

Kingston Planning Board

May 17, 2022 Public Hearing Minutes

Acting Chair, Chris Bashaw, called the meeting to order at 6:30 PM; there were no challenges to the legality of the meeting.

Members present:

Chris Bashaw, Vice Chair	Glenn Coppelman
Peter Coffin	Robin Duguay
Peter Bakie	Steve Padfield, alternate
Richard Wilson, acting BOS representative	Ellen Faulconer, alternate/admin. asst.

Members Absent: Lynne Merrill, Chuck Hart

Also present: Glenn Greenwood, Town Planner (arrived with meeting in progress)

Mr. Bashaw introduced the Board; he announced that Mr. Padfield would be a voting member this evening.

Hawks Ridge of South Kingston, LLC Mulligan Way and Bent Grass Circle Tax Map R3 Lot 4 Land Unit 4020

Mr. Bashaw read the letter received from the engineer, Charlie Zilch, requesting a continuance.

MM&S (Motion made and seconded) to continue to June 21, 2022 at 6:45 PM. (Motion by Ms. Duguay, second by Mr. Bakie) PUNA (Passed unanimously)

Board Business

Correspondence:

- Glenn and Justine Morse, 110 Exeter Road regarding the Road Agent's denial of a Driveway Permit due to non-compliance with the 20 ft. setback from the property line; *<Board note: Mr. Coppelman abstained as he is an abutter and stepped away from the Board; Mr. Bashaw announced that Ms. Faulconer would fill in for Mr. Coppelman for this portion of the meeting.>* *<Board note: Mr. Greenwood arrived at this time. >* The history of the property and the existing driveway was reviewed by the Board; information from the applicant regarding the State and safety concerns was discussed. Mr. Coppelman, abutter, stated that his position as a Board member has been consistent regarding lot line setbacks; this is a rebuilt situation with plenty of frontage; it starts on the lot line and curves to the right; it is non-compliant for 10 to 15 ft. Mr. Bashaw said the question before the Board is whether it should be more conforming or be allowed to stay where it is. Mr. Bakie stated that if the State is saying that it is safer with the current access point, than it should stay. Mr. Coffin said that if it is considered new than it needs to meet the regulations. There were concerns about the interpretation of legally existing and the language in the ordinance was reviewed. Ms. Faulconer suggested a compromise between no setback and 20 ft. Mr. Greenwood to clarify legally existing and the non-conforming aspect of the discussion explained that the Town's regulations say the a driveway being constructed or reconstructed

requires Town approval; this is being reconstructed and to say that it has always been there so it can stay is not this issue with reconstructed; the issue of concern for the placement of the driveway is safety; the historical aspects can be eliminated as part of the discussion. There is currently no verification of the safety aspects of the access location and he would feel more comfortable, prior to making a decision, verifying and checking out the safety issue. He stated that if the State is saying that this point is the only safest point, it would be odd for the Board to require placing it elsewhere; however, if they are saying this is a safe spot within a safe area and not that it is the "safest" spot then the location can be reviewed by the Town regarding the property line setback. He added that if this is not a safety issue, then the Town's regulation addresses the issue and it would require a 20 ft. setback. Mr. Wilson said that his reaction is to look at the site. Mr. Bashaw suggested that Mr. Greenwood could contact DOT (Department of Transportation) and the Board members could drive by the site and look at it; if it is a safe area and could be altered than it can be done or left where it is if it is the safest spot. Mr. Wilson added that the applicant should amend the submitted drawing as it is currently inaccurate.

MM&S to table the decision on this permit until the next meeting pending staff contacting DOT and the Board members taking the opportunity to look at the driveway. (Motion by Mr. Wilson, second by Ms. Duguay) **PUNA** <Board note: Mr. Coppelman returned to the Board at this time, Ms. Faulconer was no longer a voting member for the remainder of the meeting.>

- Town Engineer invoices (4) – approved and signed by the acting Chair.
- Kingston Community Library 10th anniversary invitation
- ZBA decision re: rehearing for DOGC denial received – no PB action needed.
- Dave's Repair, 138 Main Street – letter received about replacing "Savinelli" business – Mr. Bashaw read the letter regarding the operation that included hours of operation. **Per Board consensus: no further review from the Planning Board required on the condition that Saturday hours are not to extend past 8:00 AM – 5:00 PM; the applicant needs to contact the HDC (Historic District Commission) for approvals, too.**
- Bond Construction reduction information received – no further PB action needed.
- Dan Parks project report received from Town Engineer – this is an enforcement action being addressed by the BOS at this point – no PB action required at this time. Mr. Wilson noted that Mr. Parks had been in to see the BOS; the Town needs the approval from DES before the Cease and Desist can be lifted.
- Per the BOS request, an amendment to the "Acknowledgement" portion of the Application was proposed that added regarding permits/fees required after the Planning Board approval.

MM&S to add the proposed language to the Board's applications (Site Plan/Subdivision). (Motion by Mr. Coppelman, second by Mr. Coffin) **Motion carried 6-0-1** with Mr. Wilson abstaining)

Mr. Greenwood stated that he would also be adding the paragraph to the Notice of Decisions.

- Small Pox Realty – escrow release was signed minus the Planner fees which were also signed.
- Request received from Ms. Faulconer approved to purchase dry erase board and associated items for the office

MM&S to approve the 4/19/22 minutes as written. (Motion by Mr. Coppelman, second by Ms. Duguay) **Motion carries 5-0-2** with Mr. Wilson and Mr. Bashaw abstaining.

Mr. Wilson asked if there was any update on the mechanic shop running without any permits at 15 New Boston Road. Mr. Greenwood said that he met with the owner and told him that no auto repair could

happen without a site plan review; that happened at least a month ago and there hasn't been any further contact.

Regional Impact – Plaistow: The Board reviewed information regarding notification of a project of regional impact in Plaistow. Mr. Coffin stated that the RPC letter didn't mention that it abuts the Little River; Kingston has a well near the property line and it has a significant impact on Kingston. Mr. Greenwood said that he sent a letter of his concerns on his own letterhead, since he hadn't had time to confirm concerns with the PB, to the RPC; he couldn't find a hydrogeologic (hydro) study. Mr. Coppelman noted that he represents Kingston on the RPC and he chairs the committee doing the review; Mr. Greenwood's letter was read into the record; Mr. Coppelman brought up the hydro study. It was noted that Plaistow's regulations are similar to Kingston's for the Aquifer; the developer claims that they are below the 2400 gpd. Mr. Coppelman said that he didn't hear enough information to confirm the 2400 gpd and we should say something about it for the Town. Mr. Greenwood said that the only thing referenced was that it will be using the original septic; they are planning for 450 vehicles per day. There was discussion regarding the proposal being either a fulfillment center or a high-cube warehouse; Mr. Coppelman said it will be tractor trailers, not small trucks. Mr. Greenwood referenced the required 75 gpd with 450 vehicles for parking; he stated that there were questions regarding traffic generation as there will be a lot of vehicles.

MM&S to have Mr. Greenwood's concerns formalized to be from the Board; specify concerns about the hydrogeologic report and potential water draw and concerns about mutual aid. (Motion by Mr. Coppelman, second by Ms. Duguay) **PUNA**

Ms. Faulconer reviewed the upcoming agendas; there is nothing scheduled for June 7th and only one item for June 21st. Mr. Wilson questioned someone's bond being able to be released. The Board determined that if the Town Engineer signed off, the Chair could sign off without further action from the Board.

MM&S to cancel the meeting of June 7, 2022. (Motion by Mr. Coppelman, second by Ms. Duguay) **PUNA**

MM&S to go into non-public per RSA 91:A:3, II, L to discuss a legal issue. (Motion by Mr. Wilson, second by Mr. Bashaw) Roll call vote:

Mr. Coppelman – yes	Mr. Padfield – yes	Mr. Coffin – yes
Mr. Wilson – yes	Mr. Bashaw – yes	Mr. Bakie – yes
Ms. Duguay – yes	PUNA	

MM&S to come out of non-public session. (Motion by Mr. Coppelman, second by Ms. Duguay) Roll call vote:

Mr. Coppelman – yes	Mr. Padfield – yes	Mr. Coffin – yes
Mr. Wilson – yes	Mr. Bashaw – yes	Mr. Bakie – yes
Ms. Duguay – yes	PUNA	

There were no motions made during non-public session.

MM&S to seal the minutes indefinitely. (Motion by Mr. Coppelman, second by Mr. Wilson) **PUNA**

MM&S to authorize Mr. Greenwood to engage with Town Counsel for a zoning question for a pending application. (Motion by Mr. Bashaw, second by Ms. Duguay) **PUNA**

MM&S to adjourn at 7:40 PM. (Motion by Mr. Coppelman, second by Mr. Padfield) **PUNA**