

**Kingston Planning Board  
Public Meeting  
April 5, 2011**

The Chairman called the hearing to order at 6:30 PM. There were no changes to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman  
Glenn Coppelman, Vice Chairman

Ernie Landry  
Adam Pope

Members absent: Jay Alberts, Dan Mastroianni, Mark Heitz (BOS rep), Rich St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; Ellen Faulconer, Administrative Assistant.

**Board Business**

**Critical Correspondence:**

- Copy of letter from BOS sent to Debra Smith, Exeter Road
- Email from Danna Truslow
- Draft response from Danna Truslow
- Invoice for Civil Engineering re: MillBrook and Brox; signed by Chairman
- Notarized letter for FCC; Board agreed the letter met the condition.
- Memo re: upcoming BudCom meeting and choosing representatives for CIP and Alberts property subcommittees.
- Planning and Zoning Conference, June 11<sup>th</sup>. Registration begins April 15<sup>th</sup>; Board members can contact Ms. Faulconer to register them for the conference.
- DES workshop on May 10<sup>th</sup>.
- CDFA Grant availability; Mr. Coppelman explained that there are two deadlines; the funds can be used for feasibility studies.
- Survey request from Quebec College; Mr. Wilson will complete with assistance from Ms. Faulconer.
- Legal correspondence was distributed.

**Dan Parks  
7 Small Pox Road  
Tax Map R19-32**

Mr. Wilson invited Mr. Parks to speak to the Board. Mr. Parks explained that he constructed a greenhouse on his property last fall and he wanted to add another one; both were for the purpose of growing vegetables. The greenhouse allowed him to plant seedlings and grow in the greenhouse allowing control of the environment. He stated that there was an additional ½ acre

outside of the greenhouses for growing other vegetables. Mr. Parks explained that he markets his vegetables to local restaurants and at farmer's markets in the area; he added that the organic vegetable market is getting pretty huge. He explained that through the USDA, there is a grant program available to build the greenhouse and the funding has been approved for him as a "beginning farmer"; the size of the greenhouse is 96' x 30' which is the same as the one he built last year. He explained that the greenhouse will just have electric for fans, there will be no heat; there is no cement floor. Mr. Parks stated that he did not believe this was a commercial activity.

Mr. Wilson read comments from the Building Inspector that included notification that a building permit had been required for the initial greenhouse which had been applied for but not paid for, nor picked up from the Selectmen's office. Mr. Parks confirmed that there would be no employees.

Mr. Greenwood stated that encouraged agriculture. Mr. Coppelman added that if the plants weren't planted in a greenhouse, they could still be grown on the same land that the greenhouse would be on without any additional review. Mr. Coppelman disagreed with Mr. Parks previous statement regarding the commercial activity; he stated that it was a commercial venture even though it is agricultural. Mr. Greenwood agreed that clearly, this was a commercial endeavor but with agricultural, it should be looked at differently. Mr. Wilson asked Mr. Parks to confirm the statement that there were no employees. Mr. Parks clarified that he, his son, wife and daughter would be working the ones working on the site and there would be one additional employee. He added that he has a fencing and landscaping business with his son.

Mr. Wilson reviewed the file looking for a sketch showing the location of the greenhouse.

**ACTION ITEM:** Ms. Faulconer to check with BOS office re: Mr. Parks's properties as they should be combined as one lot on the tax map that show as multiple properties although he only gets one tax bill.

Mr. Parks will pick up and pay for the original permit; he was reminded that he will need permits for the new greenhouse. Mr. Landry stated that the Board needs to decide whether this activity goes in this zone and why the Board said Mr. Parks would need site plan review once before but not now; what was the Board thinking at the time and what was different now. Mr. Wilson stated that the difference now is that the Board is listening to the Circuit Rider who thinks that this should be treated differently as agriculture.

Mr. Parks confirmed that he is not selling anything on site; he delivers to the restaurants, they do not come to the site to pick up the vegetables. Ms. Faulconer told the Board that Mr. Parks had sent an email asking about the possibility of putting up a farm stand on other people's property; he stated that he was not sure this was something he would want to do anyway.

Mr. Pope asked to confirm that the Board was considering waiving site plan review for this application. Mr. Coppelman stated that this was not a public hearing, it was a public meeting; it was posted but abutter notices had not been sent out. Mr. Wilson stated that he has been considering the location and knows how little the traffic is on the site; there would be a low impact on everyone. Mr. Coppelman said that he was leaning toward not requiring a full review

as there was only one employee; he questioned whether it fell under in-house residential. Mr. Wilson stated that it did not meet those guidelines. Mr. Coppelman re-iterated that the proposal did not include any retail sales; traffic, as such, is very small; it is an agricultural function; crops could be grown on the site without the greenhouses on the same location; the Circuit Rider is advising the Board that it should be more lenient as it was an agricultural activity; he explained that if the proposal was more intensive then he might want a more formal review. Mr. Pope noted that the last time Mr. Parks was before the Board he would need a review with any additional expansion; he asked at what point the Board would consider needing a more formal review. Mr. Coppelman asked Mr. Parks if he had any plans for the site. Mr. Parks stated that he felt the property could hold 5 of the greenhouses; however, he hadn't been planning on adding the second one and wouldn't be considering it at this time without having received the grant.

Mr. Wilson suggested that the Board needed to decide at what point the Board would require site plan and if there was a need to require site plan now. Mr. Greenwood asked Mr. Parks if there was a correlation between the number of greenhouses and the number of employees; Mr. Parks said that it didn't.

**ACTION ITEM: Add to the Board's list: Review Farming and Agriculture within the Rural Residential zone.**

Mr. Pope asked if the Board had any concerns with pesticides, etc. since the property was on the Aquifer. Mr. Parks said that with the farming being organic, there was not going to be a lot of pesticides used although some have been approved and will be used.

**MM&S to approve the addition of the second greenhouse as described tonight by Mr. Parks without any additional formal review with the following conditions:**

- **No retail on site**
- **Limit on one employee, other than family members**
- **No selling of items at a farm stand on someone else's property.** (Motion by Mr. Coppelman, second by Mr. Pope) **Motion carried 3-1, with Mr. Landry in opposition.**

Mr. Wilson explained to Mr. Parks that if there was any other work or expansion on the site, he at least needed to come before the Board with a scaled drawing and accurate description of the activity on site and placement of the greenhouses at which time the Board could decide if any formal review was required.

**Devlin Harding**  
**Commerce Park, Units 11 and 12**  
**Tax Map R3-3-1**

Mr. Wilson explained that Mr. Harding was invited to explain his proposed use of the site so the Board could decide if it complied with the list of approved uses at Commerce Park. Mr. Harding will be conducted service and sales of mobile electronics on site; the activity also included a small amount of detailing on vehicles. He added that most of the detailing was done off-site; any overnight vehicles will be housed in the bay; his contract requires an open bay to take care of vehicles. He explained the detailing process; high pressure steam that produces a small amount

of water vapor, no chemicals. He added that the majority of the business is the sales and service of electronics, the detailing is a very minor aspect of the business; anything really dirty is sent to a car wash first, the steaming is not for debris, it is mostly for dashboards, cleaning of the electronic equipment, interior cleaning. He continued that any excess water was wiped off and captured on a cloth; it takes 4-5 gallons of water to do the interior and exterior of 6 cars. The system atomizes the water vapor to a mist; it sterilizes and cleans at the same time. The Board confirmed that there were no floor drains in the property. Mr. Coppelman explained that the site was adjacent to sensitive wetlands so there would be concern if any of the detailing activity occurred outside the building. Mr. Harding confirmed that the detailing activity occurred inside the building; he re-affirmed that no additional agents were used, just pure water and there was no pressure washing done on site or outside. He explained the retail operation of the activity; he continued that it is mostly car enthusiasts that just want their vehicle sterilized and cleaned out after storage. Mr. Harding told the Board that the employees would just be himself, his wife, son and daughter; he will hire sub-contractors when hired by a large commercial dealership.

Mr. Harding said that he had spoken with Mr. Maroney who had no problem with the activity as long as no cars were parked outside overnight. Mr. Wilson told Mr. Harding that the Board would need a letter from Mr. Maroney confirming his awareness of the proposed activity prior to receiving an occupancy permit from the BOS.

Mr. Harding noted the hours of operation would be 8:30 – 6:00 M thru F, 8:30 – 3:00 on Saturday, closed on Sunday. Mr. Wilson stated that he thought the proposal agreed with the list of approved uses. Mr. Greenwood said when the proposal was initially described, he was unsure about the detailing process. Mr. Harding added that he will probably also be able to provide emergency key services for transponder keys once he is certified.

**MM&S that Mr. Harding's business, as described, fits within the parameters of the types of businesses approved with the caveat that the Board receive confirmation from Mr. Maroney that the use is approved and complies with covenants and condo. Docs.; that Mr. Harding does no work outside of the unit; there are no modification to the outside of the building; there will be four employees; hours of operations will be M-F 8:30-6:00, Saturday 8:30 – 3:00, no Sunday hours; no overnight outside parking of vehicles on site. (Motion by Mr. Coppelman, second by Mr. Pope) PUNA**

### **Family Pools**

**Rte. 125/Newton Junction Road**

**Tax Map R9-86**

Mr. Wilson told the Board that Chief Briggs had gone to the site and explained his issues with Ms. Faulconer. Ms. Faulconer explained that Chief Briggs had met with a State DOT representative, they both had safety issues with the proposal: there was a temporary banner on the sign that was blocking site distance that needed to be removed; the display area showed 15' back from the property line, it needed to be 20' back from the property line for safety/site distance issues; the existing conditions plan needed to be accurate, signs were not accurately shown; the Chief noted that there was no proposed lighting shown and assumed that there would

be no lights added to the site but if that wasn't true, he would want to review any lighting so that it was not shining on the highway and approaching traffic.

Mr. Dufresne explained that the deck shown in the proposal would be a wood deck showing decking material and railings; it would be set on patio blocks and would not be built as a permanent structure; the proposal showed two pools but he only planned on putting in one at this time.

Mr. Wilson asked if the Board wanted to see the changes on a plan before approving or if the approval could be with conditions. Mr. Coppelman believed the changes were fairly straight forward and could be done with conditions.

**MM&S to approve the expedited plan, to be changed and submitted with the following conditions: sign location accurately depicted on the plan; banner removed from the sign; the display area to be setback 20 ft. from the property line; no additional lighting added to the site; the changes to be brought back to the Board within 30 days; 8 copies of the changed plan to be provided to the Board.** (Motion by Mr. Landry, second by Mr. Coppelman) **PUNA**

**ACTION ITEM: When the Family Pools plan is brought back to the Board, each one will be signed and dated by the Chairman before distributing to the appropriate departments.**

### **Aquifer Protection Zone**

Mr. Wilson stated that he felt that the biggest change proposed seems to be dealing with the impervious surface requirements limiting to 25% instead of the current 35%; he asked if the Board would have any leeway on the restricted businesses. Mr. Greenwood said that it would require a variance. Mr. Wilson continued that he would like to have the two zones and would like to have them almost exactly as they are in Zone B but wanted to talk about the coverage issue. He commented that in the second zone, the ordinance currently allowed more lot coverage than Ms. Truslow was recommending; he suggested approving that way if it could be shown that it would cause no problem and still protect the Aquifer. He said that if the restrictions were based on information done in the '70's than it might not be pertinent anymore. Mr. Greenwood said that Ms. Truslow was aware of these questions from the Board and will be addressing the science behind the recommendations.

Mr. Greenwood explained that he had spoken with the DES Groundwater Division and there is still very specific chemistry used in dry cleaning, specific to dry cleaning, that are still considered necessary to prohibit in the Aquifer. He added that in Brentwood a phrase was inserted in the prohibitive uses section that allows its use if it can be proven that it shows no threat to the groundwater. Mr. Wilson said that he would like to see the same language regarding the lot coverage, if it can be proven that it can be increased with no detriment to the groundwater. He added that this proposal leads to the next issue which would be Inspections and Enforcement. Mr. Coppelman said that adding in the language that Mr. Wilson referenced seems reasonable. He added that the Board contracted to do this work to get a good scientific basis for the ordinance and he could support lowering the lot coverage based on this study; he added that

he likes the concept of the two zones. Mr. Wilson agreed with “going with” Ms. Truslow’s numbers; added justifying increasing if it could be shown feasible with items used to establish “green” buildings. Mr. Coppelman stated that the Stormwater Design should be addressing run-off issues, keeping it all on the lot. The Board discussed the building size allowable on a three-acre parcel.

Mr. Landry stated that the Board had contracted to get information; there was a big interest in supporting the Water Utility to protect the Aquifer; he felt that it all relates. He continued that there was a lot of science behind the recommendations and stated that if the Board went back to the 30% and 50% lot coverage, the Town would now be the anomaly as other Towns are now becoming more restrictive. Mr. Wilson said that impervious surface and alternative parking cover becomes more of an issue and requires more inspection and methodology for maintenance. He stated that he had no problem with going with Ms. Truslow’s recommended measurements; he’d like to see some leeway on the restricted businesses if able to show compliance with alternate proposals. Mr. Greenwood said that some proposals in Brentwood were able to prove the ability to develop more than the ordinance basically allowed.

Mr. Wilson commented that the Board goes through a lot of effort to establish the ordinances and would wager that there are over 100 businesses that are not complying. Mr. Coppelman agreed that it all came down to that with the concern if there wasn’t enough enforcement to back up the ordinance to protect the Aquifer.

Mr. Pope explained that his concern was with the lot coverage restriction, he had hoped that the study would allow less restrictions so this was not what he was expecting to get out of the study. Lot coverage per lot size and restrictions were discussed for zone A and zone B; the scale of a proposed building would depend on the lot size. Mr. Landry noted that in Zone A there was a minute portion that was zoned C-III. Mr. Pope stated that the zoning along Rte. 125 could change; the Aquifer Zone could affect 90% of the Town. Mr. Landry agreed that a large part of the Town could be affected but the Commercial and Industrial Zones are a small part; almost ½ of the Industrial Zone and 40% of the Commercial Zones are not in the Aquifer. Mr. Landry continued that if an activity is proposed in C-III and not in the Aquifer, then the coverage is up to 50%. He added that this type of zoning puts appropriate uses on appropriate land within the zone. Mr. Pope stated that he was okay with everything the Board was talking about proposing at this point.

Mr. Wilson suggested that the Board might want to look at ways to limit car lots along Rte. 125.

**ACTION ITEM: Ms. Faulconer to get copies of Plaistow’s zoning regarding restrictions on car lots for the Board to review.**

Mr. Coppelman said that he was satisfied with the proposals and will wait to see what Ms. Truslow brings back to the Board. Mr. Wilson stated the Enforcement will still be an issue. Mr. Pope asked how the Aquifer maps would be done; Mr. Greenwood said they would still need to be an overlay district; the boundaries would not have changed due to the study. Mr. Wilson asked how to tackle the issues with Inspections and recommendations on enforcement. Mr. Pope

asked if this was something that Ms. Truslow could make suggestions for; Mr. Wilson thought that she could.

The Board discussed fees and how they could be established that included income levels, a matrix with value factors based on BMP's; determination of amounts of inspections needed and time involved with doing them. Mr. Greenwood stated that property owners should pay the fees not individual businesses on a multi-unit site.

**ACTION ITEM: Ms. Faulconer to check other Towns for fee schedules for the Board's review.**

**Board Business, continued**

**MM&S to approve March 1, 2011 minutes as written.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

**MM&S to adjourn at 8:50.** (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**