

**Town of Kingston
Zoning Board of Adjustment
May 5, 2022**

PRESENT: Peter Coffin, Chair; Meghan Kelley, Vice Chair; Larry Greenbaum, Richard Russman, Members; Ben Romano, Alternate Member

ABSENT: Electra Alessio, Member

Mr. Coffin called the meeting to order at 7:00 PM.

BOARD BUSINESS:

Consideration of a Motion for Rehearing:

A Motion for Rehearing was filed on April 8, 2022 on behalf of Diamond Oaks Golf Club, LLC, with respect to the March 10, 2022 decision of the ZBA granting Charm Sciences, Inc., a Special Exception to allow the manufacturing and assembly of plastic molded parts where that use is not permitted in the Commercial III Zone.

MOTION: by Mr. Greenbaum, to deny the request for rehearing based on the fact that parking was discussed at the original hearing, and at the time the Chairman went to look at the parking lot and concluded that due to the configuration of the lot, the 6 spaces requested would not disrupt the parking for the golf course.

SECOND: by Mr. Russman

Discussion:

Mr. Greenbaum said that the Motion for Rehearing stated that “the ZBA failed to consider the impact the parking required for such a facility will have on the parking lot shared with Granite Fields Golf Club”. He said this was discussed at the hearing. He said that the concerns of one resident, Sharon Plante, that are cited in #5 of the Motion, were discussed and that Mr. Coffin stated that the number of parking spaces would be reviewed by the Planning Board. He added that the golf club would not be disrupted, as the parking for Charm Sciences would be at the front of the building, opposite from the golf club. He said he doesn’t see how 6 spots out of 144 will have that much of an effect.

Ms. Kelley said she agrees with Mr. Greenbaum, that six spaces doesn’t seem to have a lot of impact; she said that in figuring out parking needs based on 18 holes of golf with 4 maximum players (72 spaces) along with whatever else they may have going on, it is more than sufficient for both uses.

Mr. Romano said he is concerned about the specific needs and requirements of the parking lot that were on the original site plan. He said his concern is about putting something else on the parking lot that might not be conditioned to this building.

Mr. Coffin said that the Motion cites the comments of Sharon Plante and contends the Board failed to consider them, but the minutes reflect otherwise (he read from the minutes where Ms. Plante stated her concern and the discussion following during which he had stated that it will be reviewed by the Planning Board.) He said this is a private road and the Town’s concern with it is that they follow the NAFTA requirements for emergency access; the Planning Board has the authority over those matters that pertain

to the site plan, including parking. He said the ZBA's role was to give permission for a use of the building that is not permitted in the zone, and it would be inappropriate for this board to consider site plan matters. Mr. Coffin went on to say that this is a shared parking lot, and agreement was made about usage; the Planning Board was the one that granted a parking waiver. In addition, he said that a principal of the golf club was present, was in fact an applicant, and did not express any concern at the hearing. He said that for these reasons, he does not think this board made an error; the matter was addressed.

Mr. Greenbaum restated his Motion:

MOTION: by Mr. Greenbaum, to deny the request for rehearing for reasons stated in the discussion.

SECOND: by Mr. Russman

In favor: Coffin, Greenbaum, Russman, Kelley; Abstain: Romano; Passes

Approval of meeting minutes

MOTION: by Mr. Russman, to approve the minutes of the April 14, 2022 meeting as written.

SECOND: by Ms. Kelley

Mr. Greenbaum pointed out one error in the spelling of his name. Mr. Russman changed his motion to say, "as amended".

All in favor

Discussion of the ZBA Procedural Manual

Mr. Coffin said that this will be a limited discussion as he and other board members had just completed training and he is still going through his notes. However, he said a few adjustments need to be made.

Mr. Coffin said one major adjustment will be to include identifying Developments of Regional Impact (DRI). The board must consider each application to weigh the factors and determine if the project has the potential for regional impact. If so, the board must postpone the hearing, or close and continue, so that the Rockingham Planning Commission and any affected Towns can be given abutter status and notified.

There was a lengthy discussion of this topic, with Mr. Coffin reading portions of NH RSA 36: 54 through 58, which is the DRI statute. It was agreed that amendments need to be made to the ZBA application form to alert applicants to this, as well as to the Procedural Manual. A line will be added to each, outlining the criteria that indicate a DRI. Mr. Russman said that the key language is that a project "could reasonably be expected to impact" another community. Mr. Coffin will send out copies of the RSA to the Board.

Mr. Coffin said that the Board should review the ZBA Procedural Manual and bring forward any other suggestions for amendments to be made.

Meeting adjourned at 8:15 PM.

Respectfully submitted,

Susan Ayer, Secretary / BOS Administrative Assistant