

**Kingston Planning Board
Public Meeting
Minutes**

June 6, 2017

The Chairman called the meeting to order at 6:50 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Glenn Coppelman, Chair	Carol Croteau
Peter Coffin, V. Chair	Peter Bakie
Chris Bashaw (arrived with meeting in progress)	Ernie Landry, alternate
Mark Heitz, BoS rep.	

Members absent: Lynne Merrill

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Admin. Asst. and Board alternate.

Mr. Coppelman announced Mr. Landry would be a voting member this evening; he also stated that the agenda would be altered by moving the “Alternates” agenda item to 7:00, pending Mr. Bashaw’s arrival. As he began, Mr. Bashaw arrived so the Board returned to the original agenda.

Board Alternate Positions

Mr. Coppelman stated that the Board has three alternate positions with staggered terms; these alternates are appointed by the Planning Board; Mr. Landry is a current alternate whose term expires in 2018; Ms. Faulconer has served as an alternate and her term is up now and is currently filling the position until the Board appoints to fill the position; Mr. St. Hilaire has been an alternate for many years and is happy to relinquish his spot. Mr. Coppelman continued that through Ms. Faulconer’s efforts there has been advertising for these positions on the web site and in the newspaper; three letters of interest had been received for the two spots. The letters received were from Steve Padfield, Ellen Faulconer and Robert Pellegrino. Mr. Coppelman noted that Mr. Padfield and Ms. Faulconer was present, Mr. Pellegrino had not arrived. Ms. Faulconer stated that he had contacted the office and was expected at the meeting. Mr. Coppelman read the three letters aloud for the record and suggested that the Board could ask questions.

Ms. Faulconer was invited to address the Board. Mr. Heitz said that there had been members of the Board who had viewed it a conflict for Ms. Faulconer being the Administrative Assistant and also an alternate member of the Board and asked how she felt about that or how she would address that. Ms. Faulconer stated that initially, it had been the Planning Board that asked her to accept the appointment as an alternate as there had been times that achieving a quorum had been

a problem; she said that she had been asked as both a Town resident and a past member of the Board. Ms. Faulconer said that several members of the Planning Board addressed the issue that had been brought up last year saying that it wasn't a conflict and noted that Mr. Landry had stated that Ms. Faulconer was at a meeting doing a job and being paid to do that job and if, on occasion, was asked to step up to replace a Board member due to an absence did not defeat the purpose of doing the job. Ms. Faulconer continued that the position done while working in the office has no conflict as she is very clear that even one person on the Planning Board can't give a decision, it requires a vote of the Board; she continued that State law does not consider it a conflict as that had been checked already; she also noted that she is not the only individual in Town that has held both an alternate position and an administrative one for the Board. Mr. Bashaw stated that he was the Board member that originally raised the conflict issue last year and having been on the Board for a short amount of time, he has seen how things come to play in a small town and often there are not enough people to fill positions and he has seen the need for why Ellen fills the positions and why the Town should continue to allow that and saw the benefits of the consistency of her being at the meeting; he continued that the issues he took last year have been alleviated in his mind. Ms. Croteau added that since she has been on the Board, Ellen has been extremely helpful and has found that Ellen has not been at all in conflict with anything that has come up adding that Ellen has been an impeccable member of the Board; she thanked Ms. Faulconer for everything she has done for the Town and the Board. Mr. Coppelman said that there is no question about Ellen's level of integrity, depth of knowledge of what goes on in the Board and through her activities in Town puts her in a really good position to assist the Board as the Administrative Assistant and an alternate. Ms. Faulconer thanked the Board.

Mr. Coppelman noted that Mr. Pellegrino had arrived and let him know that the letters of interest had been read.

Mr. Padfield addressed the Board; he said he would like to join the Board; while always being active in the community, he had never served on a Board and felt, with a seasonal business, he could give a lot of time to the Board and help the Board; he felt that his knowledge with the developing he has done has a good feel with how Planning Board's run and how things are done. Mr. Heitz stated, that as a member of the Board of Selectmen, he is grateful to all volunteers who step forward as they are hard to come by and they do appreciate the level of commitment. He said the original letter was sent back in 2015 and there had been an election; he was curious as to why Mr. Padfield had not gotten on the ballot if he had a strong interest in serving on the Planning Board; he asked him to explain why he wouldn't have taken that action after not being appointed as an alternate. Mr. Padfield replied that he didn't realize that those positions were available; he had been busy and didn't realize the positions were out there. Ms. Croteau commented that for the alternate positions, they come to every meeting and asked if he was willing to come to every meeting. Mr. Padfield said he was. Mr. Coppelman explained that alternates participate in the discussion even if not able to vote; from a continuity perspective it is important to have alternates with knowledge of what had gone on at prior meetings to be able to participate for any voting on an application. Mr. Padfield stated that he realizes this would be a commitment.

Mr. Bakie asked if the Board puts requests for alternates in the paper yearly; it was explained that this is done occasionally; often it is done as one big ad for multiple Boards needing volunteers. Mr. Bakie suggested that perhaps Mr. Padfield was aware of the available position as it was in the paper this year. Mr. Heitz said that sometimes a generic ad is put on the web site bulletin board. Mr. Coppelman explained that there is one position open yearly.

Mr. Pellegrino addressed the Board stating that he was late due to him addressing some personal business. Mr. Pellegrino stated that his family had been in Town since 1999; he is a builder in Town building Solar Hills Estates subdivision; he continued that he has experience with the Planning Board; he has been in business for most of his life; economically is pretty sound; he knows how things are run and he is honest. He stated that he thinks that he would bring a lot to the Board being a builder. Mr. Heitz said that the dealings he has had with the Planning Board in the past have at times could be described as adversarial with the Board and the Town Engineer; he asked how Mr. Pellegrino would address that perception to the Board members on how you are looking to get on the Board to strengthen the Board and add continuity and not to turn the Board upside down but for the betterment of the community; he knows that this has been people's perception in the past. Mr. Pellegrino said that it is a completely different Board than when he was against the Board. He says he has a lot of solutions and his subdivision alone is going to generate over \$100,000 in property taxes to the Town and while children will move in, the high school is basically empty so he thinks the Town should do something; he is interested in being an alternate but he is going to run again next year so he thinks what he has to bring to the Board is positive; he added to let bygones be bygones; he is an honest person and he sees that things have changed and he holds no grudge to the Board or anyone on it. Mr. Coppelman replied to Mr. Pellegrino that as a builder, there is always the possibility that he will get involved in projects in Town and he asked how he would feel about that potential conflict and how he would deal with that. Mr. Pellegrino answered that he thinks he would have to recuse himself and not vote on any project that he was involved in; that is not what he is here for and not asking to join the Board to enrich himself from the Town; he believes that this will be his last subdivision. He re-iterated that he will bring his knowledge to the Town; his expertise can only benefit the Town. Mr. Bashaw said that his experience with the Planning Board before being on it would be described as adversarial but being on the Board has broadened his horizons a bit and he hoped that he was able to gain some knowledge and express himself properly and made him a better contributor to the Town having activity on the Board.

There was discussion as to how the Board would handle the voting. Mr. Greenwood asked why the Board was limiting themselves to three alternates instead of five which is a possibility with State law. Mr. Greenwood suggested that this might just be something carried over from when the Board was appointed. Ms. Faulconer thought that the warrant article making the Board elected specified the number of alternates. Mr. Greenwood said State law allows up to 5 but a warrant article specifying the number would have been voted on by the Town and the Board would have to hold to that. There was discussion about the possibility that the Planning Board just carried this over from when it was appointed. Mr. Coffin reviewed OEP information regarding alternate requirements. Ms. Faulconer looked up the original article; in 1996 there was a warrant article changing the Planning Board to an elected Board that also specified that there

would be three alternates. Mr. Bakie asked if Ms. Faulconer, if not an alternate, was a member of the Board. The answer was “no”; she could participate as any other member of the public.

The Board continued reviewing and discussing the process they would use to appoint the alternates. The Board decided on handing out a paper with the three names on it and voting for two with Mr. Coppelman then taking the tally; if there was a tie; the next vote would just include the two names. Mr. Coppelman confirmed that 7 ballots had been returned to him noting that one ballot only had one vote. He counted the ballots and announced that Ms. Faulconer was the top vote getter; the other two candidates were tied. The next ballot with Mr. Padfield and Mr. Pellegrino’s names were distributed; seven ballots were returned to Mr. Coppelman. Mr. Pellegrino received 4 votes and Mr. Padfield received 3 votes. Ms. Faulconer will be appointed to the three-year term; Mr. Pellegrino will be appointed to the two-year term per Board consensus. Mr. Coppelman noted that the next Planning Board hearing would be on June 20th. He thanked Mr. Padfield for his interest noting that there would be elected and appointed positions open next year.

Critical Correspondence

- Correction to numbering in article 904; Ms. Faulconer will send out an email reminder with the corrected number.
- Letter from BOS, received 6/6/17, regarding easement for All-American Assisted living; Mr. Heitz reviewed the process specific to the well utilizing Town land for the well radius as an encumbrance on the property. He reviewed title search issues regarding the reversion clause on the property. Mr. Heitz said that while he thinks the project is beneficial to the Town, there should be proper compensation for the encumbrance. The sale of the property would be for \$120,000; the easement is for \$50,000. Mr. Coppelman will go to the public hearing on the Planning Board’s behalf per Board consensus.
- Letter read from Steve Turner re: proposal for 51 Church Street; Mr. Coppelman stated that it sounded like a similar use

ACTION ITEM: Mr. Greenwood will confirm the approved hours of operation to make sure the proposal complies with the approval.

MM&S that no further action from the Planning Board is required conditional upon complying with the existing approval which will be confirmed by Mr. Greenwood. (Motion by Mr. Coffin, second by Ms.Croteau) **PUNA**

- Bond Balance Sheet
- Follow-up to letter sent to Mr. LePage; he took down the “flags” as requested; the Board expressed its appreciation for Mr. LePage working so well with the Town.
- Follow-up to enforcement request for property on Jericho Drive; all the cars have been removed.

The Board reviewed continuity of enforcement throughout the Town.

ACTION ITEM: A letter will be sent to the stove shop on Rte. 125 which is under new management to welcome them to Town with a reminder regarding the Sign Ordinance, as there is an electronic sign in the window and “feathers/flags” that are not permitted; Ms. Faulconer will check if there is a new Business Occupancy Permit from the new owner and if not, remind them of that requirement as well.

- The mural on a building on Main Street was questioned regarding compliance; Mr. Coppelman suggested that an enforcement request for that should come from the HDC.
- Email from SEC regarding question from Apache Trucking; there was discussion regarding the access and possible issues; the type of business; permitted uses; need for site plan review.

ACTION ITEM: Mr. Greenwood will send a letter to SEC from the Board.

- Email from SEC on behalf of Mr. Durbin, owner of 105 Rte.125. Mr. Durbin was proposing to add/expand 8 additional units on property that currently had a 4 unit apartment building. The question was whether this was allowed per the ordinance. The Board reviewed all the sections of the ordinance pertaining to residential use in the commercial zone and the interpretation of residential uses, legally in existence, being able to be continued and expanded. The Board discussed the property file only having an approved septic system for a duplex; there was nothing in the file showing a legal change from a duplex to a 4 unit apartment building. The Board did note that this would have been done prior to Mr. Durbin's ownership. In reviewing the expansion request, Mr. Heitz stated that the expansion would be pertinent to the existing use, not expanding the use itself. Mr. Coppelman said that the expansion of the 4 one bedroom units into 4 units with two bedrooms would be an expansion of a use but adding a new building with additional units was not expanding the pre-existing use it was creating a new, additional use on the property. Mr. Bashaw said that the language allowing the expansion of the legally existing use does not justify an additional 8 units. Mr. Coppelman said that he was involved when the change took place; the Board had to realize at the time that the zone change captured certain existing residential uses and didn't want to restrict those residential uses from doing traditional residential expansions such as a garage or tool shed but it was not to expand the residences into more residences. Mr. Greenwood said that legislative intent is important to bring to the discussion. Mr. Coppelman noted that Ms. Faulconer was around at that time; she agreed with Mr. Coppelman's discussion regarding the intent. This was the Board's consensus; that the proposal was not expanding the pre-existing residential use which was the one building; it was expanding the site to include new buildings and new residential uses which was not allowed in the zone and was not the intent. Mr. Greenwood stated that he read it differently.

ACTION ITEM: Mr. Greenwood will send a letter to SEC responding to their request that the residential use proposed can't expand into the zone. Mr. Greenwood confirmed that he will just answer the question asked. Mr. Heitz will look into the permitting/approval question.

- Letter received from Health Officer for the upcoming hearing.
- Brochure re: Training Field Day

MM&S to accept the minutes of May 2, 2017 as written. (Motion by Mr. Coffin, second by Ms. Croteau) Motion carried 5-0-2 with Mr. Heitz and Mr. Bashaw abstaining.

Board Business:

- Mr. Heitz discussed the proposal raised by Ms. Merrill regarding computer/viewing equipment; they have two proposals which he will get copied to the Board; one is \$10,300, the other is \$9500. The Board of Selectmen after a brief discussion felt that this was a significant amount of money that had not been done in the budget process so could

not be achieved this year and should be presented to the Budget Committee during the next budget season. Mr. Coppelman agreed that it is a big discretionary item that was more than just for use for the Planning Board. Mr. Greenwood suggested that this type of project with the associated costs of \$10,000 should be in the CIP. Mr. Coffin suggested that applicants could bring in their own laptops and show the proposal on the big screen that would be picked up by the cameras; a laser projector was probably about \$3500.

- Mr. Heitz updated the Board on the enforcement action on the property on New Boston Road; there is a lien on the property.
- Mr. Coppelman noted that the ECSI court date is June 21st.
- Mr. Heitz noted that the Lancaster legal issue is not final yet.

MM&S to adjourn at 9:07. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**