

**Kingston Planning Board
Public Hearing
Minutes**

October 3, 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	Chris Bashaw
Peter Coffin, V. Chair	Lynne Merrill
Ellen Faulconer, alternate/admin.assist.	Robert Pellegrino, alternate

Members absent: Carol Croteau, Peter Bakie, Ernie Landry (alternate), Mark Heitz, BoS rep.

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Mr. Coppelman introduced the Board; he announced that Ms. Faulconer and Mr. Pellegrino would be voting members this evening.

Mr. Coppelman moved a letter in correspondence out of order as the property owner was in the audience.

Board Business

Correspondence:

- Letter received from Ron Perry, Integrity Interiors, dated 9/22/17, regarding the use of property at 91 Rte. 125; the business is a retail floor covering; he agrees to abide by the existing site plan; hours of operation: M, W, F – 10 to 5; T, TH – 10 – 7; Sat and Sun: 10-4; there will be 2-3 employees; maximum number of customers at any time would be 4 – 6; there is ample parking; if there are any future changes, he would apply to the Planning Board for any needed approvals. Mr. Perry agreed that there would be no outside storage of materials; he re-iterated that he was not proposing any changes to the approved site plan and if there were any future changes he would have to come to the Town first. There was a letter from the property owner, Mr. McKeen, confirming that he was aware of the proposal of the activity before the Board. Mr. Bashaw confirmed with Mr. McKeen that the back of the building was used for his electrician business. Ms. Faulconer noted that the recorded plan, #36262 was revised in 2014 and that plan was in the file, initialed by the property owner as agreeing to the revision; it had been determined that it would not need to be registered, but it did replace the recorded plan.

MM&S that no further review is required for Integrity Interiors based on the letter dated 9/22/17 and tonight's discussion. (Motion by Ms. Faulconer, second by Mr. Bashaw) **PUNA**

- Letter received by Colleen Schubert re: Noise Ordinance; she was asking that the Board add an amendment to the Noise Ordinance for property in the SFR zone, not producing agriculture as an income to require that roosters comply with the noise ordinance by keeping them in a structure between the hours of 7PM to 7AM adding that ownership of poultry come with some responsibility regarding impact to abutters; she compared it with restrictions concerning dog barking, loud music and decibel levels of lawn equipment. Her letter added that at this point, the bird has more rights than she has. Mr. Coffin stated that the noise ordinance is designed to be measurable at decibel level; some noises are more annoying, barking dogs as well as roosters. Mr. Coppelman said it is more of a nuisance level. Mr. Coffin said that Best Management Practice is that roosters put the chickens to bed and the roosters stay inside. Mr. Bashaw said it sounded like aspects similar to dog-barking regs. but that is specific to dogs with specific requirements for enforcement. Mr. Pelletier referenced roosters on a property in his subdivision agreeing that it is a nuisance; he believed keeping the rooster inside during that time is a reasonable compromise. Mr. Bashaw agreed that the letters proposal is a reasonable compromise suggesting that the Board could ask for public input. Ms. Merrill said that dog barking requirements are not a zoning ordinance suggesting that it belongs more with dog barking/nuisance and suggested directing Ms. Schubert to the Selectmen; it might be worthwhile getting the Animal Control Officer's input. Mr. Pelletier added that people without roosters have rights. Mr. Coffin said that the time of day is also an issue. There was continued discussion about designation of authority and empowerment under animal enforcement; nuisance requirements; possibility of allowing chickens but not roosters; previous articles. Mr. Greenwood noted that Ms. Schubert's letter states that the abutters are not making any income from the animals so therefore it is a hobby, not an agricultural use and does not get those protections under agriculture. Mr. Pelletier noted it is not the animal; it is the nuisance and noise caused by the animal. Mr. Greenwood stated that Durham has addressed the issue; the Board authorized him to contact Durham and report back to the Board. He will contact Ms. Schubert about the Board's discussion.
- Copy of letter sent to R. Villella from the Building Inspector re: Cease and Desist for 6 Mulligan's Way, tax map R3, 4-4-20 and amendments made to the approved plan without Planning Board approval; Ms. Merrill reviewed her previous association with the project that ended 2-3 years ago to see if the Board felt she had any conflict of interest; the Board consensus did not find any due to her explanation. There was a brief discussion based on Mr. Greenwood's discussion with Mr. Dufresne; Ms. Faulconer stated that the Building Inspector had shown her three amended plans for the site that had been recorded without Planning Board signature. Ms. Merrill noted that anything can be recorded without the signature but it is not legally what it should be. At this point, the Planning Board will be waiting until there is some type of action from the Cease and Desist.
- Letter of Deficiency from the State for Landscaper's Depot/Depot Energy re: failure to provide containment, maintain tank coding and several other "failures"; they have 30 days to correct the deficiencies; the letter was dated 9/20/17. Mr. Coffin said the "big" tanks were supposedly closed but they appear to be still using them.
- Meridien Land Services – notification to the Town as abutter re: wetland fill at Solar Hills.
- Planning Board budget review

MM&S to increase the legal ads fees to \$150. (Motion by Ms. Merrill, second by Mr. Pellegrino) **PUNA**

- State Historic Resources for Solar Hills received
- Saddle-up advertisement (copy) given to the Board from the Inspectors as it included the Floating Bar; the issue being addressed by the Inspectors.
- Copies of letters sent to various businesses about signage and compliance.
- Decision from Supreme Court re: not needing to supply information via email.
- ECSI update: BoS are asking attorney about the next steps since the Court upheld the Planning Board action.
- Request from TFM (Eversource) for release of escrow funds – will confirm there are no outstanding fees and then ok to release.

Projects

- Agriculture: Mr. Coppelman said that he and Ms. Croteau had reviewed Stratham's ordinances; this is a large, complex issue and they both agreed that the Board would benefit from a public forum to get some guidance. Mr. Greenwood suggested notify farmers specifically and putting out a general invitation; while the Planning Board might not use Facebook, it doesn't mean that people aware of the meeting couldn't talk about it and post it; it could be added to the Town's web site. Mr. Greenwood said he would like to help on the subcommittee; the Board discussed having the meeting at the end of the farmer's season. Ms. Faulconer suggested not rushing and taking the time to do it correctly; Mr. Greenwood proposed having the meeting in February and speak with the farmers; there was no need to rush to get it on this year's warrant. Mr. Coppelman agreed and will speak with Ms. Croteau.
- Test pits: Ms. Merrill spoke about an issue that came out at the Solar Hills site walk regarding distance between the required test pits as there is nothing specific in the ordinances; Mr. Coppelman said that logic would assume the separation between them. Mr. Pellegrino said it makes sense to separate them so if the septic fails you know it can be moved within the 4K area. Mr. Greenwood will check around for information regarding distance/separation of the test pits.
- Policies and Procedures: previous review and proposed language was reviewed.

MM&S to publicly notice the changes proposed for 2.0, Planning Board procedures (re: elections) for an upcoming public hearing. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

- Driveway permit regulations proposal reviewed: hand-out provided by Ms. Faulconer to add language requested by the Fire Department about complying with State Fire Code.

MM&S to add the proposed language (as shown in red) to the Driveway Regulations and bring forward to a public hearing. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

- Reviewed proposed changes to Article 104, Rural Residential; a draft proposal was handed-out with changes shown in red: change Article 104.4 (J) to read: "Single family and/or two dwellings (two-family homes, accessory dwelling units, apartments), and incidental uses In the case of Accessory Dwelling Units, the standards found in Article 206 apply"; remove the entire "Special Exception" section as it would no longer apply; as it is an ordinance, a variance would be required.

MM&S to accept the changes as noted for Article 104 and move forward to Public Hearing and warrant article procedure. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

- Uses Discussion: Ms. Merrill explained that she was bringing forth suggestions for discussion; the proposal had been distributed to the Board. The Board will come back to the Industrial Zone as the entire zone may need to be reviewed.
 - 108.5, Commercial I Permitted Uses; #C – ok; #D – remove “or conversion”; Delete #F completely as it is redundant. Mr. Greenwood said that #E is actually industrial activities and not generally found in commercial zones; may need to move #E and take this opportunity to make the zones represent what we want in each of the zones. Development of Pease was reviewed as an example and uses that came as a natural growth. Mr. Greenwood said that the Town has three commercial zones with entirely different uses and each has a different, distinctive feel to them. Ms. Merrill suggested that the Board might need to a big picture discussion and make CII more commercially oriented; possibly make CIII more “hard-core” stuff and maybe one should be more residential than commercial. There was discussion about morphing the Industrial zone into a commercial-type zone to augment each other; there could be a gateway to help support the industrial zone; again- thinking more big picture. Ms. Merrill said that CII permits adult-oriented businesses and it may be the wrong place for those uses. Ms. Faulconer suggested that the Board look at the different lists of permitted uses and move each to the zone the Board thinks they belong in. Mr. Greenwood explained that uses can still be non-conforming and continue to exist. There was discussion about Historic District I; Mr. Coffin said that it is an overlay of districts; Ms. Faulconer said that she believes there are uses specific to the HDI and there is no overlay. Mr. Coppelman will ask the HDC to review for their feedback and ask Chairperson Morse to add to an agenda. Mr. Greenwood reiterated the appeal of looking at the uses in the zones and moving them for more cohesive zones; he will get together with Ms. Merrill and look at the zones; they will meet on Oct. 16th to come up some changes for the Board to review. Mr. Coppelman confirmed the need to schedule a meeting in February for agriculture.
- Definitions: Mr. Bashaw said that he reviewed definitions and it appears there are a few that are just housekeeping and there are some with minor inconsistencies. His priority is that there is not confusion; he is not sure about proceeding forward with concerns of pointing out broad interpretations not only conflicts/inconsistencies.
 - Structures: Ms. Merrill noted that propane tanks are considered a structure that have to be 10 ft. from the house; she thought this caused an issue with the Fire Department in certain situations due to structures also having a 20 ft. setback from property lines. Mr. Coppelman said he spoke with Chief Seaman about this and he is fine with it either way. Ms. Faulconer said that the owner can go to the ZBA and it also gives an abutter the ability to at least have input on the propane tank being closer to their property. Ms. Merrill added that they can be unattractive. Ms. Faulconer volunteered to work with Mr. Bashaw on the definitions project.

The Chairman declared the meeting adjourned at 9:03 PM.