leaning toward denial; he added that withdrawing doesn't give them anything as they would need to start over again from scratch if they re-apply. He added that he would vote to deny the application as the site is not in compliance; the denial with the reasons given can go to the Board of Selectmen. Due to the past actions of non-compliance of the applicant, he would be in favor of voting for denial; putting all the items of non-compliance in the denial so the applicant would know that if re-applying they would know that jurisdiction would not be invoked prior to the site being in compliance; the Selectmen could decide enforcement action. He added that this had been going on for a long time and the Board has bent over backwards for the applicant. He said that this had been the action of the Board for similar applicants; he suggested consistency from the Board.

Mr. Bakie stated that he knew that the animals had been moved from the site and he knows that, regarding the Shoreline Protection Compliance, the State had been down to the site but that process takes a bit of time. Mr. Bakie said that the Board went to the site this year and there were instances they were trying to work on especially for the Shoreline; they just opened up this year; he added that the outside seating had basically ceased due to the weather so there is nothing going on outside. Mr. Bakie continued that the snow storage has been the same as it has been for 40 years and always been like that so not doing anything different; they haven't made any new snow lots or are dumping snow in different locations. Mr. Coffin stated he is referencing the approved plan. Mr. Bakie said they aren't doing anything that hasn't been done for 40 years and all the years it has existed; he said the State puts snow on the site on certain spots. He said he would hate to see the building go vacant again as that would be no tax benefit to the Town. Mr. Bakie said that he thinks that a lot of their entertain may possibly be outside; he doesn't think it would be negligent of the Town to give them the opportunity for a continuance to February.

Mr. Coffin stated there have been a number of violations prior to and since they opened. He re-iterated the non-compliance with the approved site plan. Mr. Coffin said extended continuances have been used by applicants as a stalling tactic; he doesn't see the difference between a denial and a withdrawal. Mr. Bakie agreed with the stalling tactic technique but thought the issues with the application was more due to the Shoreland issues with the State; not the applicant just stalling. Some of the issues that have not been approved were discussed by Mr. Coffin as he expressed concern that they might continue without a denial. He added that the Board didn't even know if they would be re-applying so the best thing to do would be to let them re-apply if they want to and not grant a continuance; the letter says the applicant is not sure what their plans may be. Mr. Coffin suggested that it is cleaner to not continue.

Mr. Bashaw agreed that it would be tough to grant a continuance at this point, especially a very lengthy continuance with the no-shows and additional continuances that the Board has had. He added that when offering an option to withdraw, the Board owes it to an applicant since the end result is essentially the same as the denial with the enforcement authority still going back to the Selectmen; the applicant would realize that they have an approved site plan that they have to come into compliance. Mr. Bashaw said that he thinks the reasonable thing would be for the Board to honor the request for the withdrawal;

he re-iterated that it would be difficult for the Board to entertain the proposed lengthy continuance given all the previous continuances that had been granted.

Mr. Coombs agreed with Mr. Bashaw; he stated that a continuance is not appropriate and it was an ambitious plan that hit some snags and the withdrawal of the application would be the more prudent action.

MM&S to accept the applicant's request for withdrawal of the application without prejudice. (Motion by Mr. Bashaw, second by Mr. Coppelman) Further discussion on the motion: Mr. Coppelman noted that there were certain conditions associated with the applicant's request for withdrawal. He advised Mr. Greenwood that should the motion pass, he would need to follow-up with a letter. Mr. Bashaw agreed that a letter should be drafted to notify the applicant of the decision and to explain the items that were found to be deficient with their current accepted site plan that need to be addressed and to provide that information to the Selectmen for any type of enforcement. Mr. Coppelman said the letter should also note the other items in their request that included their commitment to re-apply prior to the Spring or, if not re-applying, return the outdoor seating area back to its pre-built conditions. Mr. Bashaw stated that the Board was basically accepting their request to withdraw "in full". Mr. Coppelman agreed. Mr. Greenwood was asked if he had any further comments or guidance. He stated that the minutes would reflect the Board's intent and he would write the letter to the applicant which covers his concerns.

Vote on the motion: The motion carried 4-1 with Mr. Bakie opposed.

ACTION ITEM: Mr. Coppelman re-iterated that Mr. Greenwood would follow-up with a letter to the applicant copied to the Board of Selectmen.

JASE Realty, LLC
AJA Auto Repair
52 Rte. 125
Tax Map R5 Lot 16

Mr. Coppelman read the public notice re: the construction of a 50 by 100 foot building partially placed on existing pavement and to remove three trailers. Mr. Coppelman noted that Dennis Quintal was acting as the applicant's engineer for this project and not as the Town Engineer. Mr. Coppelman stated that a site walk was held on November 10th; the minutes taken by Mr. Coppelman had been distributed to the Board by email.

Mr. Quintal reminded the Board that they needed to go to the ZBA for a variance since the last Planning Board hearing; that was done and the variance granted. The project was reviewed by the Rockingham County Conservation District engineer for the Town; he had some slight differences for the hydro-cad model but his final analysis was that the post-condition flows will remain less than the pre-condition flows; he did not recommend any changes except for one concern of any oils or other leakage coming out of the building and recommended a catch basin down-slope from the doors. Mr. Quintal did not think this would happen but he did add that to the plan, to the left of the building; the elevation is over a foot lower and the drainage pipe would go out towards the vegetated swale and into the depression into the parking; he explained the drainage for this area. He said the changes proposed would be the removal of the storage trailers and installing the proposed building which would be an advantage as it

would be a brand new building in the middle of the lot with better drainage and treatment for better Stormwater Management on the site; fencing and landscape will enhance the property.

Mr. Coppelman said that the storage trailers being removed are in the building location which is why there is not a note saying they will be removed. Mr. Quintal stated that they are on the existing conditions plan. Mr. Coppelman noted that at the site walk there was a concern of adding another gas trap which is now shown on the revised plan; the other notes and concerns have been covered. There are two businesses on site: the auto repair business and vehicle recovery. Mr. Coppelman said there was a note about a white PVC drain pipe that existed out to the pond. Mr. Quintal said that when the excavation is done for the swale, then it will be chased down to find out where it is and what it is for and take care of it. He continued that visual screening along Rte. 125 was discussed; he noted that additional screening was being proposed; there was a notation about the floodlights on the property and whether they were in compliance. The applicant has called the electric company to fix one that was re-installed improperly. Mr. Coppelman stated that it was important to make sure they faced into the property and didn't affect the traffic on Rte. 125; any new fixtures need to be in compliance with the Town's Ordinances. Mr. Coppelman said the last item was from Conservation requesting that the building be closer to Rte. 125 to put more of the parking area behind the building. Mr. Bashaw said that he recalled that putting it closer to the road did not allow enough parking. Mr. Quintal said the building is about 200 feet from the lake and getting closer to the street creates a possible conflict regarding any future widening of Rte. 125. Mr. Coppelman reviewed the zoning setback of buildings along Rte. 125. The applicant said that they were trying to keep all of the vehicles on the pavement in the front of the building.

Evy Nathan, Chair of the Conservation Commission, stated that the Commission's main concern is the health of Bayberry Pond; she is convinced the plan is as good as it can be; they want to make sure that the (detention) basins are checked by the Town Engineer during the process of construction to make sure that they comply. Mr. Coppelman noted receipt of the Commission's comments; he read them aloud which agreed with Ms. Nathan's comments.

Ms. Nathan, on another topic, told the Board that she can hear Mr. Coppelman on the new microphone quite well but anyone using the old microphones need to lean into them; she said that watching on television, it is hard to hear if the Board members don't lean into the mikes. Mr. Coppelman said that the new microphone has been a test and the reports coming back seem to indicate that they are working well. He hoped that replacements would come soon. Ms. Nathan agreed but re-iterated that until then, the Board should lean into the mikes so people can hear what is going on.

There was no additional public comment or new department comments.

Mr. Greenwood confirmed that the plan complies with his previous comments and RCCD's comments were addressed. Mr. Greenwood and Mr. Coffin confirmed that the plan had been accepted for jurisdiction.

MM&S to approve the plan dated 11/09/18, as presented this evening, with the understanding that the plastic drain pipe will be investigated and either terminated or resolved into the new Stormwater Management system. (Motion by Mr. Coffin, second by Mr. Bashaw) PUNA

Mr. Quintal suggested that when inspections are done by the Town Engineer, who would be him, Mr. Greenwood should accompany him to confirm that it is done correctly. The Board agreed.

Mr. Greenwood noted that he had been keeping track of the start and end times of the reviews.

Dan Parks
7 Small Pox Road
Tax Map R19 Lot 32

Mr. Coppelman noted that this discussion began at 7:26 PM. He read the public notice: requesting approval to dig a 5-acre pond. Mr. Greenwood stated that he had received an email from Mr. Parks requesting for additional time to collect some information as there is still work to be done. Mr. Coombs asked if the applicant was aware of the Utility requesting information. Mr. Greenwood answered that Mr. Parks was aware; he has provided Mr. Parks with Eversource's letter.

Evy Nathan asked if it was appropriate for Conservation to make comments at this time. Mr. Coppelman said it was up to her to comment now or wait until a later hearing. Mr. Greenwood said there were previous comments that had been given to Mr. Parks. Ms. Nathan preferred to wait until Mr. Parks was present; she asked to speak with Mr. Greenwood prior to any additional comments.

Mr. Coffin said that the Board should make it clear to Mr. Parks the type of information they needed. Mr. Coffin said that Mr. Parks needed to do the research to address the issues the Board and other agencies would need; there were concerns about possible impact to wetlands. Mr. Greenwood stated that Mr. Parks had committed to him that he was getting a wetland scientist on site to verify.

There was Board discussion regarding the caveats on a motion to continue. Mr. Coffin suggested information from NRCS, requirements from NHDES for permitting. Mr. Bashaw suggested a substantial update on his intentions.

Mr. Greenwood said that until he sees something from somebody at Natural Resources Conservation Service, something from a wetland scientist and some sort of feedback from Eversource, he doesn't want Mr. Parks to come before the Board without those items. Mr. Coppelman suggested input from those three entities by a certain time in advance of the date of the continuance. Mr. Bashaw asked if it could be based on Mr. Park's interaction with Mr. Greenwood and Mr. Greenwood feeling it being appropriate to come back in before the Board. Mr. Coffin said he could trust that; he also wanted to see something better than a hand-drawn plan that was not to scale. Mr. Greenwood said that he had spoken to Mr. Parks and clarified that the original exhibit did not provide enough information and there had to be something more substantial; Eversource also will need substantially more by way of an exhibit due to the existing easement. Ms. Nathan suggested adding the Natural Heritage Bureau.

MM&S to continue to January 22, 2019 at 6:45 with the caveat that the applicant has provided a more substantial plan, input from NRCS, a wetland scientist, Eversource and the Natural Heritage Bureau by January 15th. (Motion by Mr. Coffin, second by Mr. Bashaw) **Motion carries 4-0-1** (with Mr. Coombs abstaining)

ACTION ITEM: Mr. Greenwood will contact Mr. Parks about the requirements for the continuance.

This discussion ended at 7:40 PM.

PROPOSED WARRANT ARTICLES

Mr. Coppelman noted that the Board had voted to move the proposed articles to the warrant; this was the public hearing regarding those articles. He added that the language was distributed to the Board.

Mr. Greenwood walked the Board through the process that occurred up to this point. He reminded the Board that they met on October 2nd and reviewed during a work session; the first two are to increase the building coverage in the Aquifer Protection District (APD) within the CII zone; lot coverage can go from the standard of 35% to 60% only if the applicant can show to the satisfaction of the Planning Board Stormwater Management techniques that would allow for recharge on the property that is being developed. Mr. Coppelman clarified that the current ordinance allows up to 50% if Stormwater Management techniques can be shown so the change is from 50% to 60%; the increase is not from 35% to 60%. Mr. Greenwood had previously submitted information on other towns where the majority was 60% or higher within their commercial zones; it is still protective but grants a little relief.

There was no public comment.

MM&S to move forward to Town vote; the proposed amendment to 201.4 as written. (Motion by Mr. Coffin, second by Mr. Bakie) **Motion carried 4-0-1** with Mr. Coombs abstaining.

MM&S to move forward to warrant as written, the proposed amendment to 109.9 in the CII zone. (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

Mr. Greenwood explained that the next proposals all relate to agricultural endeavors in Town; they are the response the committee proposed after holding three public listening sessions. He explained the changes; the first is a fairly long definition which is exactly the State's definition; the Town is putting it in the Ordinance book to make it easier for residents to find; it is the State law; it would apply to the Town anyway unless the Town adopts something different. He continued that Agritourism, as proposed, stands alone but it actually is in the definition section of the first one so it will be in the ordinance twice to make it easier to find as its own "word". Mr. Greenwood explained that if #2 was voted down with #1 being adopted, #2 would actually be in #1. Mr. Greenwood suggested that it might warrant some type of description on the warrant with the wording being done very carefully.

Mr. Bashaw said that the first sentence says as "amended"; does that suggest that the Town's definition would change if the State's changed. Mr. Greenwood said that yes, that was what the Board would be trying to accomplish. Mr. Coffin said that the Town is doing this as Town's could create their own but Kingston would be clarifying that they are using the State's definition. Mr. Coppelman said that the new law is that Town's cannot create something different from the State. Mr. Coombs referred to 904.9 and that the Planning Board can review for a special permit for Agritourism activities. Mr. Greenwood explained that the 904.9 article was separate and not being discussed at this time; he said it is not a proposed change for zoning; it is a proposed addition for site plan review. Mr. Coombs reviewed the septic category in the proposal as it seemed in conflict with the Health regulations regarding the spreading of septage. Mr. Coffin said that was a good point. Mr. Coffin said that presumably that section could be removed. Mr. Quintal said that it is just a definition that also adds "where permitted by

municipality”, so if the municipality says it can’t be done, then it is okay; it doesn’t mean that it is allowed. Mr. Greenwood said that it does say “where permitted” and the Town of Kingston has a biosolid’s ordinance that does not allow it. Mr. Bashaw asks if would conflict that the definitions are permitted uses. Mr. Greenwood explained that the definition still holds over to include the language “where permitted by municipal and State rules and regulations” so the Town is still carrying through that the definition allows for variance if the Town has taken it upon itself to do that. Mr. Bakie stated that he read it differently. He referred to #2 that says that the first part of the sentence allows multiple items as specifically noted and then refers to other ones that aren’t noted if permitted by the municipality. There was discussion about the confusion of the language. Mr. Coffin suggested adding language about “not conflicting with Town regulations”; adding a caveat about the “exception of septage spreading”. Other language was considered. Mr. Coombs said, as he reads it, it comes into conflict with what is already not allowed. Mr. Greenwood said it is only not allowed in the Aquifer Protection District, which is about 75% of the Town; he doesn’t think it creates a conflict.

Mr. Coombs reviewed #8, the raising of bees; he wondered if the Board wanted to include selling. Additional language was reviewed. Mr. Bashaw said that the way it is written, the intention is that we are either going with the State definition or not. Mr. Greenwood says #11 includes honey as a sale item. Mr. Coffin said they were discussing selling replacement queens. Mr. Coombs said he got the point of the issue of amending the State definition. Mr. Coffin agreed that by adding words, the part about the State definition would need to be removed. Mr. Bashaw if the goal is to provide easy access to the State definition, it has to go in as proposed. Mr. Coombs reviewed the apiary process to make sure that there were not unwanted restrictions. Mr. Coppelman discussed the State’s intent for agriculture; he agreed with Mr. Bashaw’s point about not changing the State’s definition. Mr. Coombs reviewed “grasses” and “hay”.

Mr. Coffin noted that in #4 in the definition, there are a lot of uncapitalized UNH Cooperative Extension, NH Dept. of Agriculture, Markets and Food that should be capitalized when it goes to the warrant. Mr. Coppelman said it may appear in the State definition that way; Mr. Greenwood said he took it from the State RSA. Mr. Greenwood agreed that it should be capitalized; he said that is editorial and can be corrected.

MM&S to move definition #1, Agriculture, to the warrant in 2019. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

Agritourism: Mr. Coppelman stated that this was a recent addition to the State definition. Mr. Greenwood said that if #1 is adopted, it has the same wording and this would create a conflict if #1 was adopted and #2 voted down. If #1 is adopted, then the Board can create an agritourism definition as it was already adopted by the Town. He said it is found under the definition of marketing in item #5 in definition #1. Mr. Bashaw agreed that this could cause an unnecessary conflict. Mr. Greenwood suggested not sending it to warrant as the second proposed definition is not any different language than that in number 1; if Number 1 passes, the Board can just break out the definition of “agritourism” in the definition section. Mr. Coppelman suggested a vote to not move forward; Mr. Greenwood agreed this was cleaner with the reason why it wasn’t moved forward which is because it is already accomplished with a vote taken on the first proposal.

MM&S to not move definition #2, agritourism, forward as it is redundant. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

Next article: Adding agriculture, farms and farming as a permitted use in each of the districts shown: HDI, RR, CI, CII, and CIII. Mr. Greenwood said it was added to the Industrial Zone last year, HDII is already in the SRF/Ag zone; this does not add it as a permitted use to the SFR districts in Town. Mr. Coffin noted the per Mr. Bashaw's previous comment that the tillage of soil is allowed in any zone in Town. The Board members agreed.

Mr. Coffin said that this would need to be put in the language of a warrant article. Mr. Greenwood said that prior to putting on the ballot that would be done and clarify which section of each article that was being amended/added to.

MM&S to move to warrant: adding agriculture, farms and farming as permitted uses in HDI, RR, CI, CII and CIII. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

Add to Article 103.2: Allows the raising of chickens and the sale of eggs in association with a conforming Single Family residence as permitted activities. No roosters are allowed in the district. Mr. Bashaw personally doesn't agree with it; he fears that due to his understanding of getting the other things in, he thinks it could create a polarization issue. Mr. Coffin thinks it is the logical response to complaints the Board has received with roosters keeping people awake in dense SFR development; this is the research for what other Towns has done. He agrees it could be a tough one. Mr. Bashaw doesn't like to see restrictions on sustainable living so it is a personal thing to him but essentially up to the voters; he does support the other definitions. Mr. Coppelman said that this now allows a type of agricultural use in Single Family that is not included except for tillage of soil. Mr. Bashaw thinks the prohibition of roosters could be an issue but he doesn't want it to negatively affect the things he does support. Mr. Coombs said there is a lot of misconception of roosters; roosters protect poultry from predators. Mr. Coppelman said that it is important to remember that this is just in the framework of the SFR districts, not all the other zones in Town; the SFR areas tend to be as noted, single family and not typically farming and often more packed together in neighborhood type spaces. Mr. Bakie wondered if it should be separated. There was discussion about noise ordinances, bad neighbor issues, animal control, and management of issues. Mr. Coffin thought that it should still be included so people can vote on it. Mr. Greenwood said that for him, it is when someone says that they made the choice of buying into a SFR district and made the decision to buy into that type of neighborhood especially when seeing that the Town also has a SFR/Agricultural District as one of the named zones that allows agricultural uses in every other zone except those specified as Single Family. He said that would provide a higher level of comfort that the SF zone is just that; that was input discussed at one of the public listening forums. The Board provided personal stories of interactions with neighbors with roosters. Mr. Greenwood confirmed that this would not allow any type of rooster in Single Family. Mr. Coffin would like to move it to warrant to let people vote on it but would like it at the end of the other articles to provide some separation from the other article per Mr. Bashaw's concerns. Mr. Greenwood clarified that the next discussion regarding Agritourism was not a ballot item but a site plan review issue.

MM&S to move proposed amendment, Article 103.2, to the 2019 warrant. (Motion by Mr. Coffin, second by Mr. Coppelman) Motion carries 2-1-2.

Mr. Coppelman continued to review the remaining proposals. Mr. Greenwood said that the Board could talk about the final proposal but he believed that it was posted as a warrant article amendment but it is not meant to go to Town meeting vote as it is a site plan issue. Mr. Bashaw suggested voting to

withdraw it from the warrant for clarity; Mr. Greenwood said it would need to be re-noticed; it could be discussed at a work session and posted for a future public hearing.

MM&S to rescind the final item listed on the warrant article review from consideration for the warrant. (Motion by Mr. Coffin, second by Mr. Bashaw) Discussion on the motion: Mr. Coombs stated that this proposal was a “big” one for him and he might possibly need to recuse himself but he thought it placed a large burden on an applicant; it could become very expensive very quickly. He thinks this might need to go to the people as a warrant article. Mr. Coppelman explained that it was done as a site plan and doesn’t get done in an ordinance. Mr. Greenwood explained the function of site plan review for an agritourism proposal; for zoning, it is in the items discussed earlier; the goal of the proposal is to act upon state legislation regarding regulation of agritourism activities at the local level. Mr. Greenwood said this was the subcommittee’s proposal on how to achieve that. Mr. Coombs referenced the language around the roadside stand definition; Board members said a roadside stand was not agritourism. Mr. Greenwood said that the proposal was acknowledging and reacting to those activities under agritourism that can typically have land use repercussions that are similar to activities that the Town generally regulates under site plan review which includes increased traffic activities and how to go about insuring safety. Mr. Coombs suggested the issue with neighborhood character could be someone with an ax to grind who doesn’t like the traffic going by their house. Mr. Bashaw had concerns that complex site plans might deter farms which would be adversarial to the State’s purpose in promoting agritourism. There was discussion on neighbor’s having issues with items other than agritourism to essentially prevent them. Mr. Coffin said that the discussion would not be for the agricultural issues; the Board was able to separate out the permitted uses from the uses being reviewed. Mr. Bashaw said he knows that the squeaky wheel gets the grease and the people who don’t have the problem with things don’t show up. Mr. Coombs was concerned that unhappy neighbors would be enabled to complain. The Board reviewed language being proposed and possible concerns that could be addressed by unhappy neighbors; event permits for previous events; possible scenarios; type of reviews.

Mr. Coppelman said that he sat in on the discussions in Concord and the intent was to provide for additional opportunities for farms to generate revenue and remain in existence but at the same time, the legislature realized that it was important to give Towns the ability to have some sort of review process to make sure that things like traffic can be handled appropriately and there isn’t an access amount of noise generated that would affect neighboring properties, as an example. Mr. Greenwood noted that the State definition of agritourism had bothered him from its adoption as items such as over-night stays were included that allowed every farm in the State of NH to be a bed and breakfast; the Town of Kingston has ordinances about that use as there are criteria in place as the use has particular issues such as appropriate septic, parking, thresholds between bed and breakfast and inns. He said that something allowed at the turn of the century should not automatically be allowed now. Mr. Greenwood said that if there isn’t something at the local level that establishes how the Town is going to look at agritourism uses, then they are all just approved and could then have substantial land use conflicts with abutters; that is what this proposal was attempting to address. Mr. Bashaw agreed that there should be something in place as there is a vast difference between agritourism of “hey, we milk goats and make soap and give a tour of it” and “Charming Fare Farm”. He agrees with some type of review but thinks the special exception provisions are very open-ended. Mr. Coppelman asked about holding a public hearing and if Mr. Bashaw would have revised wording or suggestions; Mr. Bashaw agreed to look into it. Mr. Coombs had concerns with “ambiguity” within the proposal. Mr. Greenwood added that changes to site plan could occur anytime during the year; a notice public hearing is required for adoption; there is no time pressure. Mr. Greenwood suggested adding to a work session in January or February for

Board discussion. Mr. Coppelman said there was only one thing on for Jan. 22nd hearing – he added “agritourism” discussion to that agenda for Board business. He suggested the Board members think about the proposal and language prior to that date.

The Board approved the motion by consensus.

CIP Plan: Mr. Coppelman noted that the Board had received by email. He explained the process which requires adoption by the Planning Board. He had submitted the draft spreadsheet to the BudCom in November. Mr. Greenwood explained that it is a 6-year process and it didn’t have a lot of change from the previous plan; he reviewed the proposals. There were questions regarding the timing of the future Fire Station.

MM&S to adopt the 2019-2024 CIP as written. (Motion by Mr. Coffin, second by Mr. Coombs) **PUNA**

ACTION ITEM: Mr. Greenwood will distribute to the BOS and BudCom in the final form.

(Board note: Mr. Quintal left at this time.)

Board business

Correspondence:

- Certiorari Order and Appeal re: Hawks Ridge received.
- Letters sent re: sign non-compliance along Rte. 125; Mr. Coombs asked about the Board picking a date to revisit for follow-up. The Board will follow-up on this on January 8th.
- Bond balance sheet received. Mr. Coombs asked who he would speak to re: the specifics of a bond other than the dollar amounts. Mr. Coppelman said the requirements and amounts are established at the PB; Mr. Greenwood said there should be some discussion. Mr. Coombs asked if that would be part of the pre-construction meeting. Mr. Greenwood said there is always a pre-construction meeting if there is a bond involved; he assumed the Financial Officer would have the bond document in order to know what the bond amount was. There was discussion regarding the bond process and documentation.

ACTION ITEM: Mr. Greenwood will chase this information down and report back to the Board.

- Resignation from Karen Layne received by email. Mr. Coppelman accepted and expressed thanks for her time on the Board. Mr. Coombs suggested contacting her runner-up to see if he was interested. **MM&S to reach out to the gentleman who had previously applied to the Board for an alternate position.** (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

ACTION ITEM: Mr. Greenwood will contact.

- Comment sheet from ZBA re: hearing for 4 Main Street continued to Dec. 13th. Informational, no action required.
- Invoices from Town Engineer for signature.
- Invoice from Planner for month of October.
- Mr. Coombs reviewed site walk at AAAL; the area that is disturbed had not been covered with hay; when other items are complete they will do the soil stabilization; Mr. Quintal is okay with it but didn’t know the Planning Board’s thoughts on it. Mr. Coombs is not concerned; Mr. Quintal has no concerns with the wetlands. Mr. Greenwood said he had gone on the site walk; the wetland area had no sediment; the steps are appropriate; they will send a report every two weeks to say what has been done and ensure site stabilization.

MM&S to accept the minutes of November 20, 2018 as written. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

MM&S to adjourn at 9:15. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**