

Kingston Planning Board

May 3, 2022 Public Hearing Minutes

Ms. Merrill called the meeting to order at 6:31 PM; there were no challenges to the legality of the meeting.

Members present:

Lynne Merrill, Chair	Glenn Coppelman
Peter Coffin	Robin Duguay
Richard Wilson, acting BOS representative	Ellen Faulconer, alternate/admin. asst.

Members Absent: Chris Bashaw, Peter Bakie, Steve Padfield, alternate

Also present: Glenn Greenwood, Town Planner

Ms. Merrill declared a quorum present and announced that Ms. Faulconer would be a voting member this evening.

Bob and Marghi Bean 44 Tucker Road Tax Map R42 Lots 1 and 1A

Ms. Merrill read the public notice. The applicants brought in revised plans that were distributed to the Board. Mr. Bean reviewed the changes. He explained that 4.47 acres would require State review so the lot line was amended along the stone wall so it is now 5 acres that does not require State approval. He stated that the monuments have been set; the ROW (right-of-way) is marked along Tucker Road. He spoke to the email received from the NRCS regarding the Conservation Easement which the Board also received which would prohibit him from granting an easement along the existing easement. He stated that any frontage not encumbered by the NRCS easement has been marked with a 12 ft. easement. Mr. Greenwood explained that there is no specific language for the easement, just the notation on the plan. Mr. Coppelman questioned whether it is sufficient to only note "road maintenance easement" on the plan and wondered if it might need to be more explicit as there is no other documentation associated with it. Ms. Faulconer suggested that it should clarify in the note that it is for the "Town of Kingston" road maintenance so it is not misinterpreted in the future. Mr. Coppelman agreed. Mr. Bean will have the note amended. Mr. Greenwood stated that note #9 should be removed as State subdivision approval is no longer required per the previous discussion; note #10 should then become note #9.

The Board reviewed crossed out lines on the small plan but they didn't show on the large plans; it was noted that the registry wouldn't record the mylar with the cross-outs. Ms. Faulconer asked if Mr. St. Hilaire had commented on the new plan. Mr. Greenwood explained that he had reviewed the plan with Mr. St. Hilaire who understood the constraints. Mr. Bean re-iterated that the easement is basically 12 ft. on Tucker Road on frontage not constrained by the Conservation easement; there is no easement on anything encompassed by the Conservation easement. Ms. Bean expressed concerns of the fate of the maple trees and stone walls within the road maintenance easement.

MM&S to approve the plan as submitted at this meeting (5/3/2022) with the conditions that note #9 be stricken, note #10 be amended to add “Town of Kingston” to “road maintenance easement” and change the numbering to #9, ninety days to meet the conditions. (Motion by Ms. Duguay, second by Mr. Coppelman) **PUNA** The process for recording the mylar was explained.

Board Business

MM&S to accept the October 19, 2021 minutes as written. (Motion by Mr. Coffin, second by Ms. Faulconer) **PUNA**

MM&S to accept the minutes of April 4, 2022 as written. (Motion by Mr. Coffin, second by Ms. Duguay) **PUNA**

Correspondence:

- Email received from Morgan Hollis re: 266 Rte. 125 project site plan; Mr. Greenwood advised that he didn't think that anything should be done on the site that was part of the site plan and review without a signed mylar. Ms. Faulconer noted that where the conditions had not been met, there wasn't currently an approval at this point. Mr. Greenwood said that they wanted to lay out the road interior to the site to get equipment in to fill the wetland. He said that the applicant needed a CUP (Conditional Use Permit) for the wetland; it is not just a requirement for a State permit but it requires a Town permit as well. Mr. Coppelman said that any work is part of an approved site plan and any modification should only be done as approved by the action of the Board; he doesn't support any work being done without a final approval. Ms. Merrill stated that she was bothered by the precedence. Mr. Wilson questioned what they would be gaining; it didn't seem to make any sense.

Mr. Greenwood added that Attorney Hollis would also like to take the DOT condition off the list of conditions and just add it to the requirement for the building permit. Mr. Greenwood said that he is not comfortable with doing this type of piece-meal action on a non-recorded site plan; he stated that any discussion would require a fully noticed public hearing. Ms. Faulconer stated that based on the public input during the hearings, the Board couldn't possibly take the DOT issue off of the conditions. Mr. Coffin said that the request is relative to the construction of the project and there is not an approval at this point.

MM&S that no work is to be done on site (266 Rte. 125) until the site plan is signed and recorded. Any bifurcation of the project would require the full public hearing process. (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

Action Item: Mr. Greenwood will contact Attorney Hollis.

- **Aloha Doors** – release of funds request received.

MM&S to release the escrow funds for Aloha Doors. (Motion by Mr. Coffin, second by Ms. Duguay) **PUNA**

Aquifer Maps text discussion: The Board reviewed the changes that had been proposed by Mr. Coppelman and Ms. Truslow. Mr. Coffin noted that the Board had already approved the maps.

MM&S to approve the map text language from Danna Truslow dated 5/3/2022. (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

By-laws Discussion:

There was a brief discussion on possible changes to the word “interrogation” in the by-laws. Ms. Faulconer suggested simply using “questions/comments” as it pertained to the public comment portion of the hearing.

MM&S to change the word “Interrogation” to “Question/Comments”. (Motion by Mr. Coppelman, second by Mr. Coffin) **Motion carried 6-0-1** with Ms. Faulconer opposed.

There was a discussion regarding the possibility of adding “time limits” in the by-laws. The Board confirmed that the Chair has the right to define time limits depending on the situation; it might be best to not set specific requirements as it is up to the Chair to establish needs for the hearings. Mr. Coffin said that this issue came up at the recent seminar about giving the Chair the ability to cut-off public comment. Ms. Merrill stated that it depends on the hearing and being able to give anyone the opportunity to speak if there are a lot of people present. Ms. Duguay said that she has seen other meeting that take the option of limiting the time based on the number of people present. Mr. Coffin reviewed the BOS procedures for their meetings. Ms. Faulconer explained the difference between a public meeting and a public hearing. The Board questioned whether there was a need to add to the by-laws since the Chair already has this authority. Mr. Coppelman suggested it might be a good idea to have the statement included. Mr. Greenwood said that it would be better to have it included in the Board’s procedures. Ms. Duguay suggested that a statement could be included in the “responsibilities of the Chair”; all agreed.

MM&S to add the following statement to the by-laws in the section of the responsibilities of the Chair: “At the discretion of the Chair, time limits may be placed on public comment, the presentation and Board comment.” (Motion by Ms. Duguay, second by Mr. Coppelman) **PUNA**

Technology Use: The Board discussed issues involving technology use at the meetings; Mr. Wilson said that the Board is hoping to have some of these issues addressed soon. Based on this information, the Board decided to table this until the BOS have further information.

BOS alternate: Based on review of the statutes, Mr. Wilson will ask the BOS to confirm via a vote that he is the Board’s representative when Mr. Hart is unavailable.

Board alternates: Ms. Merrill stated that the Board needed alternates and questioned advertising for them.

ACTION ITEM: Mr. Wilson will work with Adam Faulconer to get a “scroll” on the cable channel about the need for Board alternates. Ms. Faulconer will get this information put on the “Bulletin Board”, front page of the Town’s web site, on the Planning Board page of the web site, and in the newspaper.

By-laws, continued: Mr. Coffin proposed a change to the by-laws regarding determination of regional impact. He briefly reviewed statute 36.56 about making a determination at a public meeting. Mr. Greenwood reviewed the statute and its inconsistencies. There was discussion about whether it needed to be done as part of the public hearing and notification of additional abutters; reviewing

during Design Review would be required for a large project and could be discussed at that time. Mr. Coffin suggested that it could be on the agenda to discuss Regional Impact at a meeting as there was no requirement to notify abutters for that determination. The timing for this type of review was discussed; placement in section 10 was suggested.

Mr. Coffin suggested adding this language to that section: “Regional Impact: The Board shall determine whether an application has a Regional Impact per RSA 36:56. If a Regional Impact is determined to exist, the hearing should be scheduled to allow sufficient time for notification of affected Towns and the Regional Planning Commission.” Ms. Faulconer suggested adding “as determined by the Planning Board” after language in 10.1 “within 30 days of a completed application”.

Mr. Coppelman said that most of the Towns he deals with just determine Regional Impact at the first public hearing. Mr. Greenwood questioned whether they continue the hearing or continue on. Mr. Coppelman was unsure. The Board talked about having a hearing that might automatically need to be continued being a waste if there was a possibility of determining before the public hearing. Requirements for “design review” and “preliminary review” were discussed; not waiving these requirements were suggested.

MM&S to add “Regional Impact” language (as suggested by Mr. Coffin) to the by-laws and amend 10.1 by adding “as determined by the Planning Board”. (Motion by Mr. Coffin, second by Mr. Coppelman) PUNA

MM&S to adjourn at 7:50. (Motion by Mr. Wilson, second by Mr. Coppelman) PUNA