

**Kingston Planning Board
April 27, 2010
Public Meeting**

Minutes

The Chairman called the meeting to order; there were no challenges to the validity of the meeting.

Members Present:

Norm Hurley, Chairman
Rich Wilson, Vice Chair
Ernie Landry

Dan Mastroianni
Jay Alberts
Glenn Coppelman

Members Absent: Chuck Hart, BOS rep.; Marilyn Bartlett, Alternate; Rich St. Hilaire, Alternate.

Mr. Greenwood, Circuit Rider/Planner also absent this evening.

Also Present: Dennis Quintal, Town Engineer.

Board Business

Non-critical correspondence file was reviewed by Mr. Hurley.

Critical Correspondence:

- Addition to Correspondence file: Letter from Mad Trapper Antiques, 49 Rte. 125 re: expansion to first floor garage from Dan Mastroianni. Mr. Mastroianni explained that it is located on the adjacent lot so there would be no confusion for the Board. Mr. Coppelman asked if the file had been reviewed to see what the approval was for. Mr. Hurley re-iterated that it was two separate lots. Mr. Wilson asked if there was any approval for the lot being discussed. Mr. Mastroianni said there were no commercial approvals for this lot. Mr. Hurley suggested that the file be pulled and discuss this letter at the May 4th meeting.

ACTION ITEM: Ms. Faulconer to pull the file for 49 Route 125 for the Board's review on May 4th. Mr. Wilson added that all Departments need a chance to comment on the proposal.

- Request for Retail Vehicle Dealer Plate, 17 Route 125, Unit 16; Commerce Park; Mr. Hurley suggested having the applicant in to discuss their intent with the Board. Mr. Alberts suggested having the property owner in for the discussion, also. The Board's consensus was for more information. Mr. Hurley will be recommending that the BOS not sign the dealer plate application at this time.

ACTION ITEM: Ms. Faulconer to contact the applicant at 17 Route 125 for a letter explaining the use and make an appointment for the applicant to speak with the Board.

- Request for Auto and Motorcycle Inspection Station for Fowler's Auto Repair, R39-32; Route 111. Mr. Coppelman explained that it used to be Outlaw Motors and Sarge's Auto; it was a grandfathered, non-conforming use. There was discussion as to whether the issue with the lack of bathroom specific to the business had been addressed and finalized with the Health Inspector. Mr. Coppelman also questioned whether a Business Occupancy permit had been applied for and whether there were any issues with the Inspectors. Mr. Coppelman also noted that there had been some recent signage additions that might not comply with the current ordinance which the Inspectors would have to check.

ACTION ITEM: Send the Request for R39-32 to the Inspectors for their comments/review and come back to the Board for discussion at the next meeting for the Board to make sure that the site is compliant with Town Ordinances.

ACTION ITEM: A letter, reminding the new occupant (R39-32) of the restrictions on the site should be sent. (See the letter to DZ's Auto dated July 25, 2000 for the restrictions). Add the requirement to get a Business Occupancy Permit signed off by the Inspectors; add requirements of Sign Ordinance and Lighting Ordinance for compliance.

- Dan Park Fencing and Landscaping; Building application for Greenhouse; letters from Mr. Park and Mr. Middlemiss reviewed by the Board. The property is located at R19-32; 7 Small Pox Road. Mr. Wilson noted that it was a request for a 96 by 30 greenhouse. The Board confirmed it was located in the Rural Residential Zone. The Board consensus was to direct Mr. Parks to bring in a more detailed drawing showing access; set-up; road frontage information; lot configuration (merged); more accurate information about the building and come in to speak to the Board about the activity on the site. The Board will decide at that point whether it needs a more formal review or whether the information provided is adequate.

ACTION ITEM: Ms. Faulconer to contact Mr. Park about the Board decision; suggest he contact Mr. Greenwood for any additional guidance prior to speaking to the Board.

- Civil Construction Management Invoice for Carriage Towne Bible Church dated April 15, 2010; Board approved payment.
- Civil Construction Management Invoice for Diamond Oaks; Board approved payment.
- Memo from Ms. Faulconer re: asking Board to provide contact information.

- Information received by Mr. Steward, Building Inspector re: Patriot Park, in case it had not yet been reviewed; Mr. Wilson confirmed that the Board had previously reviewed the information.
- Tape Recorder Purchase Order for \$59.97 – approved by the Board.
- Planning Board Handbook Purchase Order – approved by the Board for 11 copies.
- Employee Review received from the Board of Selectmen for the Chairman.

Plan Review

One plan was received for the Board to review for the May 18th hearing.

MM&S to add the Arata subdivision on to the May 18th public hearing agenda at 7:30 PM. (Motion by Mr. Coppelman, second by Mr. Wilson) **PUNA**

CIP

Mr. Coppelman asked that the CIP Committee be allowed to present the plan to the Committee with invitations for the Budget Committee and Board of Selectmen to attend to hear the presentation. He said that the CIP Committee is meeting on May 27th with the hopes of finalizing the document and would like to meet with the Planning Board on June 22nd at 7:30. The Board will schedule a half-hour with the understanding that the discussion may run over, if necessary.

ACTION ITEM: CIP Committee scheduled for June 22, 2010 at 7:30; notify BOS and Budget Committee.

Mr. Alberts discussed the timing of the Board's discussion for proposed warrant articles. Mr. Coppelman explained that there were no restrictions on when the Board could discuss the articles, but there were restrictions on posting and scheduling public hearings; he believed that there was a 120 day prior to Town meeting restriction on posting any changes. It was confirmed that there could be discussion and work sessions during the year. Mr. Hurley suggested that Board members come forward with suggestions for zoning changes for the May 18th meeting so the Board can start on the wording; he reminded the Board of the discussion of the possibility of bringing in some professional help on certain zones. Mr. Coppelman said that the Estuaries Program, which provided professional help for the Wetlands Ordinance changes; may have some funds available in June. He stated that the Board should plan on doing that. There will be a new standing agenda item added to the third Tuesday of the month for a report from the HDC by Mr. Coppelman. Mr. Alberts will update the Board on decisions from the ZBA.

By-Laws

Mr. Wilson questioned "D" under 1.0 re: multiple membership. Mr. Hurley said the language came from State RSA. Mr. Hurley said that it would not apply to sub-

committees; Mr. Wilson wondered if that needed clarification. Mr. Hurley said that the language clarified by saying “other municipal Board”; the CIP is not a separate “Board”. Mr. Wilson agreed that by clarifying that these were “sub-committees” then there wouldn’t be an issue.

The Board completed the review of the by-laws up to “12.0” on the proposed draft having gone through Order of Agenda which still leaves plenty of flexibility on actual agendas.

Presentation of Plan:

Mr. Coppelman said 12.2 is fine; Mr. Hurley suggested that the Town Engineer and Circuit Rider should give a recommendation of completeness for the application. Mr. Wilson suggested leaving as it is for flexibility in the Board determining who can assist if the plan is complete. Mr. Hurley stated that he would think that the Board would want input from the Circuit Rider and Town Engineer prior to invoking jurisdiction. **Board consensus was to leave it as written.**

Inspection by Abutters and other interested parties: Mr. Wilson said that these items are not posted on the bulletin board – **Board consensus was to end it after the word “viewing” and add “at the public hearing”.**

Mr. Alberts asked about the meetings being televised. Mr. Hurley recalled that the Board said that they had absolutely not objection to being televised, when asked by the BOS, but it has not come to fruition at this time. He added that he would prefer the meetings being televised as it was better that the public knew what was going on. The Board agreed.

Oral Presentation of Plan: Mr. Wilson stated that he thought (5) was fine. **Board okayed.**

12.6: Mr. Wilson wondered whether there was a need to mention the new paperwork requirements or if that was an internal issue. It was decided to leave that kind of procedural detail out. Mr. Coppelman referred to the bottom of the page where 12.6 starts: postpone to the next monthly meeting and sometimes the Board decides to expedite it. **Change to: “postpone action to a future meeting”.**

The Board reviewed the section that read “All Decisions shall be announced verbally by the chair and posted at the usual public places.” After review of the RSA’s the Board decided to **change the language after “chair” to say “ and available per RSA 91:A”.**

Mr. Wilson said he was okay with the rest of the document. Mr. Landry read in RSA 676:2 that each Board shall adopt rules of procedures relative to joint meetings and hearings and questioned whether there should be a statement that said “Relative to joint hearings and meetings that the rules in this procedure applies”. There was discussion as to which Board’s procedures would be followed depending on the issue. Mr. Landry continued with reading the RSA “The Planning Board Chair shall Chair joint meetings

unless the Planning Board is not involved with the subject matter of the requested permit.”

Board consensus: **Add “In the event of joint meetings presided over by the Planning Board, the by-laws’ rules of procedure and general governing rules will apply per RSA 676:2. ” under 12.8.**

Mr. Landry questioned whether these should be called something other than “by-laws” due to the language concerning by-laws in RSA 21:45. Mr. Hurley said that he read that the Board did need to have by-laws. Mr. Coppelman questioned whether RSA 21:45 was referencing the same thing as the adoption of Planning Board’s by-laws. Mr. Landry asked whether these were actually “by-laws” or rules of procedure. Mr. Coppelman re-read RSA 21:45 and it clarified that the term “by-law” in that RSA referenced to “legislative action” and these by-laws adopted by this Board is not “legislative action”.

Mr. Quintal wondered if the Board wanted to include something to do with the appeals process at the end of the by-laws. He added that there was an appeals process per RSA 677. Mr. Hurley agreed that this should be added. Mr. Alberts said that the appeal process was clearly stated in the Ordinance Book. Mr. Coppelman said that it wouldn’t hurt to mention it but wondered the need to re-state it entirely. Mr. Wilson suggested making it Number 16 at the very end of the document: According to RSA 677, people have the right to appeal the decisions of this Board.

Add to the By-laws: (Number 16): Any decisions of this Board may be appealed according to RSA 677.

MM&S to accept the By-laws as amended. (Motion by Mr. Coppelman, second by Mr. Wilson) **PUNA**

Board Business, Continued

Mr. Landry informed the Board that there is a Liberty Tree planting on the Plains on Friday at 2:00 PM; Mr. Landry was asked to be the Board’s representative.

MM&S to adjourn at 8:40. (Motion by Mr. Wilson, second by Mr. Coppelman) **PUNA**

Respectfully Submitted,

Ellen L. Faulconer
(Minutes transcribed from tape)