

**Kingston Planning Board  
May 18, 2010  
Public Hearing**

**Minutes**

The Chairman called the meeting to order at 7:00 PM; there were no challenges to the validity of the meeting.

**Members Present:**

Norm Hurley, Chairman  
Rich Wilson, Vice Chair  
Ernie Landry  
Rich St. Hilaire, Alternate

Glenn Coppelman  
Jay Alberts  
Dan Mastroianni

Members Absent: Chuck Hart, BOS rep., Marilyn Bartlett, Alternate  
Mr. Greenwood, Circuit Rider/Planner, absent this evening.

Mr. Hurley noted that Mr. St. Hilaire is not a voting member at this meeting since an alternate member can not replace the absent BOS representative.

**Board Business**

**MM&S to approve the April 20, 2010 minutes as written. (Motion by Mr. Coppelman, second by Mr. Landry) Passed 5-0-1 (Mr. Wilson abstained)**

Mr. Hurley commented that there was an open alternate position available on the Board.

**CRITICAL CORRESPONDENCE:**

- Minutes from the Gravel Pit Site Walks on May 8<sup>th</sup> were distributed and reviewed by Mr. Hurley.

**MM&S to approve the Conrad Magnusson Gravel Pit permit. (Motion by Mr. Wilson, second by Mr. Mastroianni) PUNA**

**MM&S to approve the Early Gravel Pit Permit. (Motion by Mr. Wilson, second by Mr. Mastroianni) PUNA**

- Family Pools request for return of escrow funds.

**ACTION ITEM: Ms. Faulconer to check with Mr. Greenwood, Dave Walker, etc. for any outstanding bills for Family funds prior to release of the escrow funds to Family Pools.**

- Copy of letter and information sent to John Fowler, Fowler's Auto Repair

Mr. Coppelman clarified continuance of a grandfathered non-conforming use as it applied to the Planning Board but noted that the Health Officer has had continuing issues with the bathroom facilities on the site. Mr. Wilson suggested that grandfathering might not apply to health and safety issues; Mr. Hurley confirmed that fire safety issues were not grandfathered. Mr. Mastroianni asked if a Business Occupancy Permit had been received for the site; Mr. Wilson said that it has not due to the Health issues for the bathroom. Mr. Mastroianni said that the Board couldn't say that the site was in compliance without a business occupancy permit. Mr. Coppelman said the Board could check off the section for "deferred" and add pending an occupancy permit.

- Letter received from Health Officer re: Tupelo, LLC (Dan Mastroianni), 51 Rte. 125 (This had been emailed to the Board prior to the meeting).
- Letter received from Building Dept. re: Tupelo, LLC (Dan Mastroianni), 51 Rte. 125 (This had been emailed to the Board prior to the meeting).

The Board had given direction at the previous meeting for the owner to apply for site plan review. Mr. Mastroianni noted that the residential issue noted in the letters had been resolved at Monday's Selectmen's meeting.

- Water Quality Planning Grant Proposal – Mr. Hurley asked the Board members to review to see if there was any interest. Mr. Landry suggested asking the Pow Wow Pond Council and the Kingston Lake Association if they were interested in participating in the possibility of working with this proposal. He added that a partnership between those two groups, the Conservation Commission and the Planning Board might be beneficial and work toward a favorable conclusion in the Grant procedure. He suggested inviting the groups to come speak to the Board about this possibility.

**ACTION ITEM: Mr. Landry to contact Ms. Faulconer to discuss the details of getting these groups together for the Water Quality Planning Grant proposal.**

Mr. Hurley informed the Board about a discussion he had with Ms. Faulconer about attending the Planning Board meetings, beginning in July.

- Notification about a seminar for Successful Grant Writing being held in September.
- Letter from Camp Lincoln asking for release of the escrow funds.

**ACTION ITEM: Ms. Faulconer to check on any pending bills for Camp Lincoln prior to release of the escrow funds.**

- Notification of Shoreland Permit application, 1 Senter's Grove Rd., Kingston
- Shoreland Impact DES notification received: Michael Edwards, Great Pond (This had been emailed to the Board prior to the meeting)
- Groundwater Protection Model Ordinance Book, revised April, 2010, from NHDES. Mr. Coppelman suggested that it would be relevant to upcoming Board discussions; Mr. Hurley agreed. Mr. Landry explained that he had asked Ms.

Faulconer to get one copy for the Board; it was also available on-line. Mr. Hurley suggested the Board review it on-line keeping the hard copy in the office's reference library.

- Question regarding commercial use of site for Renaissance Fair; Mr. Greenwood's comments were reviewed regarding change of use requiring commercial review. Mr. Coppelman said it was in the rural residential zone. Mr. Hurley said that he felt that it was an enforcement issue.

**ACTION ITEM: Ms. Faulconer to bring the issue regarding the Renaissance Fair to the Board of Selectmen's attention to determine if they felt the need to recommend review from the Planning Board.**

- Purchase order for cassettes
- Invitations received from Dr. Lynch for the Open House of the Sleep Center

#### **COMMITTEE UPDATES:**

**HDC:** Mr. Coppelman stated that the HDC met on May 11<sup>th</sup> and discussed the agenda which included Mr. Whittier addressing the Commission regarding a possible expansion at the Congregational Church and an update on Gilmore Cottage. They will be reviewing zoning proposals.

**ZBA:** Mr. Alberts informed the Board that there was one hearing scheduled from Landscaper's Depot about an Oil Distribution Facility on Rte. 125; that request was withdrawn.

**BOS:** No report given due to Mr. Hart's absence.

**CIP:** Mr. Coppelman stated that the plan is being physically finalized by Mr. Greenwood and Ms. Faulconer; the Committee is meeting again on May 27<sup>th</sup> and is on the Board's agenda for June 22<sup>nd</sup>. He hopes that the Planning Board will adopt the plan at that time and constitute the committee for the upcoming year.

#### **Robert and Christine Arata Subdivision 17 Meadow Wood Road Tax Map R-38, Lot 17-9**

Mr. Hurley read the Health Officer's comments: a new septic design will be required as they are only good for four years; he questioned the need of subdivision approval from DES in light of possible rule changes since the original subdivision. Fire Department: no comment. Glenn Greenwood's comments were read; Mr. Coppelman noted that he seemed to have the same concern as the Health Officer about the DES subdivision approval; the FEMA map reference needed to be updated to use the current reference.

Wayne Morrill from Jones and Beach Engineers introduced himself to the Board as representing Mr. Arata. The original subdivision approval from 1999 was reviewed by Mr. Morrill. The lots had been merged and the applicant would like it re-subdivided back using the original property line between lots 9 and 10. The State subdivision approval was granted in 1999; Mr. Morrill said there is not an expiration date on a subdivision approval; he agreed that a new septic approval would be required; test pits are still valid. He reviewed the details of the plan for setbacks, well and septic siting. Lot 9 will return to the original 2.13 acres with 92,729 contiguous upland soil; Lot 10 will be 114,555 square feet, 2.62 acres, with 110,887 sq. ft. of contiguous upland soils. He added that the original subdivision had been previously monumented, which still exists. Mr. Wilson questioned the subdivision approval validity after the lots had been merged, simply for the accuracy of the process.

Mr. Morrill stated that the FEMA information had been brought forward from the old plan but they can reference the new numbers and modify the mylar accordingly.

Mr. Coppelman asked about the existing monumentation in respect to existing ordinances. Mr. Morrill referenced Sheet A-1; every two hundred feet had an iron pin set with granite at each end of the line. Mr. Hurley stated that the main issue appeared to be whether a new subdivision approval needed to be issued by the State. Mr. Morrill said that they would inquire to the NHDES and Subdivision to confirm that it was still valid; if not he will produce a letter when bringing in the final mylar for the Board's comfort.

**MM&S to accept jurisdiction of the plan.** (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

**Public Comment:**

Doug Estrich who lived on Shore Road asked if a house plan was available at this point or was the discussion just for the subdivision; the Board explained that that it was simply for the subdivision. Mr. Arata stated that he planned on a 2,000 square foot, single family residential home placed as close to the Meadow Wood side of the lot as possible.

**MM&S to approve the subdivision on two conditions: a letter from the State confirming that the subdivision approval is current and up-to-date; updating the reference to the FEMA map information on the plan/mylar.** (Motion by Mr. Wilson, second by Mr. Mastroianni) **PUNA**

**Dan Parks Fencing and Landscaping**  
**7 Smallpox Road**  
**Tax Map R19 Lot 32**

The property owner did not come to the meeting.

**John Figueroa/Robert Young**  
**InterStorage Auto Sales, LLC.**  
**17 Route 125**  
**Tax Map R3-3**

Mr. Hurley explained that this was an informal discussion with the Board, not a public hearing on an application and as such, did not require formal notification. The Board had received a request from the State for a Motor Vehicle Retail Dealer's license. He added that the property is in C-III and the Aquifer Protection Zone.

Mr. Young explained that they intend to have a retail dealership with no cars ever to be displayed outside; all cars will be stored inside at all times. He said that they do a lot of wholesale sales, auctions, shipping of cars out of State; this location would strictly be an internet auto sales, nothing else; no cars left outside "lettered up"; no motor vehicle repairs done on the site or at the premises. Mr. Coppelman asked the applicant to describe the internal space for vehicles. Mr. Young said that it would meet the State requirements with 1275 continuous garage space with a micro-office and rest room. Mr. Coppelman asked if the building would need modification to accommodate the use; Mr. Young replied that none would be needed; the office needs to be finished and install the bathroom. Mr. Young re-iterated that any vehicles would be kept inside at all times. Mr. Mastroianni asked if the Fire Department was all set with this. Mr. Young was unsure if there were any additional requirements for the Fire Department. Mr. Young said that there would not be any more than 4 or 5 vehicles stored inside at any time; it is more as an office, base of operation, as it is internet sales. Mr. Wilson explained to the applicant that a Business Occupancy Permit would be required prior to operating which included the Fire Department signing off on the occupancy. Mr. Young re-iterated that no mechanical work would be done on the site; he was not sure if the owner of the property had even pulled the permits to begin construction yet. Mr. Hurley read the list of previously approved uses for the site. Mr. Coppelman wondered if the proposed use conformed to existing condominium documents. Mr. Young was unaware of condominium document stipulations and conditions when the three-year lease, with option to buy, was signed. Mr. Young said that the applicants were the only two employees. Mr. Hurley asked about the parking associated with the condo. unit. Mr. Young stated that there appeared to be sufficient parking on the site; nothing was set in stone per unit. Mr. Hurley questioned if the lease specified the amount of parking associated with each unit; he was concerned with the amount of customers anticipated at one time. Mr. Young answered that due to the nature of the business, it was almost by appointment; it wasn't the nature of the business for people to just pop in. The approved plan was reviewed; each unit has five parking spaces per unit. Mr. Coppelman suggested that the applicants review the approved plan for their own information. Mr. Young clarified that Inspections will not be done at this location; he added that while there was a hose hook-up, they used area re-conditioning places; they don't clean or fix them on site. Mr. Coppelman said that the site was in the Aquifer Protection Zone and abutted quite a bit of wetland area. Mr. Young re-iterated that they wouldn't be fixing any cars and wouldn't even wash them. Mr. Mastroianni noted that usually the applicants would be using the car they were trying to sell as their personal transportation.

Mr. Hurley reminded the applicant that a Business Occupancy Permit would be required prior to occupying the location. Mr. Wilson stated that the Board was agreeing that this met the previous approval and re-iterated that nothing could be done outside; it is a pretty protected area. Mr. Young stated that he now understands how protected it is and confirmed that nothing would be done outside at all; no cleaning inside for that matter; he added that the cars wouldn't be brought to the site until they were ready to be sold. Mr. Coppelman suggested that there could be conflicting issues if there was a significant increase in test driving in the future. The Board suggested that the applicant contact the Fire Inspector for further information about possible requirements.

**MM&S that the proposal fits the site approval for Commerce Park.** (Motion by Mr. Wilson, second by Mr. Mastroianni) **PUNA**

**ACTION ITEM: Ms. Faulconer to notify the Inspectors that no further action is required from the Board for Interstorage Auto Sales.**

**Board Business, Continued:**

Mr. St. Hilaire commented that the correct Board procedure for review for a subdivision would be to invoke jurisdiction prior to hearing testimony; not after testimony. He added that the Circuit Rider needs to be asked if it is complete prior to any discussion or testimony; he continued that if it is not complete than there should be no testimony heard at all.

Zoning Updates to be added to the Ordinance Book were distributed to the Board members.

**2011 Zoning Amendment Proposals:**

Mr. Hurley stated that last year the Board started the discussion a little late; he would like to bring forth some of the proposals regarding lot coverage in the Commercial Zones and Aquifer that were discussed last year; he added the Groundwater Protection Ordinance Manual received tonight would be helpful. He hoped to have the Board work on this.

Mr. Coppelman reminded the Board that some grant opportunities would be coming up soon with the Estuaries Program that might provide assistance to help in this process; Mr. Hurley thought that would be good. There was discussion about the science behind possible changes, previous actions and discussions by the Board.

Mr. Wilson brought up the previous Blasting Ordinance discussions and hoped to bring forward more detail on this; he thinks that all of the Commercial Zones should be reviewed to see if there were items being left out that should be added or include other lots that should be added to the zones. Mr. Wilson suggested that writing a Blasting Ordinance should probably be a sub-committee that includes the Police and Fire Departments; he volunteered to work on this.

Mr. Hurley stated some Stormwater Management procedures needed to be adopted to back up the previously adopted Stormwater Management regulation. Mr. Wilson asked if the Federal Regulations needed to be looked at by the Board. Mr. St. Hilaire said that a fee schedule would need to be looked at and established. Mr. Wilson thinks that there is a big void in neighborhoods and old construction.

Mr. Mastroianni wanted to look at the 100-foot setback requirement from the centerline of Rte. 125. Mr. St. Hilaire explained that the Town added that requirement due to the Rte. 125 upgrade and trying not to approve development in an area that would be required for the corridor.

Mr. Hurley wanted to add in looking at septic and well setback requirements in addition to the 100-foot setback on Rte. 125. He thought the Board should look at setbacks and buffers between residential and commercial in the zone where Workforce Housing was added. Mr. Wilson added that the Workforce Housing Ordinance needed to be looked at over all for guidelines for keeping it affordable housing and other issues previously discussed by the Board.

Mr. Alberts noted that this totaled 7 items at this point.

Mr. Landry reminded the Board that the Wind Turbines discussion wasn't completed for Town meeting; that discussion will need to continue.

Mr. Alberts asked if the Municipal Water item could be brought forward this year. Mr. Wilson stated the Board needed to verify if there needed to be a year break on an item when the Town voted "no". Mr. Hurley thought it could come forward again; it couldn't be brought up again at a special meeting.

**ACTION ITEM: Ms. Faulconer to verify if there is a waiting period between elections to bring forth an item voted down at Annual Town Meeting.**

The Board would like to pursue going forward with the Municipal Water proposal if possible.

Mr. Landry asked to discuss the possibility of getting a "tool" for the Board due to the multiple zones that have been adopted over the years. He asked if the Board would consider trying to get additional overlays for the Board to use. He noted that the Board has overlays for the Aquifer Protection District, Conservation Lands, as examples, but there are no overlays with the other Land Use Zones that could be prepared by the Planning Commission so the Board could have them as these types of zoning changes and proposals were discussed. Mr. Coppelman said that most of the data and maps were available; Mr. Landry thought that this would be a good project to see what the Town had and find what was missing for the Board to use as a tool for the Board. Mr. St. Hilaire suggested finding out what was available. Mr. Landry said that Ms. Faulconer has shown him a lot of the overlays that the Board has; he suggested that someone review what we had versus what the Board needed.

Mr. Hurley reviewed the next agenda. Mr. Coppelman suggested at the next work session that the Board review the maps.

**ACTION ITEM: Mr. Greenwood to review the Board's overlay maps; bring to the next work session.**

Mr. Alberts asked if the Board members could take ownership of the proposals. Mr. Alberts informed the Board that he will be bringing forth a petition for the HDC members to be elected instead of appointed; Mr. Wilson suggested that this was not an item for this Board.

Mr. St. Hilaire said that the Master Plan had been updated; the CIP will be finished shortly and he asked about implementing Impact Fees. Mr. Wilson said the Board should talk about it regardless of the outcome. Mr. Coppelman agreed with Mr. St. Hilaire that the two tools for the process will be done and Impact Fees are the next logical step in the discussion. Mr. Hurley discussed a meeting he attended that focused on the increase in requests for Health and Human Services and the tax impact on local municipalities in respect to over-55 communities and Impact Fees.

Mr. Wilson asked Mr. St. Hilaire how the roads got put into the National Grid. Mr. St. Hilaire assured Mr. Wilson that every year he updates the roads for the State DOT.

**MM&S to adjourn at 8:42.** (Motion by Mr. Coppelman, second by Mr. Wilson) **PUNA**