

**Kingston Planning Board
Public Meeting
June 28, 2011**

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

Members in attendance:

Richard Wilson, Chairman	Ernie Landry
Glenn Coppelman, Vice Chair	Jay Alberts
Dan Mastroianni (joined the meeting in progress)	

Members absent: Adam Pope; Mark Heitz, BOS rep.; Richard St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant

Richard LeClaire
Trattoria all Bucco's
143 Main Street
Tax Map U9-42

Mr. LeClaire reviewed his proposal; he will be opening a full service restaurant with lounge; replacing an existing restaurant; the hours will be Sunday through Wednesday, 11 AM to 10 PM; Thursday, Friday and Saturday, 11 AM to 11 PM; there will be no delivery although patrons will be able to pick up orders, pizza, etc. as take-out although the main function would be as a sit-down restaurant. He is not proposing any external changes except for the sign; he is aware that he needs to go before the HDC; internal cosmetic work will be done.

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

Mr. Wilson asked about any potential traffic regarding the carry-out service. Mr. LeClaire explained that most of the business will be "eat-in"; he will not have a 15 minute parking pick-up spot; he doesn't see the pick-up as an issue, the restaurant will be geared toward home-style, casual, family dining in the restaurant. Mr. LeClaire explained that he is taking over both parcels, including the property with the barn and eventually clearing the area and graveling for employee and overflow parking. Mr. Coppelman explained that anything like the additional parking would be considered an expansion of use which would mean at least a modification of any existing site plan. Mr. LeClaire agreed that any parking expansion would need to come back to the Planning Board. Mr. Coppelman told Mr. LeClaire that he would also need a new occupancy permit. Mr. LeClaire stated that he was in the process of getting his permits and licenses now. Mr. LeClaire noted that he was doing a lease/purchase at this time; Mr. Coppelman stated that since he was not going to be the owner, the Board needed a Letter of Authorization either hand-delivered by Mr. Korn or notarized. Mr. Wilson reviewed what was currently in the Board's property file. Mr. Coppelman explained that without a site plan on file,

if modifications were made to the existing site, a more formal site plan might be triggered; abutters should be aware of any changes in a public forum. Mr. LeClaire confirmed that there is still an apartment upstairs. Mr. Coppelman confirmed that it was listed on the tax card. Mr. Wilson read that there were “no comments” checked from the Fire Department, Building and Health Inspectors. There was discussion regarding the possibility of the septic plan showing the building locations, site specifics. Mr. LeClaire is working on getting a copy of the current septic plan from DES.

ACTION ITEM: Mr. LeClaire to get the Board a copy of the septic plan to the Planning Board.

ACTION ITEM: Ms. Faulconer to check with the Health Office to see if there is a plan on file that shows specifics of the site.

Mr. Coppelman said that he is leaning toward “like use for like use” but if there is a large amount of take-out traffic that could change things. Mr. Wilson confirmed that the Board consensus was that they were currently considering this “like use for like use”; however any future expansion would require site plan review.

ACTION ITEM: Letter of Authorization from Rick Korn needs to be received by the Planning Board.

MM&S, on condition of receipt of the Letter of Authorization from Rick Korn, regarding Mr. LeClaire’s proposal, the use is similar enough to what is existing to not require any additional review. Anything different; hours of operation, expansion of parking, expansion of activity, would require site plan review. The condition needs to be met within 30 days. (Motion by Mr. Coppelman, second by Mr. Alberts) PUNA

The process of getting a liquor license was reviewed.

Board Business

Correspondence:

- Bump and Grind compliance form; voided since the issue has already been addressed.
- Civil Construction Invoices for Solar Hills, Lepage signed by Chairman.
- Memo re: First Congregational Church – fees have been paid for registering plan; no deadline date was set.
- Letter from Millbrook requesting release of remainder of bond; okayed by Board pending review by Ms. Faulconer that all bills have been paid.
- Memo from Ms. Faulconer about adding Condition of Approval language; sample from neighboring Town was provided; discussed by the Board.

ACTION ITEM: Change the language in the Conditional Approval to reflect 90 days; add language to appropriate regulations (site plan, subdivision); add to next month’s public hearing; post.

- Confidential Letter from Attorney
MM&S to enter non-public session to discuss a legal matter. (Motion by Mr. Alberts, second by Mr. Coppelman) (Roll Call Vote: Mr. Mastroianni – yes; Mr. Alberts – yes; Mr. Wilson – yes; Mr. Landry – yes; Mr. Coppelman – yes.) **PUNA.** The Board reviewed the letter from the Attorney regarding access to the Industrial Zone; no actions were taken. **MM&S to come out of non-public session.** (Motion by Mr. Alberts, second by Mr. Coppelman) (Roll Call Vote: Mr. Mastroianni – yes; Mr. Alberts – yes; Mr. Wilson – yes; Mr. Landry – yes; Mr. Coppelman – yes.)

MM&S to accept May 24, 2011 minutes as written. (Motion by Mr. Coppelman, second by Mr. Alberts) **Motion carries 3-2** with Mr. Mastroianni and Mr. Landry abstaining.

Mr. Coppelman reviewed the actions from the last Historic District Commission meeting.

SIGN ORDINANCE DISCUSSION

The Board discussed an issue raised at a previous meeting regarding trucks used as “billboards”. A copy of the minutes from the September 2008 meeting, when this issue was discussed by the Board, was available for review; copies were distributed to the Board members. Mr. Alberts stated that he did not find an RSA references. Mr. Coppelman said that the Board did say that a truck used only for a sign was discussed as a “portable” sign. Mr. Alberts stated that he doesn’t have the answer so he wasn’t going to argue the issue. Mr. Mastroianni wondered if the trucks were registered. Mr. Greenwood said that there was no manner or mechanism for the Town Clerk to know what a truck being registered looked like or was used for; he clarified that an owner can’t use the defense that the truck was registered by the Town and therefore assume it was an approved sign. He continued that a “billboard” truck basically has no other purpose. Mr. Wilson said that if the Board considers that type of truck as a portable sign, the Board would send an enforcement request to the Board of Selectmen. Mr. Mastroianni asked if the Planning Board should check with an attorney. Mr. Coppelman stated that the BOS is the enforcement body; if they feel they need legal back-up it would be up to them to check with Town Counsel. Mr. Wilson asked to confirm if the Board wanted this issue sent to the BOS; Board agreed with Mr. Alberts and Mr. Mastroianni opposed.

ACTION ITEM: Send Enforcement Action, regarding “portable sign” at Landscapers Depot to the BOS; include minutes from Sept. 2008.

Mr. Coppelman added that the “billboard” truck at Landscapers Depot is also being parked in the State ROW; the State might have allowed items to be within the ROW but it is a violation of the sign ordinance; the size and dimension are non-compliant; the additional sign is non-compliant as one already exists; as well as the “portable” sign also being non-compliant. Mr. Alberts agreed with Mr. Coppelman about the parking issue; that it is also a safety issue with the truck parking in the State ROW as such a large sign.

ORDINANCE PROPOSALS UPDATE

Mr. Wilson contacted the NHSPCA and asked for guidelines for keeping horses; he was told that Suzanne Bryant is the coordinator and may have some guidelines for the Board to review.

ACTION ITEM: Ms. Faulconer to call Ms. Bryant at NHSPCA for information; contact UNH Cooperative Extension for BMP's for horse management; livestock management.

The Board discussed issues regarding lack of controls regarding horses, including setbacks, nuisance issues.

Mr. Alberts noted that he and Mr. St. Hilaire were going to be reviewing the possible Recreational Zones. Mr. Landry said that he has pages of recommendations for multiple chapters in the Master Plan.

ACTION ITEM: Mr. Landry to provide Master Plan recommendations to Ms. Faulconer to make hard copies to distribute to the Board members as well as emailing to the Board.

Plan Review

The Board reviewed three submitted plans for the July public hearing; all three were added to that agenda.

MM&S to adjourn at 7:35. (Motion by Mr. Alberts, second by Mr. Coppelman) **PUNA**