

Kingston Planning Board

November 2, 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
Lynne Merrill, Vice Chair
Richard Wilson, BOS rep.
Steve Padfield, alternate

Peter Coffin
Robin Duguay, arrived with meeting in progress
Peter Bakie
Ellen Faulconer, alternate/admin. asst.

Members Absent: Chris Bashaw

Also present: Glenn Greenwood, Town Planner

Mr. Coppelman introduced the Board; adding that tonight was a work session as there were no public hearings. He announced that Mr. Padfield and Ms. Faulconer would be a voting members this evening pending the arrival of Board members. Materials were distributed specific to the discussion regarding possible ordinance revisions. *<Board note: Ms. Duguay arrived at this time; Ms. Faulconer stepped down as a voting member.>*

Ballot Language Discussion

Tammy Bakie, Town Clerk/Tax Collector, stated that she had spoken with the Board of Selectmen about changes to how zoning amendments appeared on the ballot and the Board of Selectmen asked her to pursue this with the Planning Board. She was suggesting that the Board put a description of the proposed changes on the warrant instead of the full text; she had distributed the RSA allowing this. Mr. Coppelman asked if this was to cut down on the volume; Ms. Bakie answered yes and to also cut down on the costs for printing and programming. Mr. Wilson said that the more entries to the voting machines, the more problems there were. Mr. Coffin said that frequently, it may not be clear what the changes were. Mr. Coppelman said that even if the Board continues with printing the full article, he believed an explanatory note could still be added.

Ms. Faulconer, as moderator, spoke against eliminating the full text from the ballot; she thought it would add confusion and cause people to come out of the voting booth to question what they were voting on. She suggested that a question be added to the ballot this year asking the voters their preference which address this issue for all future elections, adding that it provided a foundation for the change based on the voters. Ms. Bakie reviewed the ability to post the full text on the web site and at the election.

Mr. Greenwood said that his towns were split; Brentwood was appalled at the cost of the ballot and annual report; his preference is to put it on the ballot; he prefers to not have to explain why

the text is not on the ballot. He stated that a large ordinance does have an impact. Mr. Coppelman stated that if there is a whole new ordinance that it definitely should be on the ballot. Mr. Greenwood said that not putting it on is all rationalization to him; reading it or not reading it as it appears on the ballot is up to a voter but he isn't going to be able to explain not putting it on the ballot; if the text isn't on the ballot, someone will say it is underhanded and "government gone bad". He continued that Newfields puts the text on the ballot; Kensington stopped putting it in and then that became uncomfortable and they are putting the text back in. Mr. Bakie said that it could be posted on-line and at the polling place. Ms. Bakie suggested that there could be hand-outs at the polling place with the text for the voters instead of just posting it there. Mr. Wilson suggested that the Board determine the number and extent of the changes this year before making a decision. Mr. Greenwood, in supporting the text on the ballot, stated that officials hear a lot about the need for transparency in government.

Ms. Faulconer stated that if the language was not being printed on the warrant, then it won't be in the annual reports any more for future reference. The Board of Selectmen will have to be aware of this issue and make sure the language for the warrants are somehow printed in the annual report or they will lose this reference; these reports are looked at multiple times for adopted language, dates, etc.

Ms. Merrill suggested that often the shortest article is the most confusing, not the longer ones; she stated that it would be beneficial to have a small narrative explaining the change. Mr. Coffin asked how the zoning amendments were put in the warrant and how they are worded. Ms. Duguay stated that the issue is two-fold: it not being a transparent process and the cost of printing and handling being prohibitive; she suggested the transparency issue being addressed with copies available to hand-out at the election. Ms. Merrill discussed a process used when the new high school was proposed that included volunteers hand-delivering information to every household in Kingston. She expressed disappointment that Town reports aren't delivered anymore; there is no way to get unbiased information. It was noted that the Town reports stopped being delivered approximately 8 years ago and the annual reports would need to have the full language included for future reference. Mr. Wilson suggested tabling the discussion for a month to see the volume being proposed by the Board. Mr. Coppelman said that the point from the BOS is a question of not just this year but a long-term change. Mr. Coppelman questioned whether Ms. Bakie was indicating that the BOS was telling the Planning Board they had to do this. Ms. Bakie said she was not instructing the Planning Board in any way; she was asked to pursue this with the Board by request of the BOS. Mr. Coppelman stated that he will meet with the BOS if necessary.

Mr. Coppelman stated that sometimes an explanatory note about the proposed change is a good thing and asked Mr. Greenwood if that could be added even if the full language was included on the warrant. Mr. Greenwood believes it is allowed. Mr. Coppelman said that there is merit to having the voters decide whether to include the full text; the practice is putting the whole text on the ballot. It was noted that a citizen's petition article must go on the ballot as submitted. Mr. Greenwood questioned whether distributing the language at the polling place would be considered "politicking" and disallowed by the moderator. Ms. Faulconer said that she will look into this.

The Board tabled this discussion and will add to the December agenda. Mr. Greenwood will confirm if an explanatory comment can be included with the full text on the ballot; Ms. Faulconer

will confirm whether a hand-out with the full text of the zoning amendments can be handed out to be brought into the voting booth at the election.

Board Business

Correspondence:

- Letter received from 34 Church Street, Unit 4, Tamryn Merrill, re: bakery use. Mr. Bakie suggested that no further review was required for the use. Mr. Wilson stated that the owner has been in discussions with the Inspectors. Mr. Greenwood noted that there is no familial relationship with the owner and a member of the Board.

MM&S that no further Planning Board review is required based on the description in the letter. (Motion by Mr. Bakie, second by Ms. Merrill) PUNA (Passed unanimously)

- Invoice from Town Engineer for review of Berkshire Dominion; Ms. Faulconer stated that currently there are no funds available in this escrow account to pay the invoice. Mr. Greenwood stated that he has been in contact with the applicant about providing funds. Ms. Merrill stated that Mr. Quintal should still get paid and not have to wait. Mr. Coppelman stated that no further reviews should be done until they add to the escrow account. Mr. Greenwood re-iterated that not only did he contact them about this, they responded so they are fully aware. The Board decided that if no funds are received by the revised plan submission deadline date and time then the Board will not keep them on the agenda on Nov. 16th. Mr. Wilson asked Mr. Greenwood to send a reminder with this information to the applicant; he suggested a request for a continuance might not be acceptable.
- Letter sent to RPC re: support of the application for the drinking water grant.
- Engineering report and pre-construction meeting report for “Fieldstone” received. The BOS asked for confirmation that everything was done as far as the Planning Board was concerned; Mr. Coppelman said that it was. Mr. Greenwood will send an email to the BOS administrative assistant that everything is done that was required by the PB. Mr. Wilson commented that the report done by the Town Engineer was very thorough, as always.
- Invoice from RCCD for Teatad.
- Example of a Letter of Credit as approved by Town Counsel was approved for use as an example by the Planning Board.
- Follow-up on Bresnahan lighting: Mr. Wilson said he didn’t ask the Deputy Electrical Inspector to review; he asked the Electrical Inspector to provide the Dark Sky compliant paperwork/submittal which hadn’t been received from yet. Mr. Coppelman said the issue also included looking at the installation as it was currently; Mr. Wilson said that they are definitely not providing dark-sky protection at this point. He added that the BOS had authorized buying a light meter. Mr. Greenwood asked if the Code Enforcement Officer would be properly trained on the use of the light meter.
- Budget report received; Mr. Coppelman said that he is meeting with the Budget Committee this week.
- Mr. Coppelman reviewed his meeting with the BOS on the CIP (Capital Improvement Program) submission from the PB. The BOS wants to do an overall review of space needs and would prefer the PB not do a review just for the one office; they would prefer the PB

not submit and wait for the BOS to submit instead. Ms. Faulconer asked Mr. Wilson if the BOS would be putting in a project for this for the CIP.

By Board consensus, if the BOS submit a CIP proposal for space needs, the PB CIP proposal can be removed; if there is no submission from the BOS, the PB will put their proposal in the plan as it can always be removed should the BOS submit a proposal.

- Mr. Wilson announced the Volunteer/Employee Appreciation luncheon at the Highway Garage on 11/19 beginning at 11:00; the Board members will be notified shortly; the BOS needs people to RSVP so they can have a count.

MM&S to accept the minutes of October 5th with the following corrections: p. 3 Pillsbury Pasture should be Presidential Estates and p.2 change “updating” to “reviewing”. (Motion by Ms. Merrill, second by Mr. Coffin) PUNA

Ms. Merrill asked if there was any follow-up on the ADU on Madison Avenue. Mr. Wilson said it was approved by the ZBA prior to the Ordinance change. Mr. Coffin stated that he did not remember that coming to the ZBA.

Ms. Duguay asked about compliance with banners and other signage. Mr. Bakie commented on the extraordinarily large sign at the corner of Marshall Road and Church Street. Ms. Faulconer asked how they could have gotten a permit for the size and location. Mr. Bakie noted the height of the sign as well.

ACTION ITEM: Mr. Wilson will look into this.

Ms. Duguay questioned the feather banners. Mr. Coppelman said that they are not permitted; the last time they started popping up, there was an effort made to take them down. Ms. Faulconer questioned why there appeared to be no desire to enforce this. Ms. Merrill stated that in the past, they had been told to remove them. Ms. Duguay stated that this needed to be consistent.

ACTION ITEM: Mr. Wilson will add removing them to his list.

Ordinance Review

Grand Opening Sign Package permit:

The Board reviewed the proposed language:

- Amend the first paragraph to read: “New Kingston businesses or Kingston businesses that have had a change in ownership qualify for the Grand Opening Sign Package permit. Celebrations of new branch locations must occur only at the new location.
- Amend temporary signage by removing everything after “wheeled signs”
- Remove all reference to Hot Air Balloons and other balloons.
- Remove the fee as that would be in the BOS fee schedule replace with “The fee schedule is available at the Selectmen’s office.”
- Change the duration to be thirty (30) days.

MM&S to bring the amended ordinance to public hearing. (Motion by Ms. Merrill, second by Mr. Bakie) PUNA

Article 110.6.B of the Commercial III zone: Amend the current language to read:

“1. Setbacks for Structures: Structures for this requirement are as defined in Article II, B (17) of the Kingston Zoning Ordinance. “

MM&S to bring to public hearing. (Motion by Ms. Duguay, second by Ms. Merrill) **PUNA**

Article 204.2 (C)1(c): Amend “Natural Screening” to add the following sentence:

Project related drainage and storm water management treatment devices if predominantly natural in appearance may be constructed within the external setback.

MM&S to bring to public hearing on 12/7/2021. (Motion by Ms. Duguay, second by Ms. Merrill) **PUNA**

<Board note: the Board took a 5-minute break at this time.>

ADU Ordinance

Mr. Coppelman had prepared amendments per the Board’s request which had been distributed to the Board members.

- Add language to the end of the existing paragraph in 206.4 (D): When the ADU is contained in a detached structure (new or existing), it shall have the appearance of an accessory use (for example a garage or barn), thereby maintaining the appearance of a single-family property. In no case shall it look like a second dwelling unit.
- Add 206.4 (M) and renumber the remaining letters; (M) to read: The owner shall, as part of their application to the Planning Board for a detached ADU (or one that alters the footprint and/or appearance of the primary dwelling unit), provide a visual rendering or other graphic representation of what the structure will look like once the ADU is completed.

MM&S to move to public hearing the amendments of 206.4 (D) and (M) as edited. (Motion by Ms. Merrill, second by Ms. Duguay). **PUNA**

Food Truck Review:

Mr. Coffin had prepared proposals that had been distributed to the Board. The Board reviewed special event permits as they pertained to food trucks; private functions/properties not needing permitting was discussed; the Board agreed there was no need to regulate for private use. There was discussion regarding the zones where there could be permitted use. Mr. Coppelman will reach out to the HDC regarding food trucks in that zone. Ms. Duguay suggested differentiating between private events and special events. Ms. Faulconer suggested that the Board should take into consideration existing businesses that had to go through site review and pay taxes on their buildings versus a truck that did not have to pay any property tax adding that Covid had caused financial impacts on these existing businesses that were struggling to stay afloat. She suggested that there should be additional public discussions prior to enacting the ordinances to allow food trucks. Mr. Coffin said that the Board should specifically have business input and public discussion on the issue. Ms. Merrill suggested putting definitions in the ordinance book; clarify special permit versus serving the public on a regular basis which would need site plan review. Ms. Faulconer said the Board needed to establish the zones for this use. Ms. Merrill thought that all

the commercial zones would be fine re-iterating that they would need site plan review. There was discussion regarding which zones would allow this use; the zones were reviewed. Ms. Merrill suggested all three commercial zones and the Industrial zone; HDC could also allow but the Board would need input from the HDC as to whether it should be allowed.

The Board reviewed the items needing to be posted for a public hearing:

- Definitions (P-II Definitions) as written on the hand-out:
 - Food truck: shall mean a “Mobile food unit” as defined by NH DHHS Rule HeP2300: “A food service establishment mounted on wheels or otherwise designed to be immediately movable.” These units shall be licensed by the State of NH.
 - Mobile food unit: as defined by NH DHHS Rule HeP2300: “A food service establishment mounted on wheels or otherwise designed to be immediately movable.” These units shall be licensed by the State of NH.
- Add as a permitted use in all three Commercial Zones and the Industrial Zone.

MM&S to put the above two items to public hearing on Dec. 7, 2021. (Motion by Ms. Duguay, second by Mr. Bakie) **PUNA**

Open Space Conservation and Multi-family: The Board had previously done some changes to the Innovative Zoning ordinance including changing the name; those changes were handed out to the Board but were not the only changes the Board was reviewing. Both proposals were tabled until the December meeting.

ACTION ITEM: Mr. Greenwood and Mr. Wilson will bring back additional information regarding density, etc. to the Board for December for Open Space Conservation and Multi-family.

Board Business, continued:

Matthew Dworman
3 New Boston Road
Kingston, NH 03848

Mr. Dworman had previously appeared before the Board regarding changing his property from commercial designation to residential. The Board had provided options that included Mr. Dworman submitting a petitioned warrant article to change the property’s zoning designation to rural residential instead of single family residential. Mr. Dworman asked if the Planning Board would sponsor that article instead of him doing a citizen’s petition. There was much discussion regarding the history of the property, uses on the property, variances obtained, requirements to change to residential. Mr. Coppelman said that this was a zoning request specifically due to an individual property owner’s needs; Mr. Coffin stated that it should come in as a citizen’s petition; Mr. Wilson agreed that the Board should not put it on the ballot; legal counsel does not advise doing this action.

MM&S that the applicant submit the warrant article as a citizen’s petition per legal advice. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

Mr. Dworman asked that the Board go into non-public session for an additional item he wished to discuss regarding impact fees. Mr. Greenwood read section 91:A(3), paragraph II (C) that includes a discussion of a waiver of a fee.

MM&S to go into non-public session per 91:A(3), Paragraph II (C). (Motion by Ms. Merrill, second by Ms. Duguay) Roll Call vote on the motion:

Steve Padfield – yes	Peter Coffin – yes	Lynne Merrill – yes
Peter Bakie – yes	Robin Duguay – yes	Richard Wilson – yes
Glenn Coppelman – yes	Motion passed unanimously.	

MM&S to come out of non-public session. (Motion by Ms. Merrill, second by Mr. Coffin) Roll Call vote on the motion:

Steve Padfield – yes	Peter Coffin – yes	Lynne Merrill – yes
Peter Bakie – yes	Robin Duguay – yes	Richard Wilson – yes
Glenn Coppelman – yes	Motion passed unanimously.	

The Board agreed to extend the meeting additional 10 minutes.

MM&S to seal the minutes of the non-public session indefinitely. (Motion by Mr. Coffin, second by Ms. Duguay) **PUNA**

MM&S that impact fees are assessed per 405.4 (E) that refers to the modification of an existing use and the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of the assessment; that increase is reported to be \$660.00. Mr. Wilson will verify that number and correct as needed. (Motion by Ms. Duguay, second by Mr. Wilson) **PUNA**

Mr. Wilson noted that Mr. Dworman would have to pay the impact fees in order to get any permits.

MM&S to adjourn at 10:15 PM. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**