

**Kingston Planning Board
June 1, 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
Glenn Coppelman
Ernie Landry
Chuck Hart, BOS rep.

Dan Mastroianni
Jay Alberts
Rich St. Hilaire, Alternate

Members Absent: Richard Wilson, Marilyn Bartlett, Alternate

Also Present: Glenn Greenwood, Circuit Rider/Planner

Board Business

Critical Correspondence:

- Mr. Hurley noted an email from Ms. Faulconer concerning a motion to continue Diamond Oaks from the previous meeting that was addressed with help from Mr. Coppelman and Mr. Wilson.
- RPC Annual Meeting notification; Mr. Coppelman explained the opportunity to the Board; contact Mr. Hurley or Ms. Faulconer if interested in attending.
- Letter from JDL Construction sent to the Board re: Mastroianni; Mr. Mastroianni clarified that the letter should have been sent to Tupelo, LLC. A letter from Forbes-Way dated May 10, 2010 and a letter dated May 24, 2010 from LaFlamme, Barron and Chabot, Attorneys at Law were attached to that letter.
- Memo from Ms. Faulconer re: phone call with LGC; no waiting period between elections to bring an item forth again to the next election.
- Frasier Boundary Line Adjustment, on the June 15th agenda; engineering fee waiver was requested.

MM&S to reduce the Frasier Lot Line Adjustment engineering bond to \$250. (Motion by Mr. Alberts, second by Mr. Mastroianni) Passed 5-1 Mr. Coppelman stated for the record that he felt that the bond should be reduced but this was possibly to small of an amount.

Water Grant Proposal/Meeting with Interested Lake Groups

Water Quality Planning Grant and Proposal introduction and explanation was read by Mr. Hurley. Mr. Landry said that this meeting was for the planning of the actual request for grant money for the \$5000 to do the educational part of Stormwater Management. He added that the two Lakes Associations had agreed to work with the Planning Board, as

the Board had suggested, to do the request for the grant money. He explained that the grant request had to go through the RPC and the Planning Board; tonight's meeting was to establish the work product and the timeline to get to the Planning Board for their acceptance with final submission to the RPC's review and approval. Mr. Landry introduced the representatives of the Lakes Association. Mr. Landry said that the thought was to have something prepared for homeowner education, similar to that done in Seabrook.

Mr. Landry said that he didn't think this would be a very complicated grant proposal; it would be information from the two Lakes Associations and the Planning Board on the needs and goals on doing education on Stormwater Management. Mr. Hurley referenced the information gathered from Seabrook and noted that it was available on their web site.

Mr. Landry asked the Lakes Association Groups about their goals and information. Bob Lumnah, President of Pow Wow Pond Council, stated that he felt that this tied in to their activities; they had recently signed a contract to develop a 5-year management plan for Pow Wow Pond. He thinks that both groups should form a Watershed Association which would encompass all the lakes in the watershed area. He confirmed that they are in favor of the grant in developing education and tie everything together to improve the area water quality. He proposed forming a Watershed Committee to handle this. Paul Dearborn, a member of the Pow Wow Pond Council, said that a recent recommendation was to deal with run-off regarding the Watershed as a whole; salt and phosphorus has increased. He added that educating the general populous would be beneficial. Mr. Landry said that while many of the ideas being discussed were good ideas but this grant would need to have a more limited scope with developing materials to educate the public about Stormwater Management. Mr. Dearborn stated that he felt that the Pow Wow Pond Council would certainly be on-board with that which tied in with their plant management. Cecille Guigles, representing the Kingston Lake Association, stated that they were definitely interested in participating and drafting anything needed to apply for the Grant. She added that they usually have a booth at Kingston Days to work on educating the public; she applauded the efforts of the Pow Wow Pond Council and agreed that the protection of the watershed is important. She said that the water quality and clarity has been deteriorating due to run-off from the floods and the rain and the phosphate. She also stated that, while separate from the grant, they would also be interested in pursuing the Watershed Committee. Vic Guigles, member of the Kingston Lake Association, discussed the politics involved in getting the State's attention and educating people about water quality who don't live on the Lake. Mr. Landry volunteered to work with these organizations, in representing the Planning Board, to work on the grant. He discussed the due dates of July 20th if the Board wanted it reviewed by the State or August 10th if simply submitted to the State. Mr. Greenwood said that the smaller grant was straightforward and didn't require the draft review. Mr. Landry asked to set a deadline calendar. Mr. Lumnah said this was a beginning. Regarding the Planning Commission endorsement, Mr. Greenwood said that there was no monthly meeting for RPC in August but the executive committee does meet on July 28th and they are authorized to take endorsement actions like this. Mr. Greenwood would like it a week ahead but will be in Kingston on July 26th and can review it as late as that date. Mr. Coppelman suggested earlier in case of any needed revisions.

Mr. Hurley asked the Planning Board for any comments or for any other volunteers.

MM&S to have Mr. Landry represent the Board, with the Lakes Associations, on the Stormwater grant. (Motion by Mr. St. Hilaire, second by Mr. Coppelman) **PUNA**

Mr. Landry proposed getting it to the Planning Board by July 20th for their approval. Mr. Hurley added them to that agenda at 7:15. Mr. Hurley thanked them for their input and assistance in moving this grant forward.

Board Business, continued

MM&S to approve the May 4, 2010 minutes as written. (Motion by Mr. Coppelman, second by Mr. Alberts) Mr. Mastroianni asked that these minutes be put on hold temporarily while he awaits the receipt of some information. Mr. Coppelman explained that the minutes are a reflection of what occurred at the meeting regardless of additional information; he said new information would be reflected in the minutes when the new information was brought forth. He asked if the information would change what was reflected in the meeting's minutes. Mr. Hurley said that Mr. Mastroianni did ask for some information that Mr. Hurley will be passing on to him tonight; he added that he didn't know that it pertained to the minutes. Mr. Hurley didn't think that putting the minutes off for a week or two would matter. Mr. Alberts said that he has to believe that Mr. Mastroianni has a reason to ask that the Board hold off on the minutes. Mr. Landry asked if it was a factual issue about the minutes. Mr. Mastroianni stated that he has a concern over one section that he would like to verify before it is voted on as part of the record. He said that it is usually easier to make the corrections before the meeting is approved than it is after. Mr. Hurley said in the past, the minutes have taken up to two months to review. Mr. Hurley suggested that the Board hold off on the minutes and vote on them in a couple of weeks; Mr. Coppelman withdrew the motion, Mr. Alberts withdrew the second. **MOTION WITHDRAWN**

MM&S to approve the May 8, 2010 minutes from the site walk. (Motion by Mr. St. Hilaire, second by Mr. Mastroianni) **PUNA**

Dan Parks Fencing and Landscaping, LLC

7 Small Pox Road

R19-32

Dan and Peggy Parks submitted drawings of the property to the Board. Mr. Hurley reviewed the file. Mr. Parks explained that he also owned the "triangle" lot with a total of about 18 acres. He explained the drawing to the Board and the proposed location of the greenhouse. He said that he, his wife and son would like to start with one greenhouse and start growing organic vegetables to take to Farmer's Markets and restaurants. Mr. Hurley asked if the two lots were officially merged; Mr. Parks was unsure; Mr. Greenwood said that he didn't think that they were and would verify. Mr. Hurley confirmed that this property was in Rural Residential and the Aquifer Protection Zones.

Mr. St. Hilaire asked about the letter in the file from the BOS; Mr. Hurley read the letter from the BOS office from the acting Building Inspector asking for input from the Planning Board prior to receiving a building permit for the greenhouse.

Mr. St. Hilaire asked about the number of employees working in the landscaping business. Mr. Parks said it was him, his wife and his son. Mr. St. Hilaire stated that he didn't see an issue with the current activity on site. Mr. Hurley said that his main concern was that the three lots might not be merged which could be a situation in the future. Mr. St. Hilaire suggested that the current activity qualified as an in-home business; the son did not live at the house. Mr. Greenwood said that one employee could work there that didn't live on site; he added that his concern with home occupation was that there couldn't be any outside storage of materials associated with the use, landscaping business often had piles of material such as bark mulch or loam. He explained that if that happened, the business nullified home occupation as an option. He said currently there is a pile of wood chips to spread on-site. Mr. Hurley said that the other issue was a 30 x 90 building, 3000 square feet; his concern was with the future growth leading to additional activity on site and how those requirements were set, dealing with possible formal review. Mr. Parks said that they don't do any retail on site; the produce would be brought to the Farmers Markets or restaurants; he believed that it is an average size greenhouse with no foundation, it will have electric and gas. His plan is to start the vegetables inside and transplant them to the field. Mr. Coppelman read the home occupation ordinance, specific to the residential accessory building which is incidental or secondary to the use of the building for dwelling purposes and does not change the essential residential character of the building. He questioned if the greenhouse was over the line in this definition; if this tripped it from home occupation to something requiring more commercial review. Mr. Alberts said that he felt that people had greenhouses on residential lots; 104.5B said that sale of seasonal items was allowed with C saying that the footprint would not exceed 2500 sq. ft. except by special exception unless exempted, with reference to that allowed by home occupation, 104:4 (i).

Mr. Hurley stated that this proposal did appear to be on the edge between home occupation and a commercial situation. Mr. Alberts felt that the current proposal appeared to be a home occupation. Mr. St. Hilaire was unsure if a building permit was even necessary. Mr. Alberts added that Mr. Parks was not inviting commercial use to the property; with no signage; providing that he did not get any bigger or do activities not allowed by the Home Occupation Ordinance at which time he would need to come back to the Planning Board.

Mr. Hart explained that the question raised by Mr. Middlemiss concerned the landscaping business and whether the Planning Board felt it was operating legally on the site; it was secondary to the greenhouse. Mr. Hart also added that it is wise to get a permit on anything of a major size especially when there is electrical, for example, that needs to be inspected. Mr. Hurley re-read Mr. Middlemiss' letter regarding the possible landscaping business and the requirement of site plan review for non-residential development; it asked that the Planning Board confirm whether it needed commercial review. Mr. Alberts stated that it sounded like the greenhouse application was being held hostage to clarify the landscaping business. Mr. St. Hilaire, in defense of the Inspectors, did say that the

increase in buildings had pushed the envelope but not to the extent of needing a full site plan review at this time. Mr. Coppelman said there are a number of landscaping businesses around, it would depend on the activity on the site. Mr. St. Hilaire said the activity was not seen from the road. Mr. Alberts explained that he appreciated what the inspectors were doing. Mr. Greenwood disagreed stating that any exterior storage of anything to do with the landscaping business disqualifies it as a home occupation; there is not supposed to be anything exterior to enclosed buildings at a home occupation. At this point, he said that if the pile of wood chips was not on site than he would have less concern about the home occupation. Mr. Parks said that this was for the use on the property. Mr. Hurley said that if the wood chips were to spread on the existing property it would not be a concern for him; he explained to Mr. Parks that any further commercial growth would require a return to the Board for additional review; Mr. Parks is allowed to have one employee besides family members; no visual items outside stored on the property; a small sign; he said the Board could provide him with the requirements for Home Occupation and as long as he complied with that, there shouldn't be a problem. Mr. Hurley added that Mr. Parks was right on the edge of not fitting in the requirements of the Home Occupation; any growth might require full site plan review.

Mr. Landry noted that the property is in the Aquifer Protection Zone and adjacent to Foley Brook; his concern about Mr. Parks practices was that they be Best Management Practices due to the sensitivity of the environment. Mr. Parks explained that these would be grown "organically"; Foley Brook is about 800 feet away.

Mr. Hart stated the record needed to reflect that this continues to be a family-run business with one employee; there is no retail and that there is no outside storage; if the Parks exceed this then they will need to be reviewed by the Board. He suggested this be added to the motion.

MM&S that the current landscaping activity on Mr. Parks property falls within the definition of the Home Occupation Ordinance and the installation of the greenhouse falls within the regulations as described in Article 104 (Rural Residential District Ordinances and Regulations of the Town's Zoning Rules and Regulation Book); following the In-home Business concept that it be a family-run business with one outside employee; there is no retail; there is no outside storage of anything related to the commercial activity of the business. (Motion by Mr. Alberts (with input from Mr. Hart), second by Mr. Mastroianni) **Motion passed 6-0-1** (Mr. Coppelman abstained)

Mr. Parks asked about farming and seasonal employees and asked if it was a different type of business; migrant workers were discussed and the differences between farming, home occupation and landscaping. He was referred back to the Inspectors for the Building permit for the greenhouse.

Review of Current Overlay Maps

Route 125 Build-out analysis maps were reviewed; the Town's natural resources overlay maps were also reviewed. The consensus of the Board was to apply for a TBG grant for approximately \$2500 for a paper map and a mylar map of a series of 12-13 of the data

sets. The data sets need to be established. Mr. Greenwood said that the information from RPC usually goes out in June with the awards being done in August.

ACTION ITEM: Mr. Greenwood to verify cost estimates for the overlay maps and provide a list of data sets for the Board's review.

Board Business, continued

Mr. Coppelman told the Board that he had contacted the new director of the Estuaries Program, in reference to any possible grant opportunities. He has not had an update yet and will do so at a future meeting.

Standing Agenda Item: ZONING PROPOSALS:

Mr. Hurley suggested that the Board work on them sooner rather than later. The Board discussed the ability to get scientific information and evaluation for support of possible ordinance and regulation changes. Mr. Coppelman said that the Estuaries Program was interested in supporting activities that would somehow contribute to the health of the estuary. Mr. Coppelman suggested that the Board review the guidelines when the grant applications come out and then structure the proposal.

Telecommunications Ordinance Proposal:

Memo from Ms. Faulconer was read with proposed changes to the Telecommunications Ordinance distributed to the Board for the Board's future review and discussion.

Workforce Housing:

Mr. Hurley stated that the Board needed to work on the pieces missing from the adoption of this ordinance.

Stormwater Management:

Mr. Hurley suggested the Board take a look at what Seabrook had put together to get started on some of the items to be put in place.

Selectmen's comments:

Mr. Hart had asked Mr. Middlemiss to review the Comcast Tower. He also asked if Mr. Greenwood, on behalf of the Planning Board, had asked the Tower owners at Northland Forest Products to come in to speak with the Board; he wondered about follow-up. Mr. Greenwood said that any follow-up would go through the BOS; he had sent a memo to the BOS that provided the contact information for each of the three towers that could be provided to Chief Briggs. Mr. Hart will follow-up with Chief Briggs and Chief Seaman. Mr. Hurley told Mr. Hart that he and Mr. St. Hilaire had examined the Comcast Tower on a gravel pit site walk and it was within the bounds of the fenced-in area.

MM&S to adjourn at 9:00. (Motion by Mr. St. Hilaire, second by Mr. Alberts) PUNA