

**Kingston Planning Board
Public Meeting
March 22, 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	Jay Alberts
Glenn Coppelman, Vice Chairman	Adam Pope
Ernie Landry	Rich St. Hilaire, Alternate
Dan Mastroianni (joined the meeting in progress)	
Mark Heitz, BOS representative (joined the meeting in progress)	

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

Board Business

Critical Correspondence:

1. Mr. Wilson discussed an issue addressed at the 3/21 BOS meeting re: Lot R42-1, owned by Robert Bean; a letter pending confirming that the lot could be developed per the Town's subdivision regulations.

MM&S to authorize the Chairman to sign the letter to Mr. Bean. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

Mr. Wilson stated that Mr. St. Hilaire would be a voting Board member due to Mr. Mastroianni's absence.

2. Local Officials Workshop brochure
3. Map from BOS/Assessor re: re-zoning; a map was highlighted with lots still "split". Mr. Greenwood stated that this should be submitted to be changed at the next election; keep track of any other problems noted during the year.

ACTION ITEM: Ms. Faulconer to keep track of any additional "split-zoned" lots for 2012 Town meeting.

4. Letters from Natalie Costa, 111 Main Street with attached letter from Building Inspector. Issue raised was with commercial use being changed to Single Family residence on a site with Multi-family use in the SFR zone. Board discussion centered on the Planning Board reviewing a multi-family development in the Single Family zone. Mr. Greenwood explained that the Board would need to deny; if the ZBA granted relief, the Planning Board would then need to have a site plan review. Mr. Wilson suggested the applicant

use the denial from the Building Inspector to get to the ZBA and then return to the Planning Board if granted relief.

ACTION ITEM: Mr. Greenwood to contact the Building Inspector about confirming issuing a denial for the Costas to get to the ZBA and then to the Planning Board if relief is granted.

<Board note: Mr. Mastroianni arrived at this time; Mr. St. Hilaire is no longer a voting member for this meeting.>

5. Letter received re: Mobile Security installations, auto detailing at Commerce Park; Mr. Coppelman suggested the Board speak to the applicant to verify the activity and location. Mr. Mastroianni suggested he discuss the activity with the Inspectors/Department Heads/Condo. Association prior to coming to the Board. Board consensus was to meet with the applicant during the next meeting.

ACTION ITEM: Ms. Faulconer to contact the applicant (Commerce Park) to come to the Board; cc: Mr. Maroney, Condo. Association president; advise the applicant to go to the Inspectors and Condo. Association prior to meeting with the Board.

<Board note: Mr. Heitz joined the meeting at this time.>

6. Letter received from Family Pools regarding clarification of setback decision on previous site plan approval. Mr. St. Hilaire stated that the State had already taken any land necessary to improvement at this location. Mr. Wilson read from the minutes of the original approval. Mr. Greenwood recalled the discussion that an above-ground pool is not the kind of structure that a typical display is intending, those were movable items such as a display of grills; he added that an above ground pool is still a structure. Mr. Wilson stated for building purposes, it is still determined to be a structure. Mr. Dufresne stated his belief that the word structure had been re-defined specifically for this section. Mr. Heitz agreed with Mr. St. Hilaire that the ordinance was enacted to eliminate the State taking land; this could be removed if the State needed another 50 feet. Mr. Wilson suggested that the real property line be determined to make sure there is room. Mr. Dufresne said that he would like to display the pool where originally shown during the site plan approval. Mr. Greenwood stated that the request would qualify for the exemption process. Mr. Heitz asked Mr. Dufresne if the pool would come down in the winter; Mr. Dufresne said the intent was to remain up year-round. Mr. St. Hilaire suggested Mr. Dufresne provide an amended site plan. Mr. Dufresne will submit a plan with the updated changes. Mr. St. Hilaire thinks it will be 30 feet back from the curbing. Mr. Pope confirmed that everyone was agreeing with Mr. Dufresne's interpretation that it could be back 15 feet instead of 100 feet. Mr. Wilson said that they will do an amended site plan under the exemption. Mr. Heitz said that he would like to have it go back to Chief Briggs for review since he had raised a site distance concern during the original approval. The Board's recommendation for Family Pools was to get on an agenda with an application for an amended site plan.

7. Letter from Roger Young, 43 Rte. 125, explaining the activity on the site with two businesses within the building. Mr. St. Hilaire suggested the Board send a letter confirming that two businesses are on the site; there has to be access to the bathrooms; remind the owner of the property that any renovations need permits; all need occupancy permits.

ACTION ITEM: Ms. Faulconer to notify the Inspectors that the Planning Board has no problem with the current use of the site with Ron's Auto and the Exhaust business.

8. E-mail received from Dan Parks about adding another 30 x 96 greenhouse; Mr. Wilson reminded the Board that Mr. Parks had been told that if he expanded any more, he would need a full site plan review. Mr. Greenwood agreed. Mr. St. Hilaire asked about the purpose of the greenhouse. Mr. Coppelman asked if there were additional employees; if the use was for more than his own use. Mr. Wilson asked if the Board wanted to meet with Mr. Parks. Mr. Mastroianni suggested that the greenhouse was possibly to be able to start the growth earlier and continue growing them later in the season. Mr. Wilson read the minutes from the last meeting regarding this site and confirmed that the Board said that if he expanded again he would need site review. He added that if a structure is being added, it's an expansion. Ms. Faulconer stated that she had received an additional email from Mr. Parks asking if the Board would allow a friend allowing him to put up a vegetable stand on their property; she answered that the Board would need to know the location of the property before answering that question.

ACTION ITEM: Ms. Faulconer to invite Mr. Parks to meet with the Board on April 5th.

MM&S to accept the minutes of February 22, 2011 as written. (Motion by Mr. Coppelman, second by Mr. Pope) **Motion carried 5-0-2** (Mr. Mastroianni and Mr. Heitz abstained).

AQUIFER PROTECTION

Mr. Wilson reminded the Board that they had to make decisions regarding Ms. Truslow's draft regarding the Aquifer. Mr. Coppelman explained that in the case of identifying uses, they were based on the State's model plan; the recommended prohibited uses were from the NH model Groundwater Protection Ordinance from DES. Mr. Greenwood stated that Ms. Truslow provided information and background to the Board. Mr. Wilson questioned the prohibition of machine shops; guidelines on dry cleaners. Mr. Greenwood explained the proposal for two zones to Mr. Heitz. Mr. Pope added that the lot size for Zone B decreased to two acres. Mr. St. Hilaire suggested that this needed to be looked at a lot by the Board, more than just tonight's meeting; he questioned whether Ms. Truslow's recommendations were still based on 1970's information due to updates in 2011 with berms, monitoring, filtering and other requirements; machine shops in the 1970's are different than they are now. Mr. Wilson thought that a chart showing the changes and proposals would be helpful. Mr. Landry stated that whatever the Board did with changes, it was important to tie in with enforcement adding that one couldn't be changed without the other. Mr. Wilson stated that it needed to be determined how the Inspection process would be paid for and suggested choosing one night to go over the proposal line by line.

ACTION ITEM: Mr. Greenwood to prepare a comparative chart for the Aquifer proposals for the Board.

Mr. Coppelman stated that he agreed with the two Zone concept however it needed proper mechanisms set-up for monitoring enforcement; without that the two Zone concept shouldn't be adopted.

Mr. Heitz agreed that it would be a good idea for Ms. Truslow to meet with the Board of Selectmen to explain the possible Aquifer changes and the monitoring and inspection process that would be required; he added that it sounded like this was more complicated than just some changes. Mr. Greenwood confirmed that the size of the Aquifer itself hadn't changed; there had been no science that would change the way of determining the Aquifer; the difference in the zones is the determination of the greatest groundwater potential. Mr. Wilson explained that part of the site plan process deals with Stormwater and the Board has been looking at how to fund the testing and inspections required including the possibility of establishing a small business fee to pay for the enforcement. Mr. Coppelman added that it could be contracted out to a third party rather than the Town hiring a full-time employee. The Board discussed the proposed work product from Ms. Truslow; Mr. Coppelman explained the criteria under which the Board accepted the grant. Mr. Wilson stated that he thought there are some good points in the proposal but wondered whether the recommendations were based on science or someone else's ordinance. Mr. Greenwood stated that the State usually gathers a great deal of information prior to developing a model ordinance.

ACTION ITEM: Ms. Faulconer will send an email to Ms. Truslow with some of the Board's concerns for clarification, if possible. (Whether information was based on 1970's information; why machine shops are prohibited; background on why the State ordinance was recommended.)

ACTION ITEM: Ms. Faulconer to coordinate with BOS Admin. Assistant for a meeting with Ms. Truslow and the BOS.

Planning Board "To-Do" List for 2011/2012

Mr. Wilson reviewed a list of items dated 3/22/11 comprised of a list of items the Board had previously discussed.

1. Livestock; Mr. Wilson noted that he had contacted UNH Coop. Extension and the NHSPCA for information.
2. Recreation Zone: the Board discussed the possibility of including different areas that might be pertinent to this type of zone including Camp Lincoln, Lone Tree, Bean Property, State Park, Town's present Recreation land including old "Fairgrounds".
3. Impact Fees: Mr. Greenwood is contacting the expert.
4. Blasting: the Board needs to continue this discussion.
5. Paving: Board may want to clarify areas requiring pavement or other covering.
6. Aquifer
7. Business Fees

8. Based on BOS discussion at their meeting of 3/21 regarding Citizen's petition to establish a committee regarding recommendation on purchasing Albert's property.
9. Water District – Mr. Heitz stated that the BOS will be contacting their attorney for this.
10. Rte. 125 land – discussion for re-zoning or mixed-use property/zones.
11. Master Plan Updates and Review: initially discussed facilities update of the Master Plan; Mr. Landry commented that the Board should go broader by looking at recommendations that are supposed to guide the Board; review the Master Plan to use as a guide in reference to other topics; he continued that there are a lot of things in the Master Plan that are important for the Board to review.

Mr. Landry suggested that it be clarified who was taking the lead for items 7, 8 and 9 as it appeared to be within the purview of either Planning or the BOS. Mr. Wilson stated that the BOS asked the Planning Board to take the lead for #8. The reason for reviewing Livestock was reviewed for Mr. Heitz and the issues with recreation land use that might require different zoning. Mr. Wilson explained issues with paving the need to make decisions on requirements, not what people thought were the rules; he added that the Board may want to update paving or decide to leave it as it is; clarify that perceived requirements are fact. Mr. Wilson said that often times fixing the rules happens because someone finds a way to beat the system.

Mr. Landry suggested that the Board address how the committee for the Albert's property will be established. Mr. Coppelman suggested that it be a group of folks not involved in the potential use of the property, to get an independent group of people. Mr. Wilson suggested sending a letter to all Town Boards about being on the Committee; the Committee will need to contact the property owner to get an idea of the price range. Mr. Heitz stated that ultimately, it would need to be a warrant article and the decision of the townspeople; he explained that the BOS took the position that the original warrant article was advisory and they had no objection to establishing the committee. <Board note: Mr. Alberts explained that he was recusing himself from this conversation.>

Mr. Alberts was asked if the owner was interested in having discussion with the Committee. He answered that the trust would welcome the discussion; he would get a letter from his sister clarifying that he could speak for the trust. Mr. Wilson suggested a letter be sent to the trust; Mr. Heitz suggested that the Committee be formed first. Mr. Landry felt that there should be a finite charter on what the Committee is going to do before asking people to serve on the Committee; the Board should look at the warrant article to determine the charter. The Board discussed what the number of the Committee should be in order to get things done in a timely fashion. Membership of the committee was discussed. Mr. Coppelman and Mr. Wilson volunteered to represent the Planning Board; Mr. Heitz volunteered to represent the Board of Selectmen.

ACTION ITEM: Ms. Faulconer to contact the Budget Committee to ask if there is any interest in a BudCom member serving on the Alberts' Land Committee.

ACTION ITEM: Check to see if Chief Briggs wanted to be on the Committee.

Mr. Coppelman addressed Mr. Alberts and stated that he would be happy to relinquish being on the Committee if his being on it would make Mr. Alberts uncomfortable. Mr. Alberts stated that

was not the case in any way. He clarified that it was not necessary to go through counsel to speak with the Trust, his sister, Kathy Petts, could be contacted directly. Mr. Wilson noted that, at the BOS meeting, Mr. Ouellette stated that he wanted no part in the Committee and added that he didn't think anyone in that area of Town should be on it either. The Board reviewed discussions held at the previous BOS meeting.

Plan Review

Mark Lepage's plan submission was reviewed. Mr. St. Hilaire stated that he saw no need for a preliminary review of the site plan; Mr. Greenwood agreed. Mr. Coppelman suggested Mr. Greenwood contact the applicant to remind them that a detailed lighting sheet is required. This plan was added to the April public hearing.

ACTION ITEM: Mr. Greenwood to contact the applicant (Lepage) regarding the need for the detailed lighting sheet.

The Solar Hills subdivision was reviewed.

ACTION ITEM: Mr. Greenwood to contact the applicant (Solar Hills) for the requirement for a preliminary review; property deeds were required.

The Board authorized Mr. Quintal to do reviews for both properties.

Solar Hills subdivision was added to the April public hearing as a design review.

ACTION ITEM: Ms. Faulconer to confirm actual zoning of properties for upcoming hearings until the maps have been updated with changes from Town Meeting action.

Plan Review discussion ended.

MM&S to adjourn at 9:10. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**