

**Kingston Planning Board
Public Hearing
March 21, 2017**

The Chairman called the hearing to order at 6:45 PM. There were no challenges to the legality of the meeting. He pointed out that the election had taken place and introduced the new Board member, Lynn Merrill adding that they both had been sworn in and the appropriate paperwork was available. He introduced the Board members.

Members in attendance:

Glenn Coppelman, Chair
Peter Coffin
Chris Bashaw
Mark Heitz, BOS rep.

Peter Bakie
Carol Croteau
Lynn Merrill
Ernie Landry (Alternate)

Members absent: Rich St. Hilaire, alternate, Ellen Faulconer, alternate/admin.asst.

Also in Attendance: Dennis Quintal, Town Engineer; Glenn Greenwood, Circuit Rider/Planner

Mr. Coppelman noted that Board officers were usually elected at the first meeting after the Town election; he suggested this be done at the end of the meeting after the Board business. There were no objections.

**All American Assisted Living
(Main Street)
4 East Way
Tax Map R34 Lot 71B**

Mr. Coppelman announced that the applicant had requested a continuance to the next hearing in April due to issues regarding the purchase of the Town property; the email noted that the hydro study is complete and under their review prior to being sent to the Board's consultant; they requested that the TRC be scheduled prior to the April hearing. Mr. Greenwood reminded the Board that the TRC wouldn't be convened until the hydro study was completed so he expects that the hydro study will be received prior to the scheduled TRC and recommended scheduling it prior to the next hearing. The Board agreed; Mr. Greenwood will schedule this and will post it accordingly.

MM&S to continue the All-American Assisted Living public hearing to April 18, 2017 and will be second on the agenda. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

Mr. Coppelman explained that this would be the notification for any of the abutters. Mr. Shalette, 3 East Way abutter, asked why the assisted living was having so much of a problem, he did not understand the land sale issue and asked Mr. Coppelman to re-state them. Mr. Coppelman explained that the land has a clause that if the land is to be sold, the State has the right of first

refusal. Mr. Heitz agreed with Mr. Coppelman's explanation adding that it occurred in the 1960's and the Board was not aware of it but when a title search was done it a clause was found that if the Town surpluses the land, it would sold back to the State of NH for the price paid by the Town, approximately \$6000 - \$6500; the Town had renegotiated with the applicant for selling an easement with the hopes that it can eventually be sold after the State's process which can take up to a year to complete. Mr. Heitz said that the easement proposal shouldn't take much time at all to complete. There were no further questions.

Magnusson Farm, LLC: Owner
John Bletzer, Kingston Crossing LLC: Applicant
249 Route 125
Tax Map R40, lots 15, 16, 18

Mr. Coppelman explained that this was a Design Review for a proposed multi-unit commercial and retail development with associated parking. He added that a Design Review is not a formal application but a step prior to that in which an applicant can present a concept plan to get feedback from the Board to put together a final plan to bring back to the Board; Design Review is about a specific parcel with some detail with enough information to constitute and warrant the notification of abutters which has happened for tonight's discussion. Mr. Coppelman said that a Design Review starts and finishes in one meeting and is not continued; the discussion that occurs is non-binding on the applicant and the Board with not votes and no action taken.

Barry Guyer from Jones and Beach Engineers introduced Jeff Postelbeck and John Bletzer of Kingston Crossing, LLC. He described the location of the project on the east side of Rte. 125 across from Marshall Road; the lots comprise about 42 acres; it is in the C-II commercial zone and the Aquifer Protection Overlay District B. He added that the current access is through a deeded right of way along the frontage of R40-14; the applicant is proposing to construct a multi-building commercial development consisting of about 111,000 sq. ft. of retail, 5,700 sq. ft. of restaurant totaling about 117,000 sq. ft. of buildings; Phase I would be four stand-alone buildings along the frontage that would consist of a bank, convenience store/gas station, proposed pharmacy and a potential drive-through restaurant with each having its own parking and utilities; Phase II would consist of 41,600 sq. ft. retail center including a grocery, hardware and restaurant at the rear of the project on the north side with its own parking fields; Phase II would comprise 26,000 sq. ft. of retail and building with its own parking field and Phase IV consist of 21,000 sq. ft. of miscellaneous retail building with its own parking field. Mr. Guyer continued that the project will be serviced by a community water system with on-site well on the back of the parcel that will serve all the buildings on-site; he anticipates each building having its own septic system. Mr. Guyer noted they were aware that the site is in the Aquifer Protection District and the fueling station will require a special exception from the ZBA; they reviewed the lot coverage regulations and the intent to recharge stormwater on the property. Mr. Guyer reviewed the intent of gravel wetlands and infiltration basins to deal with the drainage and to repurpose the existing farm pond to treat and detain stormwater. Mr. Guyer explained that the existing access is insufficient for a project of this magnitude so they are proposing to construct a signalized intersection across from Marshall Road; he continued that Rte. 125 is a limited access right of way so they have been in contact with NHDOT regarding access to Rte. 125; one of the criteria for this is support of the

town which is one of the reasons they are here tonight as they are hoping for that support and a letter showing that support. He asked for any questions from the Board.

Mr. Coppelman asked if the intersection would be designed to be fully signalized across from where Marshall Road comes in to Rte. 125. Mr. Guyer answered that it is the intent but haven't run through all the calculations but they do anticipate that it will require a four-way signalized intersection. Mr. Coppelman said that the gas station is not a permitted use in the zone noting that it would need to go to the ZBA; there was a question on the language which was read by Mr. Greenwood. Mr. Greenwood said that he reading of the ordinance says that it is neither permitted nor prohibited and would need a special exception from the ZBA with a series of criteria associated with the special exception; it is a different process than a variance.

Mr. Greenwood referenced his comments saying that there was a nice job in the margin notes explaining the parking requirements for the different phases and the overall complex exceeds the requirements in our regulations. Mr. Greenwood noted that this was the first large project that will be using the new parking standards and he wanted to make sure that the applicant was aware that there are some requirements for integrated landscaping that are much different than previous requirements; he added that there will be a lot of work to be done to comply with this; Mr. Guyer answered that they were aware of that and this was a conceptual preliminary plan; the parking count may decrease depending on the actual usage.

Mr. Greenwood stated that the entry way will be a pivotal point to the whole project; his perspective is that this is a good project but as it is a big project, there will be a lot of work associated with the review. Mr. Heitz asked if they felt they could meet the Town's regulations at this point with the exception of the special exception through the ZBA and the access concerns mentioned previously. Mr. Guyer said that they believe all the standards can be met and no waivers or variances will be required; there was further discussion about the access point. Mr. Guyer re-iterated that they are hoping for Town support.

Rich St. Hilaire, Road Agent, stated that he agreed with Mr. Greenwood's assessment that it is a good preliminary plan and would hope we could work with the applicant to make it work for everyone. He continued that when the State took the jug handles out and reconfigured the intersection, all the conduit was placed in the road for a signalized intersection at this location; he added that the State planned for this years ago, knowing that it would happen sooner or later. He confirmed that it is limited access and there is a process and he suggested that the Town should get behind this and work with the applicant to petition the State as there is no sense having commercial land with no access to Rte. 125. He supports this and supports working with the applicant as much as is allowed. Mr. Coppelman said that if the State went through the effort of putting in the conduit for the signalized intersection, they must have been anticipating a build-out at the location. Ms. Merrill asked Mr. St. Hilaire to confirm that this was the only major intersection in Town that was not signalized; Mr. St. Hilaire confirmed this. She asked if this would require lights at some point due to accident counts. Mr. St. Hilaire said it is not as bad as it used to be so he didn't think this would be the case; he suggested that this would be a question for the Police Chief. Mr. Coppelman stated that the removal of the jug-handles was to reduce the accident count; Mr. St. Hilaire said it did.

Mr. Coppelman asked for audience comments. Phil Coombs, abutter at 6 Little River Road, reviewed the history of the backside of the property and a conservation easement that had been placed on the property; approximately 13.45 acres were found and this is the only access to the property that he owns; there is a river on the backside and a stream/wetlands area on the other side that is contiguous to his property; he continued that the access issue would be something for him as his long term plan is to turn the back into pasture and make it a usable field for his farm adding that the access is an issue for him as he does have animals out there and have had to post the property with people shooting out in the area; there are a couple of nice ponds on it and he has had to clean up others beer cans; he said that he needs to access it but doesn't want others accessing it. Mr. Coombs clarified that between the Little River and this property, the overlay shows three or four ponds which are part of Mr. Coombs' property; he has gone through Connie Magnusson's property to get any equipment out there to maintain the parcel. Mr. Coppelman suggested having a conversation with the applicant. Mr. Guyer and Mr. Coombs agreed to exchange contact information. Ms. Merrill confirmed that the land is currently land-locked; Mr. Coombs agreed. Mr. Guyer said that the developers are local and have the interest of the Town in mind and would probably be more than willing to work with parties in Town that have an issue with the project.

Scott Ouellette, 189 Main Street, said that it was good to see the C-II zone with a use that it was meant to be used for; he would like to see the Board ask for some of the elevations of the buildings as some of the plazas can take on a look of quaint New England or cookie-cutter box style so he would like to encourage the applicant to lean towards something more appropriate to the historic Kingston town with the front of the building having gables or peaks or cupolas and would be glad to provide examples for the applicant.

John Bletzer, applicant, noted that this proposal is across the street from their current building at 2 Marshall Road and are owners of the Christie Building and obviously want to work with the Town and their goal is to develop a project that they and the Town will be proud of; they want to work with their neighbors and make sure it looks good. He discussed his current business and the needs for their employees, such as those proposed, as their business continues to grow.

Mr. Heitz asked for the estimated value of the project. Mr. Guyer said that was not available at this point. Mr. Guyer stated that Town support was critical to gaining access from Rte. 125; he questioned whether the Board could direct Mr. Greenwood to write a letter at this point but they would appreciate something of that nature to move forward with DOT as this is the next big hurdle prior to going to full design. Mr. Coppelman suggested that this could be done and also ask Mr. St. Hilaire to do this from the Highway Department as well. The Board, by consensus, was agreeable to this. Ms. Merrill suggested they contact the Police Chief be contacted regarding a letter. She suggested that adding that the majority of the land adjacent to Rte. 125 was no longer capable of commercial development. Ms. Merrill said this location was a good opportunity to provide access.

ACTION ITEM: Mr. Greenwood will write a letter of support per this evening's discussion; he will get Board approval prior to sending to Mr. Guyer. Mr. Greenwood will contact Chief Briggs.

Mr. St. Hilaire will proceed for the Highway Department.

Virginia Mors, Chairperson of the HCD, spoke on behalf of the Historic District Commission by noting her agreement with Mr. Ouellette; she noted that it was not in the Historic District but was a “gateway” to entering HDI so the appearance of the building should be fitting with the historic nature of the district; height, design and other features that make it look like it belongs in a historic town.

Mr. Coppelman closed the design review adding that the next time it would be discussed would be upon the receipt of a formal application for site plan review.

Mr. Guyer thanked the Board for their support.

Adoption of the Capital Improvement Plan

Mr. Coppelman stated that this was also being postponed this evening as the CIP committee had not yet received the “final” final plan; they will be given the opportunity to do a final review before coming to the Board; this will be added to the April 18th agenda.

Board Business:

New RSA books were distributed to the Board members

Correspondence:

- NHMA Workshop on March 31st – New Hard Road to Travel Workshop – relates to intersection of roadways and planning. Mr. Coppelman suggested that anyone interested in attending should contact Ms. Faulconer.

MM&S to accept the minutes of Feb. 21, 2017 minutes as written. (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 5-0-2** with Mr. Heitz and Ms. Merrill abstaining.

Review and Adoption of the Regulations for Bed and Breakfast and Inns

Mr. Coppelman stated that the Town did adopt the ordinances pertinent to these regulations; he explained the process up to this time. The current language with the final version was available for the Board. Mr. Greenwood has no additional changes; presented was the updated, amended copies previously reviewed by the Board. Mr. Bashaw said that the Board had been comfortable with the changes and were comfortable with the regulations; Mr. Coppelman and Mr. Bashaw agreed that there were possible future updates as the Board went forward; Mr. Bashaw clarified that as regulations, the Board could address as needed. Ms. Croteau questioned Bed and Breakfast Item #5 but noting that it was in Inns #3 as she could not remember why #3 in Inns was different than #5 in B&B's. Mr. Greenwood said there was the same net effect; Mr. Coffin said that it was probably just missed; Mr. Bashaw said that it was already written that way in the ordinance and couldn't be changed; Mr. Coffin said that it is fine the way it is because it is the same net effect with the difference that if the ordinance ever gets changed the regulation would

need to be changed to match it in the “inns”. Ms. Croteau thought that the Board had discussed that the language in 3 and 5 were going to be the same. Mr. Bashaw said that the Board could not do that as it would require a change in the proposed ordinance. Mr. Greenwood said that it is a regulation and could be changed and adopted tonight if the Board wants the language changed. Mr. Heitz asked if the ordinance was clear that it was 15 max for an inn and 10 maximum for a B&B. Mr. Greenwood answered that it was very clearly stated in the ordinance. Mr. Greenwood said that it is an easy fix that might cause less confusion. Mr. Greenwood said that if Ms. Croteau is comfortable making the motion for adoption with the language change in B3 to read similarly in the language in A5 than it can be done right now before going into the book.

MM&S to insert #5 from the B&B into #3 on the Inn; they will reflect the same language and not create a conflict and adopt the remaining regulations with these changes. (Motion by Ms. Merrill, second by Ms. Croteau) **PUNA**

Board Business, continued:

Mr. Landry reminded the Board of a grant proposal for the Historic Resources Chapter that he had previously brought to the Board. The grant from DHR was accepted; Mr. Heitz signed the acceptance for the grant so now some work is needed to get the scope of work together and the RFP to get a consultant. The DHR is putting in \$15,000 for the consultant and the Town has to come up with about \$11,000 as part of the match for the entire project but a large part of that match can be non-monetary; the plan showed a soft match of about \$8,000 worth of volunteer time and effort and \$2,000 worth of travel, printing, salaries for Town employees working on the project; they are ready to get going on it. They need the support of the Planning Board, Heritage Commission, HDC, Conservation Commission and Museum Committee and need them to participate when there are public meetings; they are planning on at least 4 public meetings with the consultant and any Board member that attends has their time counted towards the soft match at a rate of \$23.79 per hour so there needs to be as much participation in the project as possible but also the participation of all the Board members and townspeople to make sure the Town winds up with a good Historic Resources Chapter. He asked if anyone was interested in being an active participant in the project to work on the scope of work and RFP and please let him know. Mr. Heitz asked about the deadline. Mr. Landry said it was September of 2018. Mr. Landry said DHR has been great reminding the Board that Kingston is only one of 21 towns that are considered to be a Certified Local Government in the State of NH; he reviewed the requirements to be a CLG.

Mr. Coppelman stated the Mr. Landry did the yeoman’s work for this grant and thanked him for his efforts. He suggested Board members contact Mr. Landry to participate.

Ms. Merrill discussed the Town of Epping’s presentations which has two huge screens with a computer in the middle connected to the screens and everyone in the room and everyone watching on television can see what is going on and follow along; making for a more informed public. She volunteered to speak with the Town of Epping to find out the equipment they use and how it connects to the community TV and the costs involved. Mr. Coppelman was fine with Ms. Merrill gathering the information. Mr. Quintal said that Epping is not the only Town with this type of system; he said that Durham does it, too so you might want to contact them as well; Mike Barrett is the Planner up there for a contact person. He added that applicant’s can bring in their computer stick with a laptop projector. Mr. Greenwood said that

Greenland does it, too, possibly on a smaller scale. Mr. Coppelman asked if there could be additional microphones purchased by the Town. Ms. Merrill will bring back information to the Board and Selectmen's representative to then discuss financing of the project.

Board Elections

Mr. Coppelman discussed the process for the upcoming Board election. Mr. Bashaw said he had no interest in the Chairperson's position adding that he thought Mr. Coppelman did a fine job but he did look into alternative ways for voting and suggested opening it up to anyone on the Board and with a less adversarial way of voting; just voting for a nomination not against. Mr. Bashaw thanked Mr. Coppelman for bringing this up and having the opportunity to discuss the procedure prior to voting. Mr. Coffin suggested formalizing a procedure in the Board's procedures after this evening. Mr. Bashaw thought it would be more proactive to cast a vote for a person rather than casting a vote against someone. Mr. Coppelman agreed that doing it by nomination would work whether nominated by someone else or yourself. There are three positions to deal with: Chair, Vice Chair and rep. to the HDC. He noted that there was not currently a Vice Chair at the moment as that position had been filled by Mr. Pope.

Mr. Bakie asked about the number of alternates available for the Board; there are currently three alternates on the Board. He asked how alternates were voted and the terms of the appointments. Mr. Coffin said that they are three-year, staggered terms. The Board was not aware of what position may be opened. Ms. Merrill asked if the terms were listed in the Town report. Mr. Heitz suggested this be reviewed and brought to the Board's next meeting. Mr. Coppelman confirmed for Mr. Bakie that it did not need to be done this evening. He suggested that if the Board was interested, request for volunteers should be solicited.

Solar Hills Bond

Robert Pellegrino asked to address the Board; he introduced himself adding that he represented Solar Hills Estates and he questioned the Board regarding the possibility that his bond might be up and he was wondering if a Letter of Credit from the bank would take care of this. Mr. Heitz said there had been no discussions about his bond. Mr. Coppelman suggested he speak with Ms. Kenerson and put any extension request in writing to the Town; Mr. Heitz said to check with Ms. Kenerson about whether it is expiring and if so, renew it. He said that according to Paul Nichols, he will be submitting his next plan next month for his subdivision. Mr. Quintal stated that he had spoken with Mr. St. Hilaire about the expiration of the bond and asked, when the snow goes, to go with him to take a look at the project and come up with an evaluation on what work needs to be done to set a limit of the bond; he said there needs to be some sort of a value to the bond; he said that while there is probably not a lot of work left, but the limit of the bond needs to be established. Mr. Heitz said that he believes that it is Ms. Kenerson's responsibility to watch the expiration dates on those bonds and notify the Board if it is getting close. The process was discussed. Mr. Pellegrino will contact Ms. Kenerson.

He submitted a letter requesting to be appointed as an alternate. The Board will also post a request on line for any volunteers.

Board Business, continued

Board Elections, continued:

Nomination for Chair: Mr. Coppelman opened the discussion up for any nominations. Mr. Heitz asked if anyone wanted to serve.

MM&S to nominate Glenn Coppelman as Chair. (Motion by Ms. Croteau, second by Mr. Bashaw)

There were no other nominations for Chair. It was suggested that Mr. Coppelman call for the vote.

Mr. Bashaw reminded the Board that its members would be casting their vote in favor only, not voting against any candidate. If there were multiple candidates, you just vote for whichever candidate you prefer and then count the number of votes.

By show of hands, motion carries.

MM&S to nominate Peter Coffin as Vice Chair. (Motion by Peter Coffin, second by Ms. Croteau)

There were no other nominations.

By show of hands, motion carries.

Mr. Coppelman stated that there was an ex-officio member position to the HDC; he stated that he has served in that position. Mr. Heitz asked if he has enjoyed it; he answered that he does enjoy it and would self-nominate for the position. Mr. Greenwood will look into whether an alternate position is available for the Planning Board member on the HDC. Ms. Merrill said she would be interested in an alternate position if available.

MM&S to have Mr. Coppelman be the representative to the HDC. There were no other nominations.

By show of hands, motion carries. Mr. Coppelman noted this was unanimous, as well.

MM&S to adjourn at 8:05 PM. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**