

**Kingston Planning Board
November 16, 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:

Rich Wilson, Chair
Jay Alberts, Vice Chair
Dan Mastroianni

Ernie Landry
Glenn Coppelman
Rich St. Hilaire, Alternate

Members Absent: Chuck Hart, BOS representative; Adam Pope, Alternate; Marilyn Bartlett, Alternate;

Also present: Glenn Greenwood, Circuit Rider Planner, Ellen Faulconer, Administrative Assistant

Board Business

Critical Correspondence:

- Unsigned letter in opposition to Sad Café; this will be added to the file.
- Letter from Muriel Ingalls re: light in violation of Lighting Ordinance; the Board determined this was an enforcement issue.

ACTION ITEM: Ms. Faulconer to forward letter from the Ingalls to the BOS.

ACTION ITEM: Ms. Faulconer to notify the Inspectors that Mr. Wilson has a “candle light meter” available should they need one.

ACTION ITEM: Ms. Faulconer to get a copy of the “Business List” from the BOS and a list of electricians from the Inspectors, if available; send a copy of the Lighting Ordinance to those on these lists.

- Regional Impact notification from Danville
- Letter from BOS to Danville regarding Regional Impact, concerns with Mutual Aid and Water withdrawal.
- Bill from Peter Loughlin reviewed; signed by the Chairman.
- Copy of letter from Fire Inspector to John Crosby.
- DES Information re: Rock Crushing Plants
- REDC Information

ACTION ITEM: Mr. Greenwood to review REDC information.

- Minimum Impact Application
- Bond Balance Sheet

ACTION ITEM: Ms. Faulconer to check for Conditional Approvals in conjunction with the Bond List.

- REDC Brownfields program

Mr. Greenwood reviewed the REDC program for the Board; he explained that there is the possibility of applying for a future project such as future water proposals such as a water district in the Industrial Zone, as an example. These types of projects can be added to the list as future proposals in the program.

ACTION ITEM: Mr. Greenwood to review the REDC program for the possibility of proposing a project.

- Notification of seminar at C.C.C. at Great Bay.
- Town and City Magazine

ACTION ITEM: Ms. Faulconer to review the magazine and make copies of any pertinent articles for the Board.

- Memo from Ms. Faulconer re: updating regulations – Preliminary Review and Condo. Conversions.
- Stormwater Conference Notification

ACTION ITEM: Mr. Greenwood and Ms. Faulconer to work on proposing language for Preliminary Review and Condo. Conversions.

Board Business, Continued:

Mr. Wilson informed the Board that he had seen tree-cutting and possible filling at 87 Main Street.

ACTION ITEM: Mr. Wilson and Ms. Faulconer to notify Inspectors and Board of Selectmen of possible activity at 87 Main Street.

Mr. Wilson has received calls regarding Rowell Estates and the “private property/no trespassing” signs on areas that were approved as “open to the public”.

ACTION ITEM: Notify Board of Selectmen of the issue at Rowell Estates and ask them to send a letter to their Condo. Association.

MM&S to accept the minutes of October 5, 2010 as written. (Motion by Mr. Coppelman, second by Mr. Landry) PUNA

MM&S to accept the minutes of October 19, 2010 as written. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Mr. Landry reviewed his meeting with the Budget Committee; he noted a couple of last minute changes including the addition of funds that might possibly be needed for a new computer; hopefully repairs would be successful so it wouldn't be needed. He added that the Committee seemed to recognize the need for the CIP study funds.

Tax Map Updates

Mr. Wilson explained that he and Mr. Greenwood had been reviewing all of the tax maps to try to eliminate multiple zoning designations on a single lot; he read examples from a list that Mr. Greenwood had prepared. He asked that another Board member re-review the work that had been done to see if there were any discrepancies or missed lots. Mr. Alberts asked that this continued to be discussed later in the evening before making that decision as he had some questions. The rest of the discussion was tabled until after the posted hearings.

At this time, Mr. Wilson confirmed for the record that Mr. St. Hilaire would be a voting member this evening.

Sad Café

Tax Map R19-10

New Boston Road

Walter Milhouse, Dave Baskinwall and Dick Gerrish introduced themselves to the Board as the representatives for Sad Café. Mr. Wilson explained that the Planning Board would need to deny the application due to the zoning on the property. Mr. St. Hilaire reviewed the location being looked at which was the previous site of St. Frederick's church; he noted that 2/3 of the lot was in SFR with the remaining 1/3 in RR; the proposal does not comply with the SFR zoning.

Mr. Gerrish stated that they were aware that if they were okayed to be in the zone they would need to invest in the full site plan review for the Planning Board; they didn't want to invest in that cost without going to the ZBA first. Mr. Coppelman stated his appreciation of them not expending funds prematurely and explained that this, unfortunately, could add to the timing involved in the process if there were other issues requiring ZBA action.

Mr. Milhouse said that they may plan on doing an addition which would show on any proposed plan. The possibility of a preliminary design review was discussed; Mr. Greenwood stated that this was usually done for new construction; there was reduced benefit for existing buildings.

Mr. Wilson read Department comments: Highway – no comment; Building Inspector – questioned the use in that zone; letter of opposition from unsigned abutter was read.

Mr. Gerrish stated that he had been associated with Sad Café for 13 years; they had been good abutters and would intend to continue in that manner. If allowed to go there, they intend to invite abutters to Sad Café to discuss concerns and address questions the abutters may have.

Mr. Wilson explained that the Board can not give or discuss pros and cons about the activity on the site at this time because the only question before the Board at this time is the “zoning”. Mr. Alberts suggested that the applicant should double check ZBA deadlines. He added that they should review the criteria for the ZBA; he told the applicant that there is a list of voting criteria that they should review so they can address the questions. If reference to a suggestion from Mr. Milhouse, Mr. Coppelman explained that the Board can not discuss an application outside of the public venue. Mr. Wilson added that public record was one thing; opinions are not to be offered outside of the public meeting.

Mr. Greenwood suggested that the Board be clear in its denial for the ZBA; he confirmed that the denial letter could be prepared at the end of the hearing.

Public Comment:

Nick Ahearn of 1 New Boston Road told the Board that there is a septic easement on his property but it is limited to use by the Church; he stated that he is not in favor of sharing the septic with the use and re-iterated that the easement is specific to himself and the Church. He added that he had concerns with issues regarding noise and negative impact on property values. He suggested that, if the zoning was approved, the applicant would need to dig their own septic and well. Mr. St. Hilaire said that the two lots used to be one lot that was subdivided and did have a shared well. Mr. Greenwood remembered that there were two separate deeds discovered but that there had not been a formal subdivision. Mr. Alberts raised a question about denial of use of the septic and well which the Board determined to be a legal question for the applicant and the abutter. Mr. Greenwood stated that this would be a discussion for site plan but was not appropriate to review during this limited application.

Amy Leach, abutter, said that she was familiar with the activities at the Sad Café as her children used it; she was concerned with what happened to the Food Pantry currently on the site and wondered what would happen with that and hoped that could continue. She had not issues with the noise, per se but she would like to see more of the plan; she questioned whether the current septic and well would be good for the additional usage of the activity.

MM&S to deny the application as it is a commercial use that is not allowed in the Single Family Residential zoning district. (Motion by Mr. Alberts, second by Mr. Mastroianni) **PUNA**

Mr. St. Hilaire asked Mr. Greenwood to have the Notice of Decision reference the actual zoning chapter in the Ordinance Book. Mr. Wilson reminded the applicant that if they were granted relief at the ZBA, they would need to come back to the Planning Board with

a full plan for Site Plan Review; the Board confirmed with Mr. Gerrish that they would need to pay the required fees, including abutters' fees for that submission.

By-laws Amendment re: Alternate Board Members

MM&S to approve the By-law Amendments as proposed. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

Ordinance Proposals

Telecommunications: There were two parts to the changes proposed for this ordinance.

MM&S to move forward to Town Meeting the two changes in the Telecommunications Ordinance as presented. (Motion by Mr. Alberts, second by Mr. Coppelman) **PUNA**

Sign Ordinance:

MM&S to move forward to Town Meeting the changes to the Sign Ordinance as presented. (Motion by Mr. St. Hilaire, second by Mr. Alberts) **PUNA**

Lighting Ordinance:

Mr. Wilson noted that language had been added at the request of the Energy Committee.

MM&S to move forward the proposed changes to Town Meeting as presented. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

Workforce Housing:

MM&S to move forward to Town Meeting the additions to Workforce Housing as presented. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Board Business, continued

Blasting Ordinance:

Mr. Wilson stated that he had met with Fire Chief Seaman; there were some changes that he was reviewing and would get back to the Board. He added that the Board had originally begun discussion on the Blasting Ordinance to deal with Wetland blasting; he asked if the Board still wanted to review that. It was confirmed that the State wetlands regulations applied regardless of the Town adopting an ordinance. Mr. St. Hilaire said that, during the monthly sub-committee meetings, it was being suggested to not duplicate the laws but simply refer to the State's regulations in the ordinances.

ACTION ITEM: Mr. Greenwood to add a sentence to the Blasting Ordinance referencing the State's Ordinance.

ACTION ITEM: Ms. Faulconer to give the State's model blasting ordinance to Danna Truslow for her comments in reference to her work on the Aquifer.

Wind Energy:

Copies of Greenland's and Windham's ordinances were distributed to the Board; the discussion was tabled so the Board members could review and return with comments.

Tax Maps Updates, continued: Mr. Alberts asked about the status of Tax Map R34-1 in the proposal. Mr. Wilson explained that the intent was not to change zoning but to clarify the zoning. Mr. Greenwood added that they had just looked at those parcels affected by split zoning. The Board reviewed the language in Historic District II and confirmed that lots with frontage in that zone are fully within that zone. Mr. Wilson pointed out specific lots that had been looked at that were split-zoned; he cited an example of Lot 41 which will now be entirely in the SFR/Ag zone instead of the back of the lot also being in Rural Residential.

Mr. Greenwood asked if another Board member was willing to meet with him to have another set of eyes review the maps.

Mr. Wilson noted a lot that on Farm Road that was in HD II, SFR-Ag, and RR. Mr. Coppelman asked which of the zones were more restrictive; Mr. Greenwood said that SFR-Ag was more restrictive. The possibility of not addressing tax maps 39 and 40 was discussed. Mr. Landry suggested that all be fixed at one time. Mr. Wilson proposed that Mr. Landry might want to look at those maps and offer suggestions to the Board. A question was raised as to why the language was adopted as it was originally.

ACTION ITEM: Mr. Alberts agreed to meet with Mr. Greenwood to review the maps; they will set up a meeting for the upcoming week.

Danna Truslow Meeting: Mr. Wilson reviewed some of the discussion with Danna Truslow regarding current activities; an additional site for fuel storage was Mike Murphy Oil off of Newton Junction road.

MM&S to adjourn at 8:10. (Motion by Mr. Coppelman, second by Mr. St. Hilaire)
PUNA