

Kingston Planning Board

June 15, 2021 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:30 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair	Peter Coffin
Lynne Merrill, Vice Chair	Chris Bashaw
Robin Duguay, arrived with mtg. in progress	Peter Bakie
Richard Wilson, BOS rep.	Ellen Faulconer, alternate/admin. asst.
Steve Padfield, alternate	

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

Mr. Coppelman introduced the Board. He announced that Mr. Padfield would be a voting member this evening pending Ms. Duguay's arrival.

Board Business

Correspondence:

- Letter received from Melissa Burleigh regarding relocation of law office from 160 Main Street to 154 Main Street which was formerly an insurance office; hours will be 7:30 – 6:00 PM with no more than 5 employees; aware of needing a sign permit and contacting the HDC (Historic District Commission); there will be no exterior changes; aware of needing permits for any interior changes. Mr. Coppelman noted that this was a mixed use property that has been there for “eons”. Mr. Bashaw added that this has been the same amount of employees as had been there in the past. The Board noted there has been no discontinuance of use and parking for employees and clients.

MM&S that no further review of the Planning Board is required. (Motion by Mr. Bakie, second by Ms. Merrill) Discussion: Ms. Faulconer will send a letter regarding the Board's decision that will include information about needing a Certificate of Occupancy. Mr. Greenwood stated that he had been contacted previously about possibly converting to an ADU but the property has been used commercially for a long time. **PUNA** (Passed unanimously)

<Board note: Ms. Duguay arrived at this time.>

- Email received from Danna Truslow regarding a draft Aquifer map being produced on a larger scale. Mr. Wilson said that, as the Health Officer, he will be using this map so that department may be able to help with the cost. Ms. Faulconer will contact Ms. Truslow for an estimate and the work that will be included as well as getting the final product electronically. The Board may want to meet with her regarding the work product.
- Invoice from Mr. Quintal for 53 Church St. was signed
- Public meeting notice for Methuen Falls hydro-project was received.

Additional mail will be finalized at the end of the hearing.

Lisa Pineault
15 Wadleigh Point Rd.
Tax Map U5 Lot 39

(This hearing began at 6:46) Mr. Coppelman read the public notice for this hearing for a CUP (Conditional Use Permit) in the Shoreland Protection District. Ms. Pineault was present with her builder, Jim Yartz. Mr. Yartz reviewed the plan that involved the change of an enclosed porch into a kitchen adding that the pre-existing cement slabs on the side of the building will be removed which will then provide less lot coverage. Mr. Coppelman stated that the Board will be reviewing under Article 205.6(4) of the Shoreland Protection for a residential accessory building/addition less than 400 square feet; the criteria for approval for the CUP is under 205.6(B).

Mr. Quintal reviewed his comments. He stated that the plan was difficult to read and it was unclear from the plan what was proposed:

- The plan was not to scale
- Existing septic appears to be proposed; it needs an approval
- Need to identify existing versus proposed impervious surface
- Type and location of temporary sediment control
- Stormwater management
- Plantings to enhance the buffer once the septic is replaced per 205(e)

Mr. Yartz explained that they are not touching the septic; the “green” areas on the plan were the areas that he drew that shows the current proposal on the site plan that was submitted; he said that they are not creating any additional lot coverage as the porch is already covered and the location is not changing; they are removing the cement slabs; they do need to put frost walls in; they will be adding a silt fence using hay bales to address any run-off; there are no changes to the septic; nothing is being dug-up or added. Mr. Yartz added that the deck that is above ground is being replaced. Mr. Quintal said that his questions were answered.

Mr. Greenwood read his comments; he had questioned the kitchen area and the replacement of the deck; he stated that the new deck is not part of the plan or the approval.

MM&S to accept jurisdiction of the proposal. (Motion by Mr. Bashaw, second by Ms. Merrill) **PUNA**

Mr. Coppelman read the Department comments: Fire – none; Building – none; Conservation Commission – noted State and Town Shoreland Protection Zones, asked for a better drawing with accurate calculations of the lot coverage, proximity to Great Pond makes it difficult to approve beyond the existing footprint. Mr. Coppelman stated that based on tonight’s information, the lot coverage is staying basically the same and within the existing footprint. Mr. Coffin added that the deck is not impervious. There was no public comment.

The Board reviewed the requirements of the CUP.

MM&S to affirm that the proposed use will not detrimentally affect the surface water quality of the adjacent Great Pond, river or tributary, or otherwise result in unhealthful conditions as the footprint is not changing due to the proposal. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

MM&S to affirm that the proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined because the proposal only has a domestic septic system that isn't changing. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

MM&S to affirm that the proposed use will not result in undue damage to spawning grounds and other wildlife habitat as the footprint of the construction is not changing. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

MM&S to affirm that the proposed use complies with the use regulations identified in Section 205.4 and all other applicable sections of this article because it is an existing use and does meet all the guidelines. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

MM&S to affirm that the design and construction of the proposed use will be consistent with the intent of the purposes set forth in Section 205.1, A through D, because the footprint hasn't changed. (Motion by Ms. Merrill, second by Mr. Bashaw) Discussion: Mr. Coffin said that his only concern had been the septic but it was not changing and he has no concerns per Mr. Quintal's understanding of the project. **PUNA**

MM&S to conditionally approve based on the hand-drawn sketch provided with the application showing the enclosure of the 8 x 16 porch into a kitchen; clarifying that the "Hand-drawn" sketch provided the information for affirming that the CUP requirements were affirmed (clarification: 16 x 24 addition that was part of a previous request to the State and shown on the other submitted site plan page is not part of this approval); the builder will put in control devices which will be documented to the Board; removal of the existing concrete pads. (Motion by Mr. Bashaw, second by Mr. Coffin) Board discussion: Mr. Greenwood will write up a Facts and Findings which will not be recorded but will be placed in the Property file and Board's file. Mr. Yartz will put in writing for the Board that the 16 x 24 addition is not part of the plan and not being done. **PUNA** <Board note: this hearing ended at 7:20.>

Karen Ericson

88 North Road

Tax Map R31 Lot 31-22G

(The hearing began at 7:20) Mr. Coppelman read the public notice for the request for a CUP for the ADU (Accessory Dwelling Unit). Karen and Keith Ericson were present; Ms. Ericson explained the request; there is an existing oversized three-car garage with a loft that they want to turn into an in-law unit. Mr. Greenwood said that it was an existing structure that was adding an outside stairway. Mr. Ericson added that the garage is attached to the house.

MM&S to accept for jurisdiction. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

Mr. Greenwood read his comments: the proposal is for 816 sq. ft.; the home is 2,607 ft. so the size is appropriate; the proposed external staircase requires PB (Planning Board) approval.

Mr. Wilson said that the septic is designed to address this; Mr. Quintal has no issues. Mr. Coppelman read Department comments: Fire – none, Building – none. Mr. Coppelman added that the applicant would need to get building permits. There was no public comment. The Board reviewed Article 206.6

MM&S to confirm that the application meets all of the ADU requirements as outlined in 206.4 herein.

(Motion by Ms. Merrill, second by Mr. Bashaw) Discussion: Mr. Greenwood confirmed that all of the requirements of Article 206.4 are met. Mr. Coppelman asked if there were any further changes other than the staircase. Mr. Coffin stated that the windows are being added. Ms. Merrill said that this was not part of the CUP requirements. Mr. Coppelman added that it is part of the discussion under requirements. Mr. Greenwood said that this proposal will still look like a SFR (Single Family Residence) when it is done. Vote on the motion: **PUNA** Mr. Coffin explained that there is no need for a familial relationship in an ADU. <The hearing ended at 7:37 PM.>

Marlene and Stephen Gillespie

127 Main Street (1686 House)

Tax Map U8 Lot 13

<The hearing began at 7:37.> Mr. Coppelman read the public notice for this hearing; the owners were present to explain the proposal to the Board. Ms. Gillespie explained that there was a large dining room off of the parking lot used for functions and breakfast that they wanted to turn into a hair salon.

Mr. Greenwood read his comments: suggestion that 16 spaces may be a better number than 10 for proposed parking spaces due to 8 chairs with 8 customers; he questioned the septic capacity; new signage should be part of the site review; asked for total number of employees; hours of operation are noted at 9-8 Thursday through Saturday; the restaurant is open 4:30 – 9:00 Wednesday through Saturday so both are open much of the same time.

Mr. Quintal read his comments: need to review approved sanitary waste disposal system, the applicant should provide for review; need documentation from NHDES accepting the change of use; parking is okay; there is no site plan provided, just a lot line adjustment plan and they should provide one or ask the Board for a waiver. Mr. Coppelman suggested that a lot of the requirements for site plan probably don't apply as there are no exterior changes proposed. Mr. Quintal stated that he was unsure whether there had ever been a site plan for this site.

Mr. Coppelman read the Department comments: Building – questioned where the bathrooms are for this use; Ms. Gillespie said that they are down the hall being the same ones that are existing for the restaurant; HDC- there are no requirements from them if there is no outside change; signage does need to go to the HDC for review. Ms. Gillespie explained that the entry is in the back area as entering the parking lot and asked if this was still part of the Historic District (HD); Mr. Wilson replied that it was. Health – Mr. Quintal will respond for issues regarding septic. Fire Department – no issues at the Planning Board stage; building interior walls, may have issues with lighting and egress, the occupancy capacity for the restaurant will be altered, it will be in the best interest of the applicant to have a pre-construction walk-through with all of the inspectors. Ms. Faulconer suggested that it was in the applicants' best interest to review any proposed interior changes with the inspectors first to avoid doing anything that would have to be changed due to current codes. Mr. Coffin read requirements in HDC I which states that not more than one business activity per dwelling; the "dwelling" definition was reviewed. Mr. Coffin read that a hair salon is not listed as a permitted use although "service office" such as doctor, dentist is listed; Mr. Greenwood said that the first descriptive in HDC says "service

professions”; the Board agreed that a hair salon is a “service” office. Mr. Coppelman said that the HDC did review this proposal and their only concern was the signage.

MM&S to accept for jurisdiction. (Motion by Mr. Bashaw, second by Ms. Merrill) Discussion: Mr. Coffin reviewed the NHDES requirements for septic for this use. Mr. Wilson said that this would be dealt with at the Health Department. Ms. Merrill stated that in the HDC, signs are limited to one free-standing sign on the lot. Mr. Coppelman suggested that this would need to be addressed by the HDC. Vote on the motion: **PUNA**

There was no public comment. The Board began discussing possible conditions for approval which began with complying with all Fire Department standards as a result of the change. Mr. Bashaw said that there were not substantial enough issues to require the site plan or waiver. Mr. Greenwood agreed that there was only a sign placement change. Ms. Gillespie said that they were taking 100 seats from the room. Mr. Quintal reviewed the requirements for the septic system; he referenced 22-9 Fact Sheet which required a registration approval for a hair salon; the application needs to be registered at the Groundwater Division at the State. Mr. Wilson suggested that the CoA (Condition of Approval) include an approved septic system from the State. Mr. Bashaw asked if a plan needed to be provided for the review for the State. Mr. Quintal said that the owners would need to apply to the Subsurface Division for registration and they would need to provide documentation to the Town that DES (Department of Environmental Services) approves the change of use. Mr. Coppelman asked what the Board would be documenting for an approval. Mr. Greenwood said that with an existing boundary line plan, a letter of Facts and Findings could be written and attached to the approved and recorded lot line adjustment. Ms. Gillespie confirmed that the intent of the use was 8 employees and 8 customers.

MM&S to conditionally approve the applicants’ desire for change of use for a salon with the following conditions:

- **Comply with the HDC sign review and approval process**
- **Comply with the Fire Department comments**
- **Comply with State permitting for a salon**
- **Documents from DES regarding the acceptance of change of use for sanitary waste disposal and compliance with their requirements**
- **Letter of Facts and Findings recorded and attached to LLA plan or site plan as appropriate.**

(Motion by Mr. Bashaw, second by Mr. Wilson) Discussion: Ms. Faulconer asked if the Board needed to provide any waivers per the Town Engineer’s comments. Mr. Bashaw said it wasn’t needed per the Board’s discussion. Vote on the motion: **PUNA** <Hearing ended at 8:10; the Board took a five-minute break.>

Alternative Sales Corp.

135 NH Rte. 125

Tax Map R13-10

(The hearing started at 8:15) Mr. Bashaw recused himself for this portion of the hearing and left the Board and joined the public. Mr. Coppelman announced that Mr. Padfield would be a voting member for this portion of the hearing. Mr. Coppelman read the public notice for this hearing. Charlie Zilch was present representing the applicant, Bob Lumnah who was present along with his son, John Lumnah.

Mr. Zilch reviewed the application and proposed site plan; he said the application was in good shape at the May 18th hearing; he submitted a response letter regarding the remaining issues from that hearing.

Mr. Quintal read his comments: no issue with a waiver request for the surface treatment requirements; bonding needs to comply with Article 907; need State approval number for the proposed septic system as a note on the final plan. Mr. Coppelman stated that any waivers granted should be on the final plan.

Mr. Greenwood said that almost all of his issues were addressed; substantial improvement needs to be determined by the Board; the NHDOT permit is still outstanding; he noted that the waiver request for the thickness of the asphalt was received from the applicant. Mr. Bakie asked if the request for the asphalt waiver was for roads; Mr. Quintal answered that it was for parking lot requirements. Mr. Coppelman read the waiver request with justification that the amount of vehicle traffic is limited so the amount requested is adequate and supports the use.

MM&S to grant the waiver request based on the applicant's information and the Town Engineer's comments. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

Mr. Coppelman stated that this waiver needs to be added to the plan along with the other waivers granted. Mr. Zilch said that he provided the information to Mr. Greenwood explaining how the 35% lot coverage was determined.

There was no public comment.

Ms. Merrill questioned what Mr. Greenwood's advice was regarding establishing substantial improvement. Mr. Greenwood stated that the erection of the building could be the active and substantial improvement; establishing this provides protection to the applicant; this could be included with the conditions of approval as a statement. The provision for bonding was questioned which is usually prepared by the applicant and reviewed and approved by the Town Engineer. Mr. Quintal said that the site work and stormwater treatment needs to be ensured by the Planning Board. Mr. Wilson asked about NHDOT and permitting; Mr. Greenwood replied that the applicant has been working with DOT and has a short, minor bullet list to address with the approval pending. Mr. Zilch confirmed that the State septic approval is on the plan.

MM&S to approve on the following conditions:

- **Bonded in accordance with Article 907**
- **DOT access permit received and shown on the plan**
- **Substantial Improvement is the erection of the building**
- **Asphalt waiver noted on the plan**
- **90 days to complete.** (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

<The hearing ended at 8:35.>

Mr. Bashaw returned to the Board at this time.

Board Business, continued

Correspondence:

- Wetland permit re: shooting range in SFR zone, 90 North Road; no comment from the Planning Board; Mr. Wilson will give the information to the Police Department.

MM&S to accept the May 18th minutes as written with a minor typo on P. 7, paragraph 3 "nor" to "not". (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

MM&S to accept the May 4th minutes as written. (Motion by Mr. Coffin, second by Ms. Merrill) **PUNA**

MM&S to approve the June 1st minutes as written with minor typo corrections as already corrected by Ms. Faulconer. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**

Mr. Coppelman asked to bring up two quick issues: First is the CIP acceptance is still pending; Mr. Greenwood stated that he just received information from the Finance Officer and should finalize shortly. Ms. Faulconer will check on CIP membership and confirm that the PB members are Mr. Coppelman, Mr. Coffin and Ms. Duguay. Mr. Coppelman's second issue was concerning the length of the last public hearing and that several Towns set parameters on the length of a meeting; he has sent two suggestions to determine the correct wording to propose to the Board and add to the Board's procedures; an extended meeting is not fair to the Board members or the applicants. Ms. Faulconer will send the information she has received from Mr. Coppelman out to the Board members.

Mr. Wilson announced several items for the Board's information: the Town's history books are due in-house next week; the Code Enforcement Officer has been hired and starts July 12th; the BOS has lifted the Cease and Desist at the Golf Course with the last two houses only allowed foundation permits until the drainage, etc. is complete; Mr. Waters, Saddle Up, has been invited to attend the next BOS meeting regarding a trial basis possibility.

Mr. Wilson asked the Planning Board about any approval/knowledge of a Carriage and Sleigh Museum; he has confirmed that there was no sign permit issued for the sign at the location. The Planning Board confirmed that they have had no contact/approval for the use. Per the Planning Board suggestion, Mr. Wilson will ask the BOS to send a letter to the owner to determine if further review is required.

Mr. Wilson noted that the email system has been updated and improved. There were no further comments from the Board.

MM&S to adjourn at 9:00 PM. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**