

Kingston Planning Board

June 21, 2022 Public Hearing Minutes

The Chairperson called the meeting to order at 6:30 PM; there were no challenges to the legality of the meeting.

Members present:

Lynne Merrill, Chair	Chris Bashaw, Vice Chair
Glenn Coppelman	Robin Duguay
Peter Coffin	Peter Bakie
Chuck Hart, BOS representative	Steve Padfield, alternate
Ellen Faulconer, alternate/admin. asst.	

Members Absent: none

Also present: Glenn Greenwood, Town Planner; Richard Wilson, Chairperson, BOS (Board of Selectmen)

Ms. Merrill introduced the Board. She said that she would be taking the first hearing out of order.

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

Ms. Merrill read the letter the applicant's engineer stating that the proposal is being withdrawn. Ms. Merrill noted that this required no further action from the Board.

Board Business

Correspondence:

- Request from Mr. LaPointe, 19 Beach Drive regarding a driveway permit that was denied by Mr. St. Hilaire as it needed a waiver to the 20 ft. setback requirements. Mr. LaPointe explained his proposal. Ms. Merrill read a letter of support from the BOS (Board of Selectmen). Mr. Hart stated that the Road Agent was in favor of the proposal as well. Mr. Bakie asked if there had been any feedback from abutters; Mr. Hart answered that there was none. The Board reviewed the merits of the proposal.

MM&S (Motion made and seconded) to grant a waiver as requested based on the expertise of the road agent and the support of the BOS for the project as proposed. (Motion by Mr. Bashaw, second by Mr. Bakie) **Motion passed 6-1** with Mr. Coppelman opposed.

- Continued review of the driveway proposal at 110 Exeter Road: <Board note: Mr. Coppelman stepped down from the Board as he is an abutter to the property.> Ms. Merrill read the memo from Mr. Greenwood describing his conversation with Mr. Locke of the NH DOT (New Hampshire Department of Transportation). Mr. Locke confirmed that the proposed entrance was the safest location however, he clarified that all of the driveway, including the flares, must be entirely on the Morse frontage. Mr. Coffin said that this answered the question that the Board had about the safety concern. Mr. Greenwood re-stated that the DOT's position is that this entrance, as proposed, is the safest location. Mr. Coffin noted that the property boundary would need to be located so the flare remains on the owner's property. Mr. Bakie questioned whether the Town

had a definition of the requirement for a driveway flare. Mr. Coffin referenced RSA 236:13 that said that a flare can be extended to accommodate types of vehicles being used. Mr. Bakie confirmed that the Town doesn't have a definition or requirement for the size of a flare. Mr. Greenwood suggested reviewing the State driveway permit regarding the flare. Ms. Merrill read the permit which noted "the driveway may be flared, typically ½ the driveway width." Mr. Greenwood re-iterated that the DOT made it clear that the flares must be on their own frontage and not on an abutter's property.

Mr. Coppelman, an abutter at 108 Exeter Road, handed out a graphic (google map photo) showing the lot line; it included a red line showing the location of the stone wall; the Board agreed that the driveway looks to be on the abutting property. Ms. Merrill added that it is very clear that the driveway is not just within the 20-foot setback but is located the abutter's property. Mr. Coppelman said that there are markings on the property for work to be done and the flare is in the same place with no proposed change; since it is being reconstructed, now is the time to bring the driveway into conformance. He stated that he agreed that the proposal shows the safest location, he is just asking that the Town require that the not be over the property line; he understands it being in the 20-foot setback but requests that it not be over the property line. *<Board note: Ms. Merrill stated that since Mr. Coppelman had recused himself, Mr. Padfield would be a voting member at this time.>* Mr. Coppelman re-iterated Mr. Locke's position is that if there is going to be a flare, it all must be located on the property owner's own frontage.

Mr. Bashaw said that his concern is that the sketch provided looks nothing like the conditions. Mr. Coffin suggested that the Board needed an accurate drawing of the proposed driveway. Mr. Bashaw stated that the driveway needs to comply with the DOT drawing as that is what the permit is based on. Mr. Bakie agreed that the DOT permit application does not match what was presented to the Town for a permit.

MM&S to grant a waiver to the 20 ft. setback based on the NH DOT analysis regarding safety and the permit granted by the NH DOT. (Motion by Mr. Bashaw, second by Mr. Coffin) Motion carries 6-0-1 with Mr. Hart abstaining.)

The Board reviewed the State permit again. Mr. Bakie stated that the application for the Town permit clearly shows the driveway past the boundary line which means that it needs to be moved; this is different from the plan that was approved by the State; it needs to match the State approval.

MM&S to grant the driveway permit with the condition that the entire driveway, including flares, must be on their own frontage (110 Exeter Road) and be constructed per the State driveway permit dated 5/4/22. (Motion by Mr. Coffin, second by Mr. Bakie) Motion carries 6-0-1 with Mr. Hart abstaining.

The Board will send a letter to the property owner regarding the Board's decision; Mr. Greenwood will do this on Thursday and copy the BOS, the Road Agent, and the abutter.

<Board note: Ms. Merrill announced that Mr. Coppelman rejoined the Board and Mr. Padfield will be a non-voting alternate member.>

Minutes:

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KPB

6/21/2022

Draft

MM&S to accept the minutes of May 3, 2022 as written. (Motion by Mr. Coffin, second by Ms. Duguay)
PUNA (Passed unanimously)

MM&S to accept the minutes of May 17, 2022 as written. (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

Bresnahan Project Conditional Approval Review:

Mr. Greenwood stated that Mr. Bresnahan's conditional approval had been extended to the end of June. Ms. Merrill told the Board that Mr. Bresnahan had called her on her personal phone right before the meeting to say that he was unable to meet the deadline; she explained that she told him that he should have put his requests/proposals in writing to the Board but she would let the Board he contacted her. She stated that she was also clear that this was not the correct procedure to contact the Board. Ms. Merrill noted his proposals that would be amendments to the conditional approval that included him providing money to the Town instead of doing the conditions regarding the plantings; he told Ms. Merrill that he had contracted someone to do the plantings and he couldn't get it done in time. Mr. Greenwood said that he spoke with Mr. Bresnahan 4 to 6 weeks ago to remind him the deadline was approaching and Mr. Bresnahan assured him it would be completed in time. Mr. Coffin noted that any changes to the previous conditions of approval (COA) would require a public hearing; the Board agreed. Mr. Hart suggested setting up a fine. Mr. Greenwood noted that the deadline will have lapsed prior to the Board's next meeting. Ms. Duguay confirmed that there was nothing in writing asking for an extension. Mr. Greenwood said that a lapsed COA would need to start over; there was no other way to address a lapsed COA. Ms. Duguay noted that, without a request in writing, there is nothing for the Board to act on. Ms. Merrill agreed. Mr. Greenwood said that if a request was made in writing, the Board could decide to extend the deadline, but there is no request in writing. The Board determined that they couldn't approve an extension after the deadline had expired and at this point, the Board has no request to act on. There was discussion of the actual deadline, the Board's calendar and lapsed COA's; the possibility of minimal extension was reviewed. The original approval date of 2018 was noted along with the extended deadline to June 30, 2022. Ms. Faulconer noted that the Town had been waiting for compliance for at least three years which seemed tolerant.

MM&S to extend the deadline for the Bresnahan site to meet the Conditions of Approval for one month upon the condition that the Board receive a written request from Mr. Bresnahan for this one-month extension prior to the June 30th deadline. (Motion by Mr. Bashaw, second by Ms. Duguay) **PUNA** The Board confirmed that it will need two written requests which will also include the requests for the verbal proposals that Mr. Bresnahan discussed with Ms. Merrill, also prior to the June 30th deadline.

Correspondence, continued:

- **Saddle Up Bond Release:** Ms. Faulconer stated that she had not received the final review from the Town Engineer; Mr. Wilson, BOS Chair, said he had it on his phone; Ms. Merrill read the Town Engineer's report dated June 8, 2022 which read that all the work is complete and the site is stable. Mr. Wilson added that the BOS voted that once Mr. Quintal was happy, the bond could be released. There was discussion about the process and that the Maintenance Document and fund to record it had not yet been received. Mr. Wilson said that he would call the owner and get that addressed. Mr. Bashaw recommended that the Chair sign the release of the bond based on the Board's motion from a previous meeting.
- **Alternative Sales:** Report received from the Town Engineer, Mr. Quintal, dated 5/19/22 that the site is all set.

- **Green Griffin (Florist):** Ms. Merrill read a letter regarding the possible relocation of to 96 Rte. 125 AKA the “A-frame” near Saddle Up. Mr. Greenwood stated that he had reviewed the file and there was no site plan on file for that location. Mr. Wilson reviewed previous uses on the site. Mr. Greenwood clarified that the issue is that there is no site plan on file. Mr. Coffin stated that a change of use needs a site plan. Mr. Hart questioned why this would require a site plan since the other previous uses didn’t need it. Mr. Greenwood stated that the Board could do as they wished but as the Board’s planner, he recommends that it needs a site plan review. The Board reviewed previous uses, some supported by the file, some not supported by the file. Mr. Coppelman noted that even with a site plan review requirement, the Board could determine the level of that review. Ms. Duguay noted that the proposal didn’t meet the criteria for an expedited site plan. Mr. Hart said that there wouldn’t be enough time for them to have a site plan review. Mr. Bakie stated that it is a commercial building on Rte. 125 and suggested that the Board just invite them in. Ms. Faulconer suggested that in the past, the Board did require that a proposal required a site plan on file and if the Board was leaning against that, it might be prudent for the Board to, at a minimum, ask for a sketch of existing conditions so there would be something in the file for the future that was created in this century. Mr. Hart proposed that they draw up something with aspects such as parking and lighting. Mr. Wilson suggested a conditional approval based on some of the items being discussed so the applicant could move forward with the purchase of the building. Continuity was discussed.

MM&S that no official site plan is required for the proposed use as it is consistent with the former uses and is a less intensive use than previous uses; however, the applicant must provide a sketch plan showing existing structures, setbacks, lighting, parking, traffic flow (complying with what had been previously approved), signage (location) with the understanding that any changes to the current list as noted in the motion would require a full site plan review. (Motion by Ms. Duguay, second by Mr. Bashaw) Discussion: Mr. Bashaw stated that he could understand how the average lay person would look at the history of the site and think the proposed use was okay; he would like smaller businesses to thrive. Ms. Duguay said that, based on the file and past uses, this is not a change of use and not an expansion of use whereas another use with a site plan could be an expansion or change which would require review. **Vote on the motion: 5-1-1;** Mr. Coppelman opposed, Ms. Merrill abstained. Mr. Coppelman explained that his vote was his belief that this action was not consistent. Ms. Merrill said that consistency should be number one; she added that we are a town of small businesses and a site plan could be an extreme expense and amount of time for them which needs to be addressed. The Board reviewed consistency and extenuating circumstances.

- Paperwork was distributed regarding new legislation. Ms. Merrill briefly reviewed the legislation that includes Planning Board decisions needing specific written findings regarding disapproval or could set up an appeal. She stated that she believes that the Board is already consistent with this.
- Truslow Invoice was over the original estimate; Ms. Merrill noted that she explained the overage and confirmed that the Board asked for the extra work. The Board approved the Chair signing the invoice.
- Sarnia – request the release of escrow funds – Board approved.
- Letter from Glenn Greenwood to the Plaistow Planning Board per the Board’s request; the Board discussed some of the specifics and questioned whether there were further details on the project.
- Letter from Tom Tombarello re: re-districting and introduction. Mr. Bashaw noted that the Commissioner for Kingston used to be Commissioner Coyle.

- Email from RPC regarding MPO and transportation issues; Mr. Coffin suggested reviewing for any thoughts for Kingston
- Paragraph asking for volunteers that was sent to the Carriage Towne News.
- Updated by-laws were handed out
- New legislation was handed out for the Board's review that included amendments to workforce housing effective July 1, 2023; Ms. Merrill suggested the Board begin looking at any changes to the Town's ordinances; Mr. Greenwood will review both elderly and workforce housing as he thinks that the Town is already complying with the requirements but he needs to review to verify and report back to the Board. Mr. Coppelman noted that any changes need to be proposed for the upcoming March elections as this becomes in effect in July.

Board Business, continued:

Mr. Greenwood stated that the Board had an application for next month that asked for a full waiver of the \$5000 engineering fee.

MM&S to reduce the required engineering fee deposit from \$5000 to \$2500. (Motion by Mr. Coppelman, second by Ms. Duguay) **PUNA**

Mr. Wilson recommended a review of the ordinances.

Mr. Wilson noted that currently the ADU ordinance requires that a septic plan be on-file; he suggested added as a requirement a "septic inspection" as well as a septic plan on-file. There were comments thinking this was a good idea; no comments in opposition.

Ms. Faulconer asked the Board what action they would like taken on R21 Lot 16 (Campers Inn) and the Conditional Approval that expired in February. Ms. Merrill discussed the deed issues holding up the required Lot Line Adjustment. The Board, by consensus, agreed that the approval had lapsed and they would have to come back for site plan approval.

Ms. Merrill noted that this was Ms. Faulconer's last meeting as she was retiring. She thanked Ms. Faulconer for her decades of service on the Planning Board and as the Board's Administrative Assistant; she added that Ms. Faulconer's minutes had helped the Board's decisions be upheld in court cases and had been commended by attorneys and judges.

The Board adjourned at 8:50 PM.