



KINGSTON ZONING BOARD OF ADJUSTMENT

November 14, 2019

Present:

Electra Alessio
Larry Greenbaum
Peter Coffin
Richard Johnson
Chuck Hart
Jackie Leone

Chairman Alessio called the meeting to order at 7:00.

Board Business –

Minutes of October 12, 2019 Approval – Mr. Coffin made a motion to approve the minutes, Mr. Johnson seconded. Motion carried unanimously

Public Hearings

SFC Engineering Partnership
1 Industrial Drive
Windham, NH 03087

IN RE: South District YMCA Camp Lincoln
67 Ball Road
Kingston, NH 03848
Tax Map R-25, Lot 3

Mr. George Fredette and Alex Turek introduced themselves. Mr. Coffin stated he would be recusing himself, Mr. Hart will be voting. Mr. Fredette stated Camp Lincoln has been in operation since 1926 and always as an overnight camp a lawfully pre-existing nonconforming use that is protected by state law. Mr. Fredette stated Camp Lincoln submitted an application to the Planning Board for conversion of a dining hall which was denied. They then applied to the ZBA for a variance which was also denied. They appealed to the court where it was affirmed. Mr. Fredette noted Judge Coffey wrote about day and night activities. Mr. Fredette stated 20 years later the Camp received a

letter from the Planning Board stating overnight use of the facilities is not an approved use. Camp personnel then followed advice from municipal staff and applied to the Planning Board asking the Board to deny overnight use and then seek a variance from the ZBA. In February 2019 the Planning Board denied the application stating the Camp was just day use since 1987 and the Planning Board does not have authority to grant relief. Mr. Fredette stated in his research he found no evidence that overnight use had been abandoned. Mr. Fredette cited several instances where overnight use was found in town and court records. Mr. Fredette requested the ZBA affirm the overnight use at Camp Lincoln and overturn the Planning Boards decision. Mr. Larry Smith stated he was on the Board of Directors of Camp Lincoln and served for 18 years retiring in 2000. Mr. Smith stated when the Camp was owned by NYMCA and money was tight they were forced to talk about selling. Mr. Smith stated the solution was to go do day camp. Mr. Smith stated since that time the Camp has grown and it would be sad to see 75 acres with 1000 ft. of shoreline go to the developers. Ms. Anita Fowler stated she was a Girl Scout leader and had used the Camp for 12 years for their Jamboree. Ms. Fowler stated other towns enjoy the amenities, learn about the environment, and it would be a terrible loss. Mr. Rick Russman stated he served on the board of Camp Lincoln and his sons were lifeguards. Mr. Russman agreed that it went from overnight use to day use. Mr. Russman stated he understood the economics and reiterated the Camp is a great asset to Kingston. Mr. Russman stated his only concern was a "quiet time". Ms. Alessio stated the town has a noise ordinance. Mr. Russman asked the board to "help them out". Many people spoke in support of overnight use at Camp Lincoln comments included: Camp strengthens the community, no other camps within an hour, allowed residents of other towns to get to know Kingston, offers youths time away from their screens, teaches them independence, life skills, social interaction, builds resiliency and comradery, offers scholarships to those who can't afford, wonderful resource, good neighbor. Mr. Greenbaum stated no one is looking to do harm to the Camp but in fact the board was looking for a way to accommodate the Camp while adhering to the Town Ordinances. Mr. Alessio affirmed stating Camp Lincoln was part of the fabric of the community but acknowledged gaps in overnight camping. Ms. Alessio stated expansion of overnight use is the issue. Ms. Alessio stated the loss of revenue was avoidable as it was suggested months ago that a special exception could have been requested from the Board of Selectmen. Ms. Alessio stated a joint meeting with the Planning Board was not allowed because a site plan is not on file. Ms. Leone stated it was unfortunate there was no overnight use this past summer, she understands the chain of events and has always been in support of the YMCA, her only concern being safety. Mr. Greenbaum stated with the Chairs help they have come up with a proposal that may with some adjustments be satisfactory to everyone. Ms. Alessio stated there have been many misconceptions even among supporters. Ms. Alessio stated she took wording from Attorney Peter Loughlin's opinions. Ms. Alessio presented the board and applicants with the proposal and suggested continuing to December so that everyone could have input. Mr. Turek stated the board needed time to review document. Mr. Turek stated weddings seem to be the issue. Mr. Greenbaum disagreed stating they asked Chief Briggs for input so that it could work for everyone. Mr. Turek again stated

there never has been gaps in overnight use. Mr. Turek stated whenever there has been alcohol on the property they have had a detail officer. Ms. Alessio stated it has been grandfathered as overnight camp, but there has been gaps. Ms. Alessio stated overnight camp is an awesome opportunity for kids but year round overnight camp is not going to happen. Ms. Alessio stated wedding events are popular but bring electrical and fire safety issues which are usually the Planning Boards purview. Ms. Alessio stated Camp Lincoln has grown without going through permitting process and this compromise would be a fresh starting point. Chief Briggs stated there have been zero issues during events where alcohol was present requiring a detail officer. Discussion followed regarding setting up parameters. Mr. Fredette stated he would like the board to affirm the request and appreciated the efforts. Ms. Alessio stated camping for youngsters is a grandfathered use. Mr. Greenbaum made a motion to continue to December 12 @ 7:05 Mr. Johnson seconded all in favor.

Robert Kalil
24 Chase Island Road
Atkinson, NH 03811

IN RE:
19 Page Road
Kingston, NH 03848
Tax Map R 22, Lot 32

Mr. Kalil stated he has been working on the property and gave his engineer a check, but he dragged his feet. Mr. Kalil stated no one told him there was a two year limit. Mr. Kalil stated he was now ready to move forward. Ms. Alessio stated Mr. Kalil was now in compliance with only two apartments. Ms. Alessio stated the approval that had been granted has expired and an extension could not be granted. Ms. Alessio noted the exterior improvement. Mr. Greenbaum noted 5 unregistered vehicles that can be easily seen from the street. Mr. Kalil stated he took over 9 40 yard dumpsters out. Mr. Hart asked about the trailer out back. Mr. Kalil stated one had been removed. Mr. Coffin stated a site plan was needed before any work could be done. Mr. Kalil stated he had received a permit to replace windows. Mr. Coffin asked if the cease and desist letter from April 2018 was incorrect. Mr. Greenbaum read from the cease and desist letter. Mr. Kalil stated he was in the office 3 weeks ago and received compliments for improvements. Mr. Coffin stated the cease and desist letter had been delivered by Chief Briggs. Mr. Kalil stated he was a licensed plumber. Mr. Coffin stated the building inspector's job was to protect the owner and the residents. Mr. Coffin stated he was concerned about the number of violations. Mr. Coffin asked why it took two years to start the process. Mr. Kalil stated he wrote check after a year and just got the plan back. Mr. Coffin stated the approval has expired, the applicant was John Crosby and Mr. Kalil purchased after the approval was received. Ms. Alessio read the letter from the building inspector. Mr. Kalil stated he agreed to all the requirements and wants to

finish the project. Mr. Coffin stated the first step was to go to the Planning Board with a site plan. Mr. Kalil stated he could not collect \$1500 in rent. A discussion followed regarding how to proceed. A variance was reviewed all five criteria were discussed and voted on. Four of the five criteria did not pass. Mr. Coffin made a motion to deny the application Mr. Johnson seconded, all in favor. Ms. Alessio explained the 30 day appeal process.

Meeting adjourned at 8:55

Respectfully submitted,
Tammy Bakie