

**Kingston Planning Board  
July 19, 2022  
Public Hearing  
Meeting Minutes**

**Members present:**

Lynne Merrill, Chair  
Chris Bashaw, Vice Chair  
Chuck Hart, BOS representative  
Peter Bakie  
Peter Coffin  
Glenn Coppelman  
Robin Duguay  
Steve Padfield, alternate

**Others present:**

Alex Berube  
Scott DeLucia, Cars-R-Us business owner  
Karen Evans, Owner, K9 Training and Doggie Daycare  
Glenn Greenwood, Town Planner  
Gary Guptill  
Erik Poulin, Jones & Beach Engineers  
Joseph Trevisone, K9 Training and Doggie Daycare  
Richard Shaw

Ms. Merrill called the hearing to order at 6:33 pm.

**K9 Training and Doggie Daycare**

**72 Route 125**

**Tax map R8-35**

**Property Owner: Raymond Nickerson**

Ms. Merrill noted the applicant requests a change of use of the existing structure as well as a request for site improvements and the addition of fencing. She handed out copies of the application and plans.

Erik Poulin from Jones & Beach Engineers now addressed attendees. He handed out updated site plans and noted there have been some changes since submission.

He began by providing an overview of the site. The property is located on the corner of Route 125 and Hunt Road. This business will share the existing Cars-R-Us business at this location. The site is located in commercial zone C-III. There is an existing 2-story building with a footprint of 3,700 sq. ft. There are functional utilities and parking on site already.

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The proposed changes to the site are as follows:

- K9 Training and Doggie Daycare will occupy the 1st floor, and Cars-R-Us will utilize the 2nd floor for office space.
- There is a planned installation of a 24x50 fenced-in area in the center of the site on the north side the of building. This area will have artificial turf.
- A dumpster enclosure will be built to the rear of property. In Mr. Poulin's research, it was discovered that this was planned in past but never actually constructed.
- Currently, there are handicapped spaces to the rear of the building. The plan is to create 2 ADA-compliant spaces near the front doors with the appropriate signage.
- A training field will be created to the rear by mowing an existing overgrown area.
- Two pet waste receptacles will be installed.

Mr. Poulin stated that the existing building's footprint will not be altered, and all signage will comply with the town's regulations. Both of these uses are currently allowed in zone C-III already. Since all work to be performed will be within the existing tree line, no tree cutting is planned.

Mr. Poulin already discussed this project with Mr. Greenwood, and Mr. Poulin incorporated his feedback.

- On 6/24/22, a request was made to reduce the fee from \$5,000 to \$2,500. This was agreed, and the fee was delivered on that date to satisfy 904.5(B).
- Mr. Greenwood requested that the driveways be better detailed on the plan. The site plan details a full-access driveway from Hunt Road for traffic in and out of the business, and there is an existing stop sign at that driveway already. There will be an entrance-only driveway off of Route 125, and there is an existing entrance-only sign with entrance-only painted on the pavement as well. Mr. Poulin has filed a change-of-use driveway permit with the DOT; this process is ongoing.
- Mr. Greenwood requested clarification on the number of available parking spaces in consideration of the existing pilons taking up parking spaces. This is now taken into account in the parking plan.
- Mr. Poulin clarified that there is no plan to fence in the training field. This business was established back in 2015 to train police dogs. It is anticipated that all dogs will be well trained and will always be accompanied by a trainer and will be e-collared or on a leash.

Mr. Poulin also noted that there is a 10,000 sq. ft. parcel of land to the rear of the property shown on the recorded site plan in 2004. It was notated in this plan that this parcel was to be given to the town if accepted by the BOS with the requirement of the submission of a lot line change. He could not locate any further information on the status of this issue. Raymond P. Nickerson is the current owner of this parcel of land, but Scott DeLucia was present as his representative at the hearing.

Mr. Poulin detailed the changes from the initial site plan that was submitted:

- The size of the fenced-in area was reduced.
- The dumpster was moved to a location next to the training field.
- The handicapped spots were moved from the rear to the front of the building.
- The number of parking spots was adjusted for those currently taken up by pilons.

Mr. Poulin now requested feedback from attendees.

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Ms. Merrill read comments from town departments:

- BOS: No comment
- Building Department: No comment
- Highway Department: A request was made to update/restore all stormwater systems and to review the need for an annual stormwater report and inspection requirement.

Mr. Greenwood now provided his feedback:

- The site is not substantially being changed, and the submitted site plan requests allowance for another usage and to provide fencing on site to support the additional use. A revised plan was submitted to clarify that the car business will continue to be maintained at the site. He believes this will be a low-impact usage for this site.
- He reviewed the requested written waivers from the applicant:
  - Waiver for a reduced engineering fee (per 904.5) from \$5,000 to \$2,500.
  - Waive the need of a preliminary review by the PD, as can be done if no new construction is planned on site.
  - Waive the PB's requirement that site plans be submitted on mylar.
  - The applicant is also requesting to waive the requirement of a formal perimeter survey. This will require the approval of the PB. Mr. Greenwood stated the submitted plan includes the additional usage of the site, and there is an existing survey plan already on file. From the Registry standpoint, however, they usually require a full perimeter survey to accept a plan.
  - Waive Kingston stormwater management regulations because there is no new construction or change to the existing pavement/parking lot planned.
- Mr. Greenwood explained he would like clear detail on the submitted plan regarding the driveway on the Hunt Road side.
- He also explained what the pilons look like at the site. He confirmed it's a permanent structure for signage.
- He confirmed that his questions regarding the planned fenced-in area were answered by Mr. Poulin. It will be placed over the pavement.
- There was a discussion about the adjacent lot. Mr. Coppelman asked if the current site plan is compliant; Mr. Greenwood will research this but believes the transfer of this land to the town did not occur. Mr. Greenwood also confirmed that the current PB office files do not show a boundary line adjustment, and he wondered if it would be helpful to contact the Fire Department as well. There was a discussion about the current usage of the building mostly for storage. Ms. Merrill believes in the past, the septic on that site was not large enough for the planned usage; Mr. Greenwood concurred. The usage of the Fire Station 2 in that area was also discussed.
- Mr. Poulin stated he is not aware of any additional state stormwater requirement for this change, and they will be adding the pet waste receptacles and dumpster to be proactive about collecting waste and disposing of it properly. Ms. Merrill added that the Health Department did not have any comments regarding this project. Mr. Padfield brought up MS-4 compliance. Mr. Coffin noted that the lot is overgrown in the back of the site. Mr. Poulin noted that stormwater flows to rear, and they will avoid disturbing this flow. He is unaware of the condition of current stormwater systems on site. When looking at the original site plan, he noted that a large portion of original site was never constructed following approval. Mr. Greenwood noted that the state made stormwater improvements to Route 125 in this area. It was suggested that Dennis Quintal can look into any MS-

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4 concerns. Mr. Poulin reiterated that all parking areas will remain the same, and there will be no changes to impervious surfaces.

- Ms. Merrill asked if the septic system should be shown on the plan. Mr. Greenwood pointed out the leaching field on the drawings under the planned training area. Mr. Bakie believes this leaching field is designed to handle 185 gallons/day.
- There was a discussion about the large gravel/concrete area that was never developed. Mr. Poulin is unsure if this is poured concrete or settled gravel. His thoughts were to use this area for excess snow storage. Mr. Coffin noted if it is poured concrete, it is an impervious surface, and he wanted to ensure this is considered in the stormwater discussion. Per Mr. Greenwood, since the site was never developed as approved years ago, this site does not approach building coverage allowances. Mr. Poulin confirmed that no pavement improvements are planned.

Mr. Poulin explained that the applicant is working under a tight time requirement. He requested a decision tonight with conditions if needed. The applicant is hoping to move into this space in August.

Mr. Coppelman noted that the DOT improvements to 125 are not noted on the site plan. Mr. Poulin explained that his boundary calculations reference the boundary plan that is recorded. He reviewed and referenced any plans for this lot and noted any changes. He pointed out that there are 3 DOT easements listed on the plan as dashed lines, and they do not plan on making any site changes on the locations of these easements. The three easements are as follows: The largest is on the northerly end, the 2nd one is on the side facing 125 near the location of the handicapped spaces, and the 3rd is on Hunt Road near existing parking spots.

Mr. Greenwood asked when the dogs will be outdoors. Joseph Trevisone of 11 Gile Street in Haverhill, MA, one of the trainers, now approached the Board. He stated the daycare hours are from 7 a.m. to 6 p.m. Some of the dogs that are boarding are also in training, and a staff member stays overnight with the dogs. The hours the dogs are brought outside are from 6 a.m. until 10 p.m. to 11 p.m.; the dogs are taken out individually and are not left outside. The noisiest time is during daycare hours. The business' existing location in Plaistow has a condo complex behind it, and there have not been any noise complaints. The highest number of dogs that have stayed overnight at the Plaistow location is 20.

Mr. Coppelman asked if the intent is to replace the old site plan from 2004 with this new plan. There was a discussion of whether this plan is considered a new plan or an addendum to an old plan. Mr. Bashaw noted the only recorded site plan with the Registry of Deeds is from 2004 and is outdated and inaccurate. He believes if the new plan is not recorded at the Registry, it may cause confusion in the future. Mr. Poulin discussed the request for the boundary issue waiver. He noted the unique circumstances with only a change of use and very little construction (only the dumpster and fencing), and this construction will not be near property lines. He is aware that the Registry of Deeds does not allow new plans to be recorded without surveyed boundary lines, and if the town needs this, he is open to this being a condition of plan approval. Mr. Poulin stated he included all plans to show the continuity of the lot lines. Ms. Merrill clarified that the date of what seems to be the original drawing is 6/25/02, the state plan is dated in 2003, and the PB signed the plan on 11/16/04. Mr. Poulin noted that the easements are not delineated on all of these plans.

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Ms. Merrill noted this business is an allowed use in C-III. She noted that if horses are put on a property, the Health Department is notified to ensure there is a manure plan in place; she wondered if this would be necessary for the dog training business. Karen Evans, the owner of K9 Training and Doggie Daycare, now approached the Board and stated she has such a plan in place in Plaistow and is happy to share it with the PB. She explained the strict evaluation process that is followed prior to a dog being allowed to participate in their program.

There was a discussion about the location of the well.

There was a discussion about signage. Per Mr. Trevisone, they only intend on adding a sign to the building. The existing sign is lighted but is grandfathered, and it was confirmed that the lights are not turned on at night. Mr. Poulin noted the maximum signage is 10% of the wall area to comply with town requirements.

Public feedback:

- *Richard Shaw, 5 Hunt Road:* He expressed concerns about drainage, noise, and increased traffic. His well is close to the property line. He expressed concern that multiple neighbors were not notified, and Lynne explained how legal abutters are determined and the process of officially notifying them.
- *Gary Guptill, 70 Route 125:* He is not against this project but is worried about lighting, noise, odors, and waste. He encouraged the PB to do their due diligence to make sure all aspects are considered. He also asked what the plan was for the south side of the site and states there have been some drainage issues in the past. Mr. Coppelman stated the submitted plan does not show any change to the south side of the property, only snow storage and existing parking. Mr. Guptill also asked about the training program offered to clients; Mr. Trevisone explained there are board-and-train stays as well as private lessons, and most training is done inside but will be outdoors at times.
- *Alex Berube, 7 Hunt Road:* He is also worried about noise and odors. He stated in the winter when the trees are thin, the sound will travel. He feels the project is moving too quickly.

Mr. Trevisone addressed some of the public's concerns:

- They utilize the same disinfecting materials as the Plaistow-Kingston Animal Medical Center. Clean up is done at every shift change. The existing location in Plaistow is next to two restaurants, and no complaints have been received.
- The dogs will not be left outside after 6 pm. When the dogs go out at night, it is done quickly and under supervision.
- Any outdoor training sessions are done as private classes, not group lessons.

**MM&S: Mr. Coffin made motion to vote on the requested waivers. Seconded by Ms. Duguay.**

**PUNA/passed unanimously.**

- Waiver of preliminary review: **MM&S: Mr. Coffin made a motion to waive the preliminary review. Seconded by Ms. Duguay. PUNA/passed unanimously.**
- Waiver of section 904.13, requirement to record a new site plan with the Registry of Deeds. Ms. Duguay asked if this could be a condition of approval, but this has not been done in the past. Mr. Bashaw explained this vote is only on the waiver itself, and that a conditional approval may occur at a later time. **MM&S: Mr. Coffin made a motion not to grant this waiver and thus**

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**require the applicant to file a new site plan with the Registry. Seconded by Mr. Bashaw. PUNA/passed unanimously.**

- Waiver of section 908.11, requirement for stormwater management review. Mr. Coffin believes more information is required. Mr. Bashaw noted that this issue can be rediscussed once more information is available and requested that this issue be tabled until that time. **MM&S: Mr. Coffin made a motion to table this request until more information is received. Seconded by Mr. Coppelman. PUNA/passed unanimously.**

• No vote was required regarding the fee adjustment as this has already been approved and paid. Mr. Bashaw believes a conditional approval cannot be offered at this time. As more information is received, the PB can review and provide approval or conditional approval at that time. After a discussion, new plans will be required. Due to Mr. Poulin's request to attempt to obtain approval at tonight's hearing, Ms. Merrill offered to discuss this at the next non-public PB meeting on 8/2/22, but the filing deadline would be 7/21/22, which is too soon for Mr. Poulin to complete his research and create new drawings. **MM&S: Mr. Bashaw made a motion to continue this application at the next hearing, which will be held at 6:30 p.m. on 8/16/22. Seconded by Mr. Coppelman. PUNA/passed unanimously.**

It was explained to Mr. Poulin that in order to be placed on the agenda for the 8/16/22 hearing, the new plans must be submitted by noon on 8/4/22. Mr. Poulin believes this deadline can be met.

Mr. Bashaw explained that no additional notice will be sent to abutters. The plans will be available at town hall and online after the 8/4/22 deadline.

Regarding stormwater management, Mr. Greenwood stated Mr. Quintal should already have historical information on this site and will need to begin a new review.

### **Correspondence**

A letter was received from Myles Milham of Kingdom Awakening Ministries requesting a waiver of site plan review for 3 New Boston Road. He is hoping to re-establish a church on that site. His current lease was up in February, and he is nearing the end of the 6-month extension, so time is of the essence for this request. He stated the lender needs the Board's approval to continue with financing this project.

There was a discussion about this site. It is rural residential, and a church is an allowed use. Archangel Woodworks currently occupies the former church building. Mr. Greenwood stated the site plan on file was submitted by Archangel. Mr. Bashaw noted he recalls a discussion about the usage of this site when it was changed from residential to commercial. It is believed that there is no site plan on file for the usage of this site as a church.

Additionally, 3 New Boston Road used to share both a well and a septic system with 1 New Boston Road. There is currently a well in both locations, but the septic system is still shared. Mr. Milham has already sent a letter to Tom Lyons, the owner of the property at 1 New Boston Road, that stated that the church will pay half of all upkeep, maintenance, repairs, and pumping, and if the system fails, the church will assume responsibility for building a new septic system at their site. Mr. Lyons signed this letter. Mr. Coppelman believes if the septic plan will change, then a new plan would be required.

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Mr. Milham also shared a signed letter from abutters stating they do not take issue with the site usage reverting back to a church. He submitted this letter along with the signed letter with Tom Lyons to the Board for their review.

Mr. Greenwood is concerned about the shared septic system and believes a site plan review is required to address the septic system issue.

As this is not a formal application, only a letter, Ms. Merrill suggested that the Board approve the drafting of a letter that Mr. Milham can provide to his lender pending a discussion of this plan in the form of a public hearing. **MM&S: Mr. Bashaw made a motion to draft a letter explaining that the proposed church is an allowed and permitted usage of this site and in that zone while ensuring that it is clear that the Board is not predisposed. The waiver request is not granted. Seconded by Mr. Coppelman. PUNA/passed unanimously.**

Mr. Milham now approached the Board regarding how the Board decides whether a waiver will be granted. He noted that if the church loses its funding, it will create an extraordinary hardship. Mr. Bashaw explained that although they have the power to grant waivers, without a written plan and application, the Board cannot have a discussion on the specifics of the proposed site. Also, this would require a public hearing. After a discussion, Mr. Millham felt that the proposed letter may suffice for the lender and clarified the next steps with the Board.

*>>A 10-minute recess was called at 8:26 p.m. The hearing resumed at 8:36 p.m.>>*

#### **Approval of Minutes**

**MM&S: Mr. Coffin made a motion to discuss the minutes of the hearing held on 6/21/22. Seconded by Ms. Duguay.**

Ms. Merrill proposed the following changes:

- Page 3, project conditional approval, line 4: Change “let the Board” to “inform the Board”
- Page 3, three lines down: Change contacted “someone” to the name of the company contacted.
- Page 5, second point: Suggests that the acronym “MPO” be expanded (Metropolitan Planning Organization). Mr. Coppelman explained that the MPO is the entity within the RBC (Rockingham Planning Commission) that deals with transportation planning.

**MM&S: Mr. Coffin moved to accept the minutes as amended. Seconded by Ms. Duguay. PUNA/passed unanimously.**

#### **Bresnahan Moving and Storage**

##### **7 Marshall Road**

##### **Tax Map R41 lot 7-2**

##### **Project Deadline Continuance**

A letter was hand-delivered to the PB on 6/23/22 regarding a request for a six-month continuance to complete the required tree work and a possible reconsideration of the prior Board decision. The letter states that the growth of what has already been planted is substantial, 3-7 feet in height and thick. The letter further states that there is a concern that the area could be overplanted. A site visit was requested.

Mr. Greenwood noted that the continuance is required so this project will not be out of compliance. The current deadline for this work to be completed is 6/30/22. The Board could then consider a site walk to determine if reconsideration is an option. A six-month continuance would bring the deadline to 12/30/22. Ms. Merrill noted that the neighbors are still complaining about the lighting. Ms. Duguay suggested the continuance be for a shorter time period since the trees will not be planted in the winter. After a discussion, it was decided that 10/15/22 will be the new deadline.

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**MM&S: Mr. Bashaw moved to grant an extension to 10/15/22 to provide the town with enough time to review the plantings and ensure they meet the standard. Seconded by Ms. Duguay. PUNA/passed unanimously.**

**Feedback Requested: Town Lots Proposed Purchase Review**

The BOS has requested feedback from the Board. Mr. Greenwood requested to continue this to the meeting on 8/2/22. Mr. Hart does not believe that the delay will be a problem for the BOS.

**Feedback Requested: Driveway Permit Regulations**

The BOS requested feedback from the Board. Members were unsure what this request is in reference to but was likely prompted by a recent discussion regarding the driveway at 19 Beach Drive. After a discussion, it was decided that members of the BOS and the Highway Department are welcome to attend the PB meeting on 8/2/22.

**Open Admin Position Update**

There were 18 applicants, and a panel has been assembled to interview the chosen candidates.

**Inclusion of PB Votes on Warrant**

Mr. Hart stated that the BOS is discussing adding the PB vote count on pertinent articles on the warrant, similar to what the Budget Committee does. There was a discussion of whether this is allowable, and multiple members agreed this is a good idea.

**MM&S: Mr. Bashaw made a motion to adjourn the meeting at 9:02 p.m. Seconded by \_\_\_\_.**

***\*\*These minutes were voted as final at the PB meeting held on 8/16/22\*\****