

**Kingston Planning Board
August 3, 2010
Public Meeting**

Minutes

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

Members Present:

Rich Wilson, Chair
Jay Alberts, Vice Chair
Chuck Hart, BOS rep.

Ernie Landry
Glenn Coppelman
Rich St. Hilaire, Alternate

Members Absent: Dan Mastroianni, Marilyn Bartlett, Alternate

Also present: Glenn Greenwood, Circuit Rider Planner, Ellen Faulconer, Administrative Assistant, Robert Steward, Building Inspector, Bart Noyes, Energy Committee

Mr. St. Hilaire will be a voting member this evening.

The Board expressed its sympathies for Mr. Mastroianni.

ACTION ITEM: Ms. Faulconer to contact the BOS Admin. Asst. re: Flowers being sent from the Town of Kingston.

Board Business

Correspondence:

- Tupelo Bond Release signed by the Chair
- Letter from BOS to Northland Forest Products
- Driveway Permit from DOT re: resident permit on Newton Junction Rd.
- Letter from PSNH re: Substation

ACTION ITEM: Ms. Faulconer to send letter to PSNH re: needing site plan review and building permit for their substation proposal.

Mr. Greenwood noted a discrepancy in the letter from PSNH that referred to a ½ mile stretch between Kingston and Chester that did not seem to be logistically possible; he called PSNH for clarification but had not received a response yet.

- Three bills were received from Civil Construction; the Board okayed the Chair to sign.
- Memo from Ms. Faulconer re: adding a requirement to subdivision regulations to require the receipt and recording of Road Deeds.

Mr. St. Hilaire agreed that this requirement needed to be added; in the '60's and '70's the Town used to receive as-builts and road deeds but not for the majority of the roads in the '80's and '90's. He suggested adding this requirement as a stipulation prior to the release of the bond.

ACTION ITEM: Add the Road Deed requirements to Road Bonding and Subdivision.

- RPC TBG Grant notification was received.

Mr. Coppelman reviewed the Board's previous discussion to apply for this grant to develop Map Zone updates and overlays.

ACTION ITEM: Mr. Greenwood to email map cost estimates to Ms. Faulconer for the Board to prepare the grant application; Ms. Faulconer to email to the Board.

- Mr. Greenwood informed the Board that he had reviewed Federal guidelines for elderly housing; if 55+ then 80% of the housing had to have at least one person age 55 or over; if 62+ then all units must have at least one person 62 years of age or older. He added that the developer can be more restrictive and require that all of the units in a 55+ development have at least one person that is 55 years of age or older.

**Travis McConnell
Northeast Atlantic Properties
63 Route 125
Tax Map R9-89**

Mr. Wilson confirmed that Mr. McConnell had been asked to come speak with the Board after receipt of his letter regarding a new business at his site. Mr. Wilson said that there was some confusion about the number of businesses on the site as it applied to the approval; possible issues of egresses for the businesses; outside storage.

Mr. McConnell confirmed that there were six businesses which was the number that had been approved during site plan review; there were internal walls different from the original proposal but still within the approval. Mr. McConnell provided the Board with a drawing of the building showing the business separations within the building showing a total of six tenants; Mr. McConnell stated that there are currently five, he is asking for six. Mr. McConnell's business originally had encompassed three units; he has now subdivided his unit into three units. #3A has a bathroom; the other unit does not have a bathroom. Mr. McConnell confirmed that he did not have a building permit for the construction or addition of the required bathroom. Mr. Wilson confirmed that the number of units was fine but that Mr. McConnell needed to get the building permits, inspections and occupancy permit. Mr. Wilson said another issue was the outside storage on the property. Mr. Greenwood confirmed that this was an issue as that is not a permitted use; he continued that when he spoke with Mr. McConnell about the proposed business that Mr. McConnell

did not mention that there was outside storage currently on the site. Mr. McConnell stated that he has two outside containers on the lot; one is CNC Machine which is using one of the containers for storage, it is a small locked metal storage container; the other one is because his new tenant now has no place so it is his "stuff"; that he is being nice and letting him store there until he gets his building permit and gets him in so the "stuff" can be put inside the building. Mr. Greenwood asked if the new tenant was the "tire guy". Mr. McConnell answered that "Willie" has a tire business however he has a place in Hampstead which is the tire business; at present his plan is to leave the tire business in Hampstead unless it comes, down the road, that he wants to unify them but since his business was so related to Mr. McConnell's he was here but Mr. McConnell smelled problems if the tire business was put in Kingston. Mr. Greenwood said that he had heard that tires were on the site. Mr. McConnell answered that the person was his friend as well as a tenant and he had let him bring tires to the site. Mr. Greenwood was adamant that this was not an allowed use and Mr. McConnell can not allow that activity. Mr. McConnell stated that he understood. Mr. Greenwood continued that the exterior part of the site was really defined through the site plan review process with a lot of discussion about what was permitted to occur outside of the building and tires were never discussed or permitted. Mr. Greenwood said that this was a real issue and not one that Mr. McConnell had brought up to Mr. Greenwood when they talked about the new business for the site; Mr. McConnell had told Mr. Greenwood that the tire business was conducted in Hampstead, he did not mention the exterior storage of tires on his site in Kingston.

The Board discussed that there was a section of the site plan that mentions the outside storage for Truck Sales. Mr. St. Hilaire stated that there were enforcement issues on the site which were not Planning Board issues. He stated that the internal business, an upholstery business, was not a change of use. He said that the proposal appeared legitimate but added that an occupancy permit might not be issued if there was a site plan issue as the Inspectors could not sign off if the site was not in compliance. Mr. St. Hilaire said that Mr. McConnell needs to get an occupancy permit and make sure that his site plan is in compliance before asking for an occupancy permit. The Board reviewed the storage section on the plan; it was clarified that a "bin" was not shown, the "square" was just showing the area for it to occur; it was not for exterior storage of tires. Mr. Greenwood felt that was a change to the site plan. There was an area in the front that would allow for temporary sales for truck; there was another location that was going to be for temporary storage for trucks not for sale. Mr. Greenwood said that if there were outside containers for storage, they should be part of a site plan; it has been a requirement for others. Mr. McConnell asked that the Board confirm that if he needed to have an approval from the Board to have a steel shed/storage container. It was confirmed that it was a requirement. The Board did agree that the unit/business issue was separate from the issues of the outside containers and storage. The Board told Mr. McConnell that he could submit copies of the previously approved plan with the storage units drawn in for his site plan application. Mr. Hart asked to confirm if there were two containers on the site. Mr. McConnell said that there were two containers at the moment; one is owned by CNC which held metals, aluminum and steel. Mr. Hart stated that this was not supposed to be there; he asked if there was another container with tires in it. Mr. McConnell said that the other outside storage container currently held sewing machines. Mr. Hart stated that that was also not

allowed per the site plan. Mr. Greenwood asked where the tires were. Mr. McConnell said that the tires were now en route to Guatemala; he confirmed that he had allowed the tenant to unload the tires on the site but it is not currently on the site any longer.

Mr. Steward commented that it will be a problem when it gets to final occupancy, since the signs on the property do not comply with the Sign Ordinance; he has had discussions with Mr. McConnell about this for months. This will hold up a final inspection and Certificate of Occupancy. Mr. Wilson stated that this would be an enforcement issue. Mr. McConnell stated that he was confused about the sign issues; Mr. Steward tried to explain portions of the sign ordinance to him.

Ellen Faulconer, speaking as a Town resident, expressed her concern about this evening's discussion as Mr. McConnell had put forward a letter asking that the business be approved on the site. She continued that there is a business that is also storing tires and she did not want Mr. McConnell to leave with the impression that somehow everything is fine with the tire storage. She added that, as someone who has had to be evacuated from her home due to a tire fire in the past in Kingston, she would want to make sure that the Planning Board did a thorough review of what kind of tire storage would be on the site. She stated that Mr. McConnell had had a conversation with Mr. Greenwood about the activity occurring on the site and left this information out of the discussion. Ms. Faulconer stated that the Fire Department had specifically called the Planning Board to make sure that the storage of the tires was brought to the attention of the Board; she said that she had no concerns with Mr. McConnell renting out space for a building that has already been approved but did not want there to be any sort of false impression that the storage of tires is somehow allowed on that property without public review and public discussion. Mr. Wilson noted that the new business was East Coast upholstery. Mr. McConnell confirmed that he understood everything that was stated by Ms. Faulconer.

Mr. St. Hilaire stated that since Ms. Faulconer was speaking as a member of the audience, it was important for the Chairman to re-iterate those comments as comments of the Board; he agreed with Ms. Faulconer and wanted Mr. McConnell to know that the Board agrees with those comments; the approval for the sixth business is for an upholstery business and there is no approval for tire warehouse/storage or dump; if Mr. McConnell wanted that then he would have to come forward with a new site plan and address the issues germane to that type of business coming to Town. Mr. Wilson confirmed that. Mr. McConnell stated that he understood.

Mr. Hart re-iterated that a bathroom needed to be added for the sixth business to be able to be occupied. Mr. McConnell said that he had already spoken to the Fire Department about their requirements. Mr. Hart referred to the non-compliance of the site due to the storage units. Mr. McConnell said CNC needed a place to keep more stock so he would want to start that process immediately so they wouldn't have to move their "stuff". Mr. Hart added that the sewing machines would move into the building so the storage unit could then disappear since tires can't be stored in it. Mr. McConnell confirmed that. Mr. Hart confirmed with Mr. Steward that the Occupancy Permit can't be issued with a non-conforming site plan including issues with the signs on site. Mr. Hart cautioned Mr.

McConnell that the site would have to be in conformance in order to have the Occupancy Permit signed. Mr. Greenwood explained the expedited site plan review process. Mr. McConnell stated that he would deal with the Building Inspector on the “illegal” sign issue. Mr. McConnell asked if he could get his building permit; Mr. Steward confirmed that he could. Mr. Hart re-iterated that it would be the final sign off that would be the problem if the site was non-compliant.

Energy Committee

Bart Noyes, Chairman of the Energy Committee, introduced himself to the Board. Mr. Wilson reminded the Board that Mr. Noyes had spoken to the Board during the public hearing process prior to Town Meeting; at that time, it would have been too late to change any wording before Town Meeting. He proposed the Board add specifics regarding commercial availability in section 302.4 (Control of Glare). He referred to the identification of “compact fluorescent lamps” and LED (light emitting diode) lamps as being energy efficient lamps that are allowed and encouraged in this ordinance. He continued that there had been a discussion as to whether these lamps were commercially available; he stated that they were and gave examples. Mr. Greenwood confirmed that the addition to the language would require Town meeting approval. Mr. Wilson suggested that this would require a change to the Sign ordinance as well.

ACTION ITEM: Mr. Noyes to provide the proposed language to the Board for their review.

ACTION ITEM: Ms. Faulconer to confirm that the Town web site has the updated ordinances.

Mr. Noyes updated the Board on the Energy Systems Grant which did provide a comprehensive energy audit of the Police Station. He commented that it is often the case that the newer buildings often seem to be the least energy efficient and he speculated on the causes behind this. He added that the next part of the process would be how to accomplish any recommendations.

Mr. Noyes asked if there was any way that the Energy Committee could assist the Planning Board in reviewing plans with lighting, especially regarding “outdoor lighting” as they would be pleased to assist.

ACTION ITEM: Energy Committee to be included in the Department Head plan and comment sheet distribution.

Mr. Noyes concluded by commenting that it had been an extreme year for weather, both locally and worldwide, and added that next year could be just as extreme; it has been three degrees warmer than last year which was significant. He explained that these increases raised questions on how to deal with impacts including such things as energy costs; he suggested that this would be something for the Planning Board to think about as the issues may need to be quantified.

Mr. Wilson told Mr. Noyes that the Board will be discussing the model ordinance provided by the State on Wind Turbines which may be of interest to the Energy Committee. He will be notified of any upcoming discussion.

Kim Dedam
Signs, etc.
42 Church Street
R33-002

Ms. Dedam explained that she is operating a sign business on the property and feels that she complies with the Residential Home Occupation Ordinance; she had sent letters to the Board explaining the activity on the site. Mr. Wilson explained that Ms. Dedam was asked to meet with the Board to answer a question about the amount of vehicles that might be worked on or parked outside. Ms. Dedam said that Truck lettering will not be done on site. She added that there might be one or two done on site during the year but normally she goes to their site; Mr. Coppelman cautioned Ms. Dedam about any outside activity that did not comply with the ordinance as complaints could be made that would require further review. He read the parameters of the Residential Home Occupation Ordinance. Ms. Dedam stated that she could meet all of the requirements.

The Board determined that based on the information provided, no further review was required. Ms. Dedam was advised to speak to the Building Inspector about a sign permit.

ACTION ITEM: Mr. Coppelman noted a typo in the Ordinance; Ms. Faulconer will correct the word “numbers”; it should be “members”.

ZONING UPDATES

Mr. Wilson passed out Workforce Housing language prepared by Mr. Greenwood. Mr. Greenwood suggested that the Board review them first and discuss at a later meeting.

The Telecommunications Ordinance revision was handed-out by Mr. Wilson. Mr. Greenwood explained that zones that were missing from the ordinance had been added; he suggested that the language was at the point where the Board could add to a public hearing to adopt to go forward to Town meeting.

ACTION ITEM: Mr. Greenwood to send Buffering Requirements for Workforce Housing to the office to be distributed to the Board.

ACTION ITEM: Mr. Greenwood to provide language from Brentwood re: Road Bonds for the Board to review.

Mr. Wilson stated that the Board needed to work on the Blasting Ordinance and suggested that the Police Department and Fire Department be involved in its development. Mr. St. Hilaire suggested that Hudson might have a detailed Blasting Ordinance/Regulation; he

added that it was a requirement to get a blasting permit from the Fire Department. He said that some Towns require an on-site seismograph with the readings sent to the Town within a specific timeframe.

ACTION ITEM: Mr. Wilson to speak to the Fire Department about input regarding the Blasting Ordinance.

Board Business, Continued

- There was Board discussion that the Antique Shop at Wayne Kinney's property was still operating without site plan approval; the Board agreed to fill out a Compliance Enforcement request for the Board of Selectmen.

MM&S to adjourn at 8:15. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**