

Kingston Planning Board

April 2, 2019 Public Meeting Minutes

Mr. Coppelman called the hearing to order at 6:48 PM; there were no challenges to the legality of the hearing.

Members present:

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| Glenn Coppelman, Chair | Lynne Merrill |
| Peter Coffin, Vice Chair | Chris Bashaw |
| Robin DuGuay | Ellen Faulconer, alternate |
| Phil Coombs, BOS rep. | Steve Padfield, alternate |

Members absent: Peter Bakie

Also present: Glenn Greenwood, Town Planner

Mr. Coppelman announced that the meeting was being televised; he introduced the Board and noted that Ms. Faulconer would be a voting member this evening.

The Chair announced that the BOS (Board of Selectmen) had chosen Mr. Coombs as their representative to the PB (Planning Board) and had formally specified Richard Wilson as the alternate representative to the PB. Mr. Coppelman announced that the Town Engineer was not present this evening due to no applications being reviewed this evening. He stated that tonight's meeting was a work session for Board items.

Board Business

CIP (Capital Improvement Plan) Committee Membership: Mr. Coppelman reminded the Board that one more committee membership needed to be filled; he reviewed the CIP process. Mr. Coppelman, Mr. Coffin and Mr. Padfield volunteered to represent the Planning Board on the CIP committee. Mr. Coombs is the BOS representative on the CIP committee.

Correspondence:

- Invoice from Town Engineer for 4 Marshall Road received; signed by the Chairman
- Invoice from Danna Truslow for 4 Marshall Road received; signed by the Chairman
- Copy of Compliance Enforcement request sent to the BOS re: ECSI; Phil explained that there is a lessee operating out of the site and the enforcement action is in process.
- PB budget detailed account received
- Letter from RPC (Rockingham Planning Commission) received re: dues; no PB action required.
- Training available at Plaistow was reviewed; possible training, as previously discussed, was reviewed. The Board has been trying to work with the NHMA on training for multiple land use boards. Other available training sessions were reviewed. Potential dates for an upcoming session were determined to be: April 25th, May 23rd or 30th, June 27th.

ACTION ITEM: Mr. Greenwood will contact NHMA about the program and available dates.

The Board decided to move the approval of minutes to the end of the meeting.

Agritourism Discussion: Mr. Coppelman reviewed the actions of the Board up to this point; he noted that the Town adopted the State's definition of Agriculture at Town Meeting. The election results were briefly reviewed. The definition of "agritourism" was reviewed; it included the requirement that it is accessory to the primary agricultural or farming activity. There was discussion on levels that may or may not require site plan approval that included providing meals, overnight stays and weddings and other large events. Mr. Coppelman noted that the State allows the municipalities to regulate this. He added that, his perspective of things that would be of interest to the PB would include activity that created more traffic and other activities that would become disruptive to a neighborhood. He did note that Kingston did not have a lot of farms and agritourism had to be part of a farm adding that an agritourism activity that was on a non-farm site would come under site plan review as a commercial use. Mr. Coppelman passed out an attempt at wording that could be added to the site plan review regulations. He said that the language was worked on late last year after the "visioning" sessions and based on other Town dealings. Mr. Greenwood said it is to try to avoid land-use conflicts and come up with a good compromise; it is important to have something on the books to avoid conflict. Ms. Faulconer asked for clarification on the language that said "permitted in all zones" as she didn't think that was accurate. Mr. Greenwood said that the zones should be listed out. Mr. Coffin said it was important to be clear so it didn't override existing regulations such as those for bed and breakfast and specific septic requirements. Mr. Coombs spoke about a specific one-time event and how it was handled in relation to requirements for health and safety. He expressed concern that a phrase such as the "neighborhood character" consideration one could wind up being an issue and anyone could use this statement to get an activity denied. He clarified that life safety, health and traffic issues should be reviewed and addressed. Mr. Coppelman noted that the special events form was for a single event, not for year-round use. There was discussion regarding clarifying uses for a farm stand, sleigh rides at a farm, fall events with pumpkins and hayrides and their uses in relation to agritourism and site review. An expansion of activity in Hampton was briefly discussed. Ms. Faulconer said it seemed like the issue had three levels that should not be lumped together: a single event that was, at a minimum, over 40 people, a seasonal event and year-round use that included items such as weddings. Mr. Bashaw said that he could think of a finite number of examples and sees some of them as seasonal use; adding that the more likely year-round use would be a use such as a wedding reception hall. Mr. Coppelman clarified that just "mowing" a field a couple of times a year did not qualify as "farming". Mr. Bashaw noted that agritourism is a mechanism to try to keep farms from splitting up and selling off the land. Ms. Faulconer stated that it seemed like it was just year-round larger activities that would require review for commercial use. Mr. Bashaw expressed concern for not wanting to see ambiguous terminology used that would allow an "angry" neighbor to use the language incorrectly. Mr. Merrill agreed with that; she cautioned that the activity also has to be part of the approved activity in any conservation easements. There was discussion regarding different activities that may occur such as barns with an inn on the property; animal petting activities; there are different ways to look at this and there are certain businesses that go along with agriculture and agritourism; the Board discussed needing a way to define the different types of items that addressed differences between a one-time weekend use and a commercial use. Mr. Coombs added to the easement discussion by stating that those easements include restrictions on what can be done and if some of these activities are done every weekend than it falls under site plan review. Mr. Coffin asked whose burden it was to show that a proposed activity is ancillary to the farming. There was discussion in determining ancillary including financial determination. Mr. Greenwood, as well as other

Board members, found adding a financial aspect to be disturbing. He was concerned with agritourism's "overnight stays" conflicting with (B and B) Bed and Breakfast and ADU (Accessory Dwelling Units); he questioned when an overnight stay on the farm became either a B and B or an ADU. He said this could cause land-use conflicts.

Public Input: Karen Coombs questioned whether a farm "store" would be an issue, with people coming and going from the site; she thought the definition of farm was vague. Ms. Coombs said there could be specific situations such as a family wedding on a farm or people picking pumpkins or going on a hayride that may not rise to a commercial activity and just be agriculture, not agritourism. Mr. Coffin suggested a better form of definition of agriculture and agritourism, specifying the different activities to get rid of the vagueness. He suggested using a conditional use permit for an on-going activity and dealing with an activity during that process. Ms. Faulconer asked if the BOS permit process included a public hearing. Mr. Coombs answered that it depended on the activity and the location; they have had them for some but not all. Ms. Merrill referenced the town of Henniker having issues with multiple events. The Board discussed defining the issue with items such as a restaurant and B and B needing some review with the occasional stuff going on as it has. Mr. Greenwood said that the current permit will meet 90% of the uses on the properties available as farms; he suggested adding a line to the permit such as "if sent to the PB from the BOS, agritourism can be reviewed under the site plan regulations". Mr. Greenwood continued that this can address the special permit that "kicks in" the public safety review and the Town will be protected with the one-line added about a site plan review requirement; if the BOS feels it is beyond their regular use in the permit, they can forward it to the PB for site review. Mr. Greenwood said that the site plan review process can reference the special event permit. Mr. Bashaw said that this could be as simple as the Board receiving a letter about the activity and then deciding how much review the applicant would need. Mr. Greenwood reminded the Board that it can waive regulations as needed and as appropriate. Mr. Coppelman said that the BOS could handle agritourism events as they do now and if it is determined to be beyond the regular activity they review, the BOS would send to the Planning Board utilization the new citation that would be added to the PB site plan review regulations. Mr. Greenwood said that he would feel comfortable coming up with that language to bring to the Board in the next month or two.

MM&S to continue the agritourism discussion to the May 7, 2019 meeting with suggested language to review (being written by Mr. Greenwood) received by the Board prior to that first meeting in May.
(Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

Procedures/By-laws Discussion: Ms. Merrill pointed out conflicts in two places: Order of Business and 12.3 on page 6 regarding the public having a full set of plans to review. She felt that could be addressed with the screen and projector that had been previously discussed at the Planning Board and with the Board of Selectmen. Ms. Faulconer reminded the Board to review any purchases in conjunction with other additions involved with the meeting hall and cable broadcast. It was noted that the projector and screen could be used by any Board. Ms. Merrill suggested the Planning Board could buy one if the funds were in an equipment line. Mr. Faulconer said that she thought it was going to be in the Selectmen's budget. Mr. Coombs will re-engage with the BOS about this possibility at their next meeting. Upon continuing the by-laws discussion, it was suggested to move "minutes" to the end of the discussion; the list of Board business will be amended. Mr. Bashaw asked why the PB's vote on warrant articles was not on the ballot like the BOS and BudCom (Budget Committee) tallies. Ms. Faulconer stated that there was no enabling legislation to add this to the ballot; the enabling legislation for the BudCom and BOS were fairly recent; Mr. Greenwood agreed.

ACTION ITEM: Ms. Faulconer will check to see if an enabling legislation has been established for Planning Board articles and voting notation.

Ms. Merrill said that Mr. Bakie had asked her to bring up the issue of assigning alternates, suggesting that it be done on a rotation basis. There was discussion regarding this issue including concerns with continuity of voting on projects, attendance, alternating during a hearing. Mr. Bashaw stated that a pure rotation system may not work appropriately and it was good to give the Chair the discretion to allow for some of the issues being discussed. Mr. Coffin questioned the requirements for determining which alternate would sit. Ms. Merrill read RSA, 671:11 that was already noted in the existing by-laws, giving the Chairperson the authority to designate the alternate.

MM&S that Ms. Faulconer will make the recommended changes and draft any other wording to bring to the May 7th meeting for continued Board discussion. (Motion made by Ms. Merrill, second by Mr. Coffin) **PUNA**

The meeting requirements adopted by the BOS were reviewed by the PB. It was discussed that many of the items, due to posting and notice requirements, were not relevant to the PB meetings/hearings. The Board thought having speakers signing a log with name and address would be helpful.

Projects for 2019: Ms. Merrill suggested reviewing the Town's Shoreland Protection Act and co-ordinate with the State's requirements. She reviewed the history of the Town and State's adoption of the protections; she suggested that the definitions need to be looked at.

ACTION ITEM: Ms. Merrill will work with Mr. Greenwood on this for the Board's review in 2019.

Mr. Coffin suggested reviewing prior project lists; he referred to refining the definition of pre-existing non-conforming uses.

Ms. Faulconer suggested that, based on recent activities, the process regarding performance bonds and pre-construction bonds needs to be better established. She added that there were sections of the Ordinance Book that needed better procedures such as Lot Line Adjustment procedures and expedited review.

ACTION ITEM: Ms. Faulconer, Mr. Quintal and Mr. Greenwood will work on bond procedures; Ms. Faulconer and Mr. Greenwood on ordinance procedures.

Mr. Bashaw stated that he had to leave at this time but before leaving and missing the Planner Contract review, wanted to state that he feels Mr. Greenwood's experience with the Town is invaluable and he provides great guidance and help. <Board note: Mr. Bashaw left at this time.>

Ms. Merrill noted that she may come in with a few more small things for the Board to consider.

Mr. Coppelman had a conversation with the ZBA Chair about ADU's (Accessory Dwelling Units); he would be willing to work on this; he would like to look at it again to consider anything attached or in a primary dwelling to be handled through the Building Inspector; anything detached would need to come to the PB for a conditional use permit. Mr. Coffin said that a proposal within an existing structure could have the Building Inspector review but if there are alterations to the structure, it should go to the Planning Board and keep any visual impact off of the Building Inspector's decision. Ms. Faulconer noted that coming to the Planning Board would require public notice which was not currently required by the

Building Inspector. Mr. Coffin noted that abutters should be notified for any alterations to impact the appearance of a single-family dwelling.

ACTION ITEM: Mr. Coffin and Mr. Coppelman will work on the ADU ordinance.

Mr. Coppelman asked how the PB went forward to have the Master Plan updated – it was over 10 years now. Ms. Faulconer stated that she was working with Department Heads on the Community Facilities chapter. Mr. Coppelman would like this added to the list.

ACTION ITEM: Mr. Coppelman will brainstorm with Mr. Greenwood on how to get this accomplished.

Planner Contract Review: Ms. Merrill stated that she had recommended a review of the contract and review how things were working out. Mr. Greenwood had prepared a new contract within the new budget and added two new tasks to assist with the Envision Kingston project and the adoption of 79:E which had been a task from the Envision Kingston event. He noted that the existing contract expired in Dec., 2018; he was waiting until the budget passed for the contract. There were multiple comments on how well having Mr. Greenwood in the office was working. Mr. Coombs asked to review the contract before acting on it. Ms. Merrill asked if the Board needed to add hours to Mr. Greenwood's contract. Mr. Coppelman was concerned with Mr. Greenwood helping out other committees such as Envision Kingston but feels it is okay due to the current level of activity but when the activity increases, Mr. Greenwood will have to pull back. Ms. Merrill stated that things are moving along better. Mr. Coombs stated that since Mr. Greenwood is representing the Town, he expects that work product will be double checked for grammar and spelling.

ACTION ITEM: Mr. Greenwood will email the contract to the Board.

MM&S to adjourn at 9:40 PM. (Motion by Mr. Coombs, second by Mr. Coffin) **PUNA**