

Kingston Planning Board

January 04, 2022 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:43 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Chris Bashaw
Richard Wilson, BOS representative

Peter Coffin
Robin Duguay

Members Absent: Lynne Merrill, Peter Bakie, Steve Padfield (alternate), Ellen Faulconer (alternate/Administrative Assistant)

Also present: Glenn Greenwood, Town Planner

Mr. Coppelman declared a quorum present. He reviewed the agenda for the public hearing being held for proposed warrant articles and citizen petitioned warrant articles. He noted that there had been a previous public hearing that moved additional proposals to the warrant; this hearing was for additional articles.

Public Hearing for Proposed and Petitioned Warrant Articles:

Article 201: Aquifer Protection Ordinance – proposing an amendment to the definition of “structure” to provide consistency with the definition of structure in “Preamble-Definitions”.

Mr. Coppelman noted that there was no public present.

MM&S to put this wording forward to the January 18th public hearing. (Motion by Ms. Duguay, second by Mr. Coffin) Mr. Greenwood explained that the continuation to the January 18th hearing would meet posting requirements. Vote on the motion: **PUNA** (Passed unanimously)

C-I Zoning amendment: Mr. Coppelman reviewed the proposed amendment to the multi-family development in C-I. Mr. Greenwood explained that the current language was a hindrance to actual development. Mr. Bashaw asked if all of the changes were being voted on as one article. Mr. Greenwood answered that it was as separation would be confusing if all items were not addressed in one article. Ms. Duguay noted that the Board had previously discussed this and voted on the other changes. Mr. Greenwood agreed adding that only the items for #4, #5, and #6 need to be voted. The Board reviewed those changes. C-4, Structures – no more than 24 “dwelling” units; C-5, Density: no says 4 bedrooms instead of 4 to 6, the remainder of the sentence says “per contiguous upland acre”; C-6: change the word “dwelling” to “structure” to coincide with a previous change.

MM&S to move the proposal forward to the ballot as written. (Motion by Mr. Wilson, second by Ms. Duguay) Discussion: Mr. Bashaw stated that is voting “no” as he doesn’t support allowing large apartment

buildings in Town. There was no further Board comment. Vote on the motion: **Motion passed 4-1** with Mr. Bashaw opposed.

Article 206: ADU Proposal: the background of this proposal was reviewed; the proposed language was read by Mr. Coppelman concerning the clarification of the use of the Gross Living Area (GLA) in calculating size of the ADU. Mr. Wilson stated that he and the Building Inspector reviewed this proposal and, due to past instances, may not be much of an impact but that did not take into account the future of the housing market. Ms. Duguay said her thought was that if the property was taxed on the larger of the two assessments, then that is what should be used. Mr. Wilson explained that the tax for non-GLA is based on a lower rate, not at the full rate. Mr. Greenwood agreed that areas not heated are taxed at a lower rate. Ms. Duguay said that her concern doesn't mean she doesn't support it going on the ballot for the Town to vote on. Mr. Bashaw noted that this type of issue is one of the few times that an individual's opinion can be used to make a decision unlike an adopted ordinance that needs to be followed regardless of a Board members' personal opinion. The Board reviewed taxation on square footage and home specifics and upgrades; permitted versus unpermitted calculations were discussed. Mr. Wilson confirmed that the Building Inspector always used GLA in his calculations for ADU's. Mr. Bashaw thought it would be good to note the vote of the Board; Ms. Duguay stated that anyone interested could either view the minutes or watch the meeting on-line to see how the Board voted.

MM&S to move to the warrant. (Motion by Mr. Coffin, second by Mr. Coppelman) Discussion: Mr. Coppelman will argue in favor of the amendment if for no other reason that consistency since the Building Inspector uses the GLA in determining approvals for ADU's and the Board should be using the same standards. Mr. Coffin referred to previous discussions by Board member Ms. Merrill and standards used by realtors. Mr. Greenwood stated that he had a discussion with Ms. Merrill since she couldn't attend this evening who expressed concern that she hadn't adequately described that "effective square footage" is simply a taxation methodology and square footages within the structure are looked at differently. Mr. Greenwood added that his guidance is that the purpose of an ADU is accessory dwelling unit which is a certain space and a deck off that ADU wouldn't be counted for the square footage which would be the same for the initial determination of the size. This change clarifies what the expectation would be for someone proposing an ADU. Vote on the Motion: **Motion passes 3-2** with Mr. Bashaw and Ms. Duguay opposed.

Petitioned Articles:

Mr. Coppelman noted that there were no other proposed warrants by the Board to vote on this evening other than the two petitioned warrant articles. Mr. Wilson confirmed that the articles were in on time and had the required number of valid signatures. Mr. Coppelman explained that, per Article 675:4 III, the articles must go on the ballot as submitted with the Planning Board voting for a notation of either "approval" or "disapproval". Mr. Wilson asked if the articles have been reviewed for legality; Mr. Greenwood said it is not the Board's purview to determine that prior to putting on the ballot and it could be challenged after the vote.

Mr. Coppelman read the first petitioned amendment to amend Articles 103.1 and 104.1 that would remove property tax map R19-10 from 103.1 and add to 104.1. The Board reviewed the language and intent and the non-residential use history of the site.

MM&S to "approve" this petitioned warrant article. (Motion by Mr. Bashaw, second by Ms. Duguay) Discussion: Mr. Coppelman asked Mr. Wilson if there were any issues from the BOS' perspective. Mr.

Wilson said there were none. Mr. Greenwood agreed with the change based on previous uses. Mr. Coppelman noted that there was still no public present. Vote on the motion: **PUNA**

Mr. Coppelman read the second petitioned article; he read that the summary states that it is to remove the rooster restriction from the single family residences; he continued reading to “add agriculture and farming, per definitions in the preamble, to all residential zones that don’t have it listed as a purpose including the Single Family Residential (SFR) zone and strike the prohibition of roosters.”

Ms. Duguay noted that this language would do two things. Mr. Greenwood agreed that the language would do two things; he added that the only zone where agriculture is not an allowed use is the SFR. Mr. Coppelman added that there are some agricultural uses in the SFR zone already. Mr. Bashaw stated that he supports the change as he felt the initial change was confusing and several people told him that they adopted the ordinance to make sure it was allowed in the remaining zones; he added that the Town was founded on poultry and sustainable living; he thinks anything to enable this is good and roosters are important for free range chickens and the nuisance they create is limited. Mr. Coffin explained that this ordinance was developed and proposed as a compromise as a source of conflict was not chickens but the noise roosters created in this zone where the density is tighter between houses which causes the conflict and it was better to put it in this zone than in the noise ordinance. When barking dogs was brought up, Mr. Coffin noted that there are already ordinances in place to deal with barking dogs. Mr. Bashaw suggested that this was a blanket restriction for an individual problem. Ms. Duguay asked what was replacing the removed language. Mr. Greenwood explained that the addition of the definitions would. Mr. Coffin stated that this change allows all agriculture in the SFR zone; people purchase property knowing that they don’t have items such as a pig farm next door to them. Mr. Coppelman said that the proposed language is broader than just roosters. Ms. Duguay agreed adding that this doesn’t read to just permit roosters. Mr. Wilson agreed that the wording is poor. Mr. Bashaw stated the wording is still confusing. Mr. Coffin said that this proposal allows all farming and agriculture in the SFR zone and asked if the Board was prepared to deal with that. Mr. Greenwood noted that this was exactly what the proposal does. Mr. Bashaw questioned where in the zone it said that farming and agriculture was prohibited. Mr. Greenwood read from the SFR ordinance where it states what the use is limited to adding that if something is not permitted, then it is prohibited. Mr. Bashaw stated that agricultural uses are permitted by right per the State RSA’s. Mr. Coppelman said that was not accurate, only certain items are allowed. Mr. Coffin confirmed that only “tillage of soil” is allowed. Mr. Greenwood added that only exclusively permitted agricultural uses are allowed. Mr. Bashaw stated that he thought agricultural uses were by right unless expressly prohibited. Mr. Greenwood explained that the only thing expressly allowed is the tillage of soil; he continued that he has been a proponent of agricultural uses but he lived next to a rooster and it was horrifying and without a rooster next door it was a dramatically different living environment and it is incredibly intrusive. Mr. Wilson stated that he has no issue with roosters one way or the other but this wording does not just address roosters. Ms. Duguay said that if the goal was to revert to an originally permitted use, that is not what this does and what would designate the zone from the others. Mr. Coffin said that this basically changes every zone to SFR/Agricultural; he continued that there could be a pig farm in the SFR zone and he sees no reason why the Planning Board would approve this. Mr. Coppelman, in addressing Mr. Bashaw’s point about the Town’s history with chickens, stated that at that time Kingston was an agrarian society and it was before subdivisions occurred. Mr. Coffin added that the chicken farms were massive at the time and have been since converted to subdivisions. Mr. Greenwood stated that the nurse who had once complained about the rooster in the SFR said that she felt betrayed buying property in the SFR that then didn’t protect her from these issues. Mr. Wilson said that the proposal was written poorly as it did change the SFR zone to an Agricultural zone. Mr. Greenwood felt that this was actually the intent; if it was only to remove roosters then only one line needed to be changed. He clarified that

the SFR zone never allowed agricultural uses. Mr. Coppelman said that chickens were added as a permitted use due to the growing interest of raising chickens. Mr. Coffin added that the Board wanted to be able to allow chickens in the SFR zone but not allow goats and all other agricultural animals.

MM&S to “disapprove” this citizens petition article. (Motion by Mr. Wilson, second by Mr. Coffin)
Discussion: Mr. Wilson said that he was disapproving not due to the roosters but because the way it was written was adding agricultural uses to Single Family housing. Ms. Duguay agreed. There was no further Board discussion; there was no public present. Vote on the motion: **Motion passed 4-1** with Mr. Bashaw opposed. There was discussion about whether this could be changed by petition at Town meeting; Mr. Greenwood said no because if the language changed, it would require re-posting and another hearing and there would be no ability to do that.

Board Business

Correspondence: Mr. Coppelman stated that there was none; there had been some year-end invoices that needed to be approved prior to this hearing.

MM&S to accept the December 7, 2021 minutes as written. (Motion by Mr. Coffin, second by Ms. Duguay) **PUNA**

Mr. Wilson asked to address a previous recommendation of denial for Mark Viens Inspection Station; Mr. Viens had clarified that he wants it for his own fleet and not for the public. Mr. Coffin asked if once it was approved if he could use it for the public. Mr. Wilson answered not if the permission was only for his own fleet and personal vehicle use. Mr. Bashaw questioned whether the amount of stickers for use for a personal fleet was limited; he thought it was but was not sure. Mr. Wilson stated that the Board would need a letter from Mr. Viens for the file that the Inspection Station was for his fleet and personal use only and not for the public.

MM&S to conditionally approve the Inspection Station application for Mark Viens provided that the Town receives documentation that this is for his fleet and personal vehicle use only. (Motion by Mr. Coffin, second by Ms. Duguay) **PUNA**

Mr. Coppelman declared the hearing adjourned at 7:51 PM.

<Board note: These minutes were transcribed utilizing a tape of the hearing.>