

## **Kingston Planning Board**

**November 19, 2019**

### **Public Hearing Minutes**

Mr. Coffin, Acting Chairperson, called the hearing to order at 6:45 PM; there were no challenges to the legality of the hearing.

**Members present:**

Peter Coffin, Vice Chair

Chris Bashaw

Peter Bakie

Phil Coombs, BOS rep.

Robin Duguay

Lynne Merrill

Ellen Faulconer, alternate

Steve Padfield, alternate

Members Absent: Glenn Coppelman

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

Mr. Coffin introduced the Board, the Town Planner and Town Engineer. He announced that Mr. Padfield would be a voting member due to Mr. Coppelman's absence.

**Joseph Falzone**

**Owners: Hazel M. Hanson, heirs**

**53 Marshall Road**

**Tax Map R41 Lot 07**

**Gabriel and Debra Escobar**

**51 Marshall Road**

**Tax Map R41 Lot 8K**

Mr. Coffin read the request to continue the hearing for the Lot Line Adjustment to the January hearing.

**MM&S to continue this hearing to the January 21, 2020 hearing at 6:45 PM.** (Motion by Mr. Bakie, second by Mr. Coombs) **PUNA**

**Donald and Phillip Pryor**

**41 North Road**

**Tax Map R32-9A**

Mr. Coffin read the email from the applicant requesting to withdraw the application. Mr. Greenwood explained that since the applicant was withdrawing, no further action by the Board was required.

**Robert and Cynthia Fraser**

**12 Rockrimmon Road**

**Tax Map U11 Lot 28**

**and**

**Ginger Way Realty Trust**

**Off Rockrimmon Road**

**Tax Map U11 Lot 29 (Private Drive: Ginger Way)**

Mr. Coffin noted that no one was present representing this application. The Board agreed to move on to the next hearing in hopes that the applicant would arrive shortly.

**Hanoverian Holdings, LLC**  
**1 Library Lane**  
**Tax Map R33 Lot 21-1**

Jeff Polchlopek, one of the owners, introduced himself to the Board. He reviewed the change of use for the garage to meet the needs of the business by providing additional space for training and business events and storage to comply with safeguard and privacy requirements. The proposed shed would be to store items such as tires, lawn equipment, water softening salt and to keep these items out of the business areas. Mr. Quintal reviewed his 11 comments including the building labeled as “dwelling”, parking space encroachment on Library Lane, adequacy of run-off treatment. Mr. Coffin questioned why the building was labeled as a dwelling. The owner clarified that no one lives in the dwelling; Mr. Greenwood said the building should be re-labeled. Mr. Greenwood stated that this was a small change to the property and it doesn’t require a lot of items that would normally be required. He added that a mandatory preliminary review should be granted once a request is provided. He read his comments dated 11/19/19. Mr. Polchlopek stated that the garage has just been used for storage at this point; there is no water going to it and no drainage; they will just be bringing in food when necessary; there is no cooking in the garage. Mr. Coffin confirmed that there were no changes to the footprint of the building no additional signage and no lighting changes.

The Board discussed whether to review each item separately. Mr. Bakie suggested addressing Mr. Quintal and Mr. Greenwood’s comments one at a time. Mr. Quintal’s comments: 1. “dwelling” is a modification/correction to the plan; it should be labeled “office building”; 2. Sanitary Disposal should be shown on the plan and confirm at least for 45 people; both Mr. Quintal and Mr. Greenwood suggested that due to past approvals, it should be adequate; Mr. Quintal suggested that it could be proved by a previous septic plan and addressed by adding a note to the plan. Due to the pre-existing condition of the parking spot that appears to be on Town property, the Board decided not to address the issue with this application as it was not pertinent to the proposal. Mr. Bakie stated that he was very familiar with the property and the run-off is not an issue and works well. Mr. Greenwood said that it is a well-established existing feature and what is in existence is operating adequately. After reviewing Mr. Quintal’s comments, the Board determined that it was necessary to relabel “dwelling” and show the location of the dumpster; the remaining comments are existing conditions.

Requirements for Business Occupancy was reviewed.

Mr. Greenwood’s comments were reviewed by the Board; the Board needed a written waiver for the mandatory preliminary review. Mr. Polchlopek wrote up the waiver request and presented it to the Board.

**MM&S to accept the plan for jurisdiction.** (Motion by Ms. Merrill, second by Mr. Coombs) **PUNA**

**MM&S to waive the mandatory preliminary review for this plan.** (Motion by Ms. Merrill, second by Mr. Bakie) **PUNA**

The Board continued reviewing Mr. Greenwood’s comments: #1 – addressed; #2 – need elevation of shed which Mr. Coffin suggested could be a condition of approval; #3 – elevations tied to USGS coordinates; #4 – addressed through Mr. Quintal’s comments; #5 – dumpster location has to be shown:

Mr. Greenwood, along with Mr. Quintal, suggested waiving as they are already sited. Mr. Bashaw said they are not applicable as there are no changes on the existing conditions. The Board continued reviewing the comments: #7 and #8 – no changes; #9 – will change; this leaves changing elevations tied to USGS, adding the dumpster; the picture of the shed with elevations/picture.

There was no public comment.

**MM&S to grant a conditional approval with the following conditions:**

- **Elevations tied to USGS**
- **Show location of solid waste facility (dumpster)**
- **Change “dwelling” to actual use description**
- **Fulfill elevation requirement of the proposed shed either by picture or dimension**
- **Show location of existing septic system on the plan**

(Motion by Mr. Bashaw, second by Ms. Merrill **PUNA** Mr. Bashaw explained that there was a 90-day deadline to meet the conditions unless voted otherwise.

*<Board note: the hearing ended at 7:38>*

The Board returned to the Fraser application.

**Robert and Cynthia Fraser**

**12 Rockrimmon Road**

**Tax Map U11 Lot 28**

**and**

**Ginger Way Realty Trust**

**Off Rockrimmon Road**

**Tax Map U11 Lot 29 (Private Drive: 2 Ginger Way)**

Mr. Coffin read the public notice. Charlie Zilch, SEC and Associates, appeared for the applicant. He explained the proposal for the Lot Line Adjustment (LLA) and the two properties; the first property had single family dwelling with attached garage, the second parcel was “2 Ginger Way” off Colcord Road that had one single family dwelling and two rental units, he clarified that the property had access on to Colcord Road and fire/emergency access on a private drive named “Ginger Way” He explained that the LLA would transfer land so Lot 28 becomes 6.47 acres and Lot 29 become 3.35 acres; there was no need for any waivers or variances.

Mr. Quintal reviewed his comments that included adjusting the legend to be specific to the properties; he questioned how this was “2 Ginger Way” as the main building has frontage on Colcord Road which would mean the address would be Colcord Road.

Mr. Greenwood reviewed his comments by noting that the Board needed to invoke jurisdiction and while he had no substantive concerns about the LLA, he had all sorts of questions on the creation of a “road” called “Ginger Way”. He said Ginger Way came about for “9-1-1” so in the instance of emergencies there would be clarification on the location of the emergency adding that the “road name” is a Selectmen’s issue. Mr. Zilch suggested using “Colcord” on the road map. Mr. Coffin said that there is at least 200 ft. of frontage; the LLA makes the lot less non-compliant with the 3 acre minimum in the Aquifer Protection Zone (APZ). Mr. Coffin stated that the lines were not far from being perpendicular.

There was Board discussion regarding the road reference for the purpose of Town tax maps and registering the deeds; it was noted that 2 Colcord Road was already taken. Ms. Merrill suggested that instead of “2 Ginger Way” it should be 14 Rockrimmon Road, #A, #B and #C.

**MM&S to invoke jurisdiction.** (Motion by Ms. Merrill, second by Mr. Coombs) **PUNA**

Mr. Coffin agreed with Mr. Zilch’s point about recording the deed and proper reference and the name of the plan should change from Ginger Way to 14 Rockrimmon Road/Colcord Road with Ginger Way in parenthesis.

Mr. Coffin read Board comments: Fire – none; Building – none.

Public comment: Ms. Merrill noted that the Rockrimmon address became Ginger Way when it had been put on the market.

Abutter: Stated that he only came to the hearing to confirm that “Ginger Way” is not a Town road; he suggested that the plan say “AKA” (also known as) 14 Rockrimmon Road.

Mr. Zilch stated that he will have Ginger way known as a private road.

**MM&s to conditionally approve the plan on the condition that that the legend be adjusted to coincide with the plan.** (Motion by Ms. Merrill, second by Mr. Coombs) **PUNA** Mr. Zilch stated that he will have to set some monumentation and it will be done within the 90 day timeframe.

*<Board note: the hearing ended at 7:57.>*

Mr. Greenwood handed out information for the Shoreland Protection District discussion for the Board members to review prior to the next meeting; he noted that the Town’s ordinance stood up pretty well; he doesn’t want to suggest just using the State’s guidelines as some of the Town’s protections would be missing. He stated that, for example, the State only protects 4<sup>th</sup> order, very large, rivers and great ponds while the Town also protects anything on the USGS quadrangle that is a perennial stream. He added that most other requirements are pretty close and not a huge difference. Ms. Merrill said that she would like to address the State’s requirements but keep a special section to keep some of the Town’s additional protections. Mr. Greenwood said that there was a shortened window of opportunity to address for the March election; Ms. Merrill said that she would like the Board to try to do the changes this year; Mr. Coffin stated the Board should be prepared to discuss this for Dec. 3<sup>rd</sup>.

Correspondence:

- Letter received from Heidi Corson, Down to Earth Garden Shop. <Ms. Faulconer stated that she was abstaining from this discussion.> Ms. Corson’s letter explained that she was now occupying units 1, 2, and 3; there was no change to the business or signage. The Board decided that no further action was required by the Board; when writing the letter in reply to Ms. Corson, the Board wanted to include a statement commending her for beautifying the Town; her business is an attractive addition to the Town.
- 4 invoices received from the Town Engineer – approved by the Board and signed by the Acting Chair.

- Letter received from the Sleep Institute regarding cutting damaged trees within the buffer area. <Board note: Mr. Coombs abstained from this discussion.> There was Board discussion regarding cutting hazardous trees, keeping the buffer as a guideline, re-planting, confirmation from an arborist, concerns with an arbitrary approval for cutting within the buffer; flagging the trees being proposed to be cut.

Mr. Greenwood said that the property owner was getting a tree guy to point out the trees that should come down, there were 6 to 8 of them; he didn't anticipate that she would have a problem with flagging the trees. Mr. Coombs said that he was almost certain that she had an arborist. Mr. Coffin suggested that she be asked to flag the proposed trees and set up a site visit; he didn't want to stall the decision any further. The Board set a date for the site walk as 11/23 at 8:30; Mr. Greenwood will call the owner to confirm a site walk. The Planning Board consensus is that the owner can remove any unsafe branches or flag the trees that she wants to remove.

- Letter received from RCCD (Rockingham County Conservation District) re: 4 additional test pits at 4 Marshall Road.
- Voluntary Lot Merger for 19 Circuit Drive and 21 Circuit Drive being consolidated into a single parcel; the Board authorized Mr. Coffin to sign the forms for the merger.
- Extension request to meet the conditional approval received for 4 Marshall Road.

**MM&S to extend the conditional approval for an additional 6 months.** (Motion by Mr. Bakie, second by Mr. Bashaw) **PUNA**

- Bond Balance List
- Impact Fee list
- Court Decision re: Hawks' Ridge; Planning Board decision upheld. Mr. Coffin asked what happens next. Mr. Coombs stated that the BOS are contacting the Town Attorney; the Cease and Desist is still in effect. He hopes to update the Board at the next meeting.

Minutes: correction: in effect "until" Town Meeting.

**MM&S to accept the 10/15/2019 minutes as amended.** (Motion by Ms. Merrill, second by Mr. Coombs) **Motion carries 6-0-1** with Mr. Bashaw abstaining due to being absent at the meeting.

**MM&S to adjourn at 8:35 PM.** (Motion by Ms. Duguay, second by Mr. Bashaw) **PUNA**