

**Town of Kingston
Zoning Board of Adjustment
January 13, 2022**

PRESENT: Electra Alessio, Chair; Larry Greenbaum, Vice Chair; Peter Coffin, Jackie Leone, Members; Chuck Hart, Alternate Member

Chairwoman Alessio called the meeting to order at 7:02 PM, and introduced the Board, noting that Mr. Hart will be a voting member for this meeting.

BOARD BUSINESS

Approval of Meeting Minutes:

MOTION: by Mr. Coffin to approve the minutes of December 9, 2021, with one correction: change third paragraph on page 4, second to last sentence: "...being begin with."

SECOND: by Mr. Greenbaum

In favor: Alessio, Greenbaum, Coffin, Leone, Hart; Motion passes.

The Chair announced that there are two vacancies on the Board to be filled in March; Ms. Leone and Mr. Johnson's terms are expiring.

PUBLIC HEARINGS

7:05 p.m. Ida and James Ahern
 2 Third Street
 Kingston, NH 03848

IN RE: Tax Map U-4, Lot 141

This is a public hearing whereby the applicant seeks an Appeal from an Administrative Decision, a Special Exception, and five (5) variances so that the applicants can demolish and rebuild their single family home in approximately the same location. The applicants appeal the Administrative Decision regarding Article 301., Section 301.D, of the Town of Kingston Zoning Ordinance, whereby the Building Inspector denied the building permit.

Furthermore, the applicants seek a Special Exception to the terms of Article 205, Section 205.7, of the Town of Kingston Shoreland Protection District Zoning Ordinance, to permit the construction of a 1,540 square foot single family residence in the same approximate footprint as the existing residence and installing a new septic tank and leach field.

In addition, the applicants seek the following variances: Article 202, Section 202.5.B and Article 205, Section 205.4.C to permit construction of a 1,540 square foot single family residence in the same approximate footprint as the existing residence and installing a new septic tank and leach field; Article 301, Section 301.1.D to permit the improvement and/or placement of a single family dwelling structure located within 20 feet from the front property line; and to permit the improvement and/or placement of a staircase located within 20 feet from the front property line; and to permit the improvement and/or

placement of a deck located within 20 feet from the front property line.

Chairwoman Alessio said that she has received a letter from the attorney for the Aherns, requesting a continuance to February 10 due to illness. She read the letter, which stated that the applicant's surveyor, whose input was integral to their case, was ill and could not attend.

MOTION: by Mr. Coffin, to grant the applicant's request to continue the hearing for Ida and James Ahern to February 10, 2022.

SECOND: by Mr. Hart

The Chairwoman informed the Board that she had consulted with Attorney Sumner Kalman about this case.

All in favor

**Summit Distributing, LLC
249 NH Route 125
Kingston, NH 03848**

IN RE: Tax Map R-40, Lot 15

This is a public hearing whereby the applicant seeks a Special Exception to the terms of Article 201, Section 4.E.14 of the Town of Kingston Zoning Ordinance, and asks that terms be waived to permit a retail motor fuel outlet with a 5,100 s.f. convenience store/quick service restaurant and five (5) retail fuel dispenser islands (ten [10] fueling locations), and three (3) high speed commercial diesel islands (two [2] fueling locations), within the Aquifer Protection District Zone B.

The Chairwoman addressed those in attendance and said that this hearing is going to be continued to February 10, because a large packet of information has been received from the Summit Distributing's attorney. This packet contains a request to rehear the decision made on December 9 to grant a rehearing. She said that this is a lot of material; it was just received recently, and the board will take time to review it before proceeding with the rehearing. She added that although she can't predict what the Board will decide, she is 90% certain the rehearing will go ahead on February 10.

Chairwoman Alessio said that she had conferred with Town Counsel Sumner Kalman for advice on the correct procedure and a clear path forward; she said there will be a meeting on January 27 to allow time for the Board to review Summit's position before the continuance of this rehearing on February 10.

Chairwoman Alessio said that she understands there is a lot of interest in this case, and that the January 27 meeting will be open to the public and televised. However, while this will be a public meeting, no testimony will be given. Mr. Coffin asked to clarify the possible outcomes, meaning whether or not a rehearing will take place. He also

questioned if there would be enough time to prepare for February 10 if input was needed from, for example, the Town's engineer. Ms. Alessio said yes, it will be a rehearing on the rehearing, but that the only decision the Board will make will be whether or not Summit's position has enough merit to not hold a rehearing on the original petition. Ms. Alessio said that in her discussion with Attorney Kalman, he was clear that the Board was not to mix tonight's hearing with the review of the new material and request, which is why this hearing must be continued to February 10, and a separate meeting must be held in the meantime to consider the new material.

MOTION: by Mr. Coffin, based on advice of counsel, to continue the Summit Distributing case to February 10, 2022.

SECOND: by Mr. Greenbaum

All in favor

Meeting adjourned at 7:30 PM

Respectfully submitted,
Susan Ayer, Administrative Assistant