

## Kingston Planning Board

### April 16, 2019 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:50 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair  
Peter Coffin, Vice Chair  
Lynne Merrill  
Robin Duguay

Peter Bakie  
Chris Bashaw (arrived with meeting in progress)  
Steve Padfield, alternate  
Ellen Faulconer, admin. asst., alternate

Absent: Phil Coombs, BOS rep.

Also present: Glenn Greenwood, Town Planner; Dennis Quintal, Town Engineer

Mr. Coppelman introduced the Board. He noted that there were three hearings scheduled; two that would be dispensed with quickly.

**James Dagle**  
**James Industries**  
**4 Main Street**  
**Tax Map R21 Lot 22**

Mr. Coppelman stated that the Board had received a request to withdraw the application.

**MM&S to accept the withdrawal without prejudice.** (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

**Dan Parks**  
**7 Small Pox Road**  
**Tax Map R19 Lot 22**

Mr. Coppelman read the public notice; he stated that the conditions for continuing to this public hearing were not met; the information was not received. Mr. Parks could not get the updates done in time and asked to be continued to the next public hearing. Mr. Coffin asked if the AoT permit (Alteration of Terrain) had been applied for and/or received. Mr. Greenwood said that he hadn't seen anything. Mr. Coffin asked if there had been communication with the Highway Department; Mr. Greenwood said he was not aware of it. Mr. Coffin stated that he wanted to make sure it was moving ahead for the continuation.

**MM&S to continue to May 21, 2019; the revised plans and all requirements that were set for this hearing need to be met and submitted by noon on May 9<sup>th</sup>.** (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

**Bluestone Investment Group, LLC**  
**4 Marshall Road**  
**Kingston, NH 03848**  
**Tax Map R33-21**

This hearing began at 7:00 PM; Mr. Coppelman read the public notice; he reviewed the public hearing process. Mr. Geier of Jones and Beach Engineering introduced himself and Mr. Ragonese. Mr. Geier said that the “electric” was relocated, the name “Bluestone Circle” was approved by the emergency personnel, and notes were added to sheets A2 and A3 which will be recorded. Mr. Geier continued that the hydro. study was reviewed and approved; the test pits were done; condo docs were provided; AoT permit was approved; they have asked for a letter from the Fire Department regarding the approval of the cistern. Mr. Geier suggested that they were ready for a conditional approval and noted possible conditions.

*< Board note: Mr. Bashaw arrived at this time.>*

Mr. Geier noted that the road entrance was still pending from NH DOT; the conditional approval would be pending the road entrance approval; he was aware that any changes would require coming back to the Planning Board.

Mr. Greenwood reviewed his comments that included that jurisdiction was not invoked yet as it was pending the hydrogeologic study; the sign-off letter from the Fire Dept. was pending; the performance agreement has some items missing including sufficient funds to pay for inspections. He read his comments. Mr. Greenwood said that the condo. docs. were sent to Attorney Kalman; Attorney Kalman had explained that he doesn’t do a thorough review of boiler plate language unless there is a specific request by the Planning Board for the document; he doesn’t do “standard” reviews. Mr. Coffin asked about specific language about the 55+ requirement. Ms. Faulconer asked if there was language requiring the condo. association to come back to the Board to approve any changes to the condo docs as had been in previous documents. Mr. Greenwood said he didn’t remember seeing that language. The condo docs will be reviewed for any additional requirements. Mr. Greenwood continued that the Board will need to determine what will constitute active and substantial development; he questioned whether HAWC (Hampstead Area Water Company) was involved in the project. Mr. Geier said that currently that is not being presented. Mr. Coppelman stated that the proposed plan shows a well and pump house serving this development and any change would need to come back to the Planning Board. **ACTION ITEM:** a noted to that effect to be added to the plan; regarding water servicing the development: “If not as depicted on the plan, would require submission of an amended site plan and Planning Board approval.”

Mr. Quintal reviewed his comments but first noted that he didn’t review the cistern as that fell within the Fire Department’s review and the pump house would fall under the Building Department. He stated that the Performance Guarantee that was provided did not follow the format of the Town as it needs to include cost estimates for all ground work including construction survey, landscaping, lighting, gravel and paving and as-built plans; there should be a column for 125% of the cost and a non-reduceable amount of 10% contingency and 4% engineering of the total cost. Mr. Quintal continued reading his comments that included: Stormwater Management Operation and Maintenance Manual must be recorded; he noted that the sanitation disposal systems have changed; the roof drains are directed to the leaching systems and this is unacceptable. Mr. Geier questioned the extent of requirements regarding the bond and whether it was for Stormwater Management only; Mr. Quintal read the

requirements per the regulations and it was for all site improvements. Mr. Coppelman said it was clearly spelled out. Mr. Geier understood the clarification.

Danna Truslow, the Town's consulting hydrogeologist and peer reviewer, discussed the report. She stated that she had met with Steve Shope of Exeter Environmental; they had moved some of the septic systems to meet the nitrate loading requirements. She reviewed the proposal again once the design had changed to a standard septic system due to the permeability of the soil and the changes to the nitrate loading requirements. She stated that one septic system was supposed to be moved but she hadn't seen the new site plan to confirm it was moved. The plan met the requirements for the hydro. study and concentration of nitrates at the boundary. Mr. Coppelman asked about the direction of the water from the roof being pointed to the septic systems and the effect. Ms. Truslow said that she didn't remember reviewing the roof drains; it would potentially add run-off concentrations. Mr. Quintal said that even though the roof drains are pointed toward leach areas, there will still have to be appropriate swales or piping. The Board had no additional questions for Ms. Truslow.

Mr. Coppelman read Department comments: Health – no septic system designs were included in the submitted plan document. Mr. Quintal said that a plan typically shows the 4000 (4K) sq. ft. area and if not, shows a septic design; there should be a design to meet the requirements. He stated that he was not sure if it requires a waiver for the 4000 sq. ft. area. Mr. Greenwood said that a waiver explaining why it was not provided should be submitted. Mr. Geier said that the Kingston Health Department reviews the plan before going to the State but he could add it as a condition of approval. Mr. Quintal said that it is a requirement for a sub-division for it to be shown on the plan. Mr. Bakie suggested that they could provide and get a waiver since it was reviewed by the hydro. study and would have to comply with that. Mr. Geier said that they can provide a waiver if the Board wants it. Mr. Coppelman said that they will need to do this prior to a conditional approval. There was discussion about the requirement for the 4K system due to multiple units, septic systems and community leaching systems. Mr. Bashaw said that it would be fulfilling the intent with the septic being approved by the Town and the State.

Mr. Coppelman continued with Department comments by introducing Evy Nathan, Conservation Commission (ConsCom) chairperson. Ms. Nathan expressed concern with buildings 2, 3 and 4 being too close to wetland setbacks and the possible impact to the buffers during construction. These areas were pointed out on the plan. She asked that all measures be taken to minimize any impact and that the Town Engineer will monitor the development closely. Ms. Nathan also asked to be included in any future TRC's (Technical Review Committee). Ms. Nathan noted that the Conservation Commission felt a little out of the loop; normally the applicant would have contacted the ConsCom to meet and review the plan. Mr. Greenwood said that the plan shows no wetland impact and no buffer impact. Mr. Geier said that there will be a construction fence along the buffer to protect it; there is 10 – 12 ft. between the edge of the building and the edge of the buffer. Mr. Coppelman read comments from the Building Inspector that included: Item #6 will be closely monitored (re: roof drains); he recommended that the page that includes this note be recorded; he requests it be included on A2 and A3. Mr. Coppelman said that it must be on a page being recorded. Mr. Greenwood stated that there are a lot of plan notes for this development and suggested a page being recorded that was just notes. Ms. Faulconer suggested that the Board or its staff review the minutes, notes and comments prior to a conditional approval so nothing is missed. Mr. Coppelman read the comments from the Highway Department: a good plan; all utilities to be on the outside edge of the ROW; need a commitment whether it is a Town road or not; comments regarding the construction cost estimate which had previously been reviewed by the Town

Engineer. Mr. Geier said that the road was being constructed to Town specifications and they will be asking the BoS (Board of Selectmen) to accept it as a Town road.

Mr. Coffin referenced a note on Sheet L-1 that said lights would be dark sky compliant “unless otherwise noted”. Mr. Geier will take that note off the plan; he said that all lights would be dark sky compliant. Mr. Coppelman noted that the dark sky compliance requirement was an ordinance so the Board could not waive it.

Mr. Coppelman invited public comment. Gail Walley, 9 Monarch Way, was concerned about the water supply with all the development occurring in the area with the proposed apartments, storage buildings and other development. She questioned the long-term impact if the water was shared between the two developments. Mr. Coppelman said that the current proposal has the water supplied by a well and pump house on site, if they were sharing then it would be a change in the plan and they will have to get it approved by the Planning Board. Ms. Walley asked if they got a vote in the sharing of the pump house. Ms. Merrill stated if it was owned by HAWC then they would have to call them. Mr. Coppelman said that the storage facility is not a heavy user of water; this aquifer is in the area that has a high-yield aquifer. Mr. Geier reviewed the required pump test and that it included looking for the recovery rate of the aquifer adding that the State determines if it is large enough for the anticipated use; he said that the test looked good and it was more than sufficient for the proposed use.

Bob Marley represented the Kings Landing Association as a member of the Board of Directors; he didn’t know whether they were using their own site or Kings Landing for their water and was concerned with any impact on their community. He wanted to make sure that the note requiring Planning Board approval for any changes regarding water withdrawal be on the recorded plan and that there be a review by a hydrogeologist. He explained that the association had been told by HAWC that the current well wouldn’t support irrigation; they questioned whether it would support 32 more units without impacting the Kings Landing units. He provided draft notes for discussion with the Association that included some of the issues/concerns if HAWC adds 4 Marshall Road to their well. Mr. Coppelman confirmed that they would have to come back to the Planning Board for a public hearing and they would be notified. Mr. Marley brought up questions regarding tax cards and property ownership; they are meeting with the assessor in May to clear up notification and ownership.

Mr. Coppelman asked Mr. Geier if the applicant was asking for a waiver this evening. Mr. Geier stated that since there were some questions and issues to be resolved, they were not pushing for a conditional approval tonight; they were asking for jurisdiction and the conditional use approval. Mr. Coppelman reviewed jurisdiction and the 65-day time clock.

**MM&S to invoke jurisdiction on the plan.** (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

Mr. Coppelman reviewed the Conditional Use permit (CUP) requirements. Mr. Greenwood referenced the section of the Aquifer Protection Ordinance requiring the CUP; each requirement needed to be voted on. Mr. Coppelman read the requirements with the Board voting on each one:

A) Re: not detrimentally affecting groundwater

**MM&S that 3(A) meets the conditions as evidenced by the hydro. study.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

B) Re: not cause significant reduction in volume of water

**MM&S that this condition was met per evidence of State report of test pumping and recharge.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

- C) Re: no wastewater on site other than typical, no toxic waste

**MM&S that this is met as it is residential use only site with residential septage only.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

- D) Re: Complies with all other applicable sections of this article; discussion – Mr. Coffin stated that this was not a prohibited use. Mr. Greenwood agreed adding that a hydro. study was done; Mr. Coffin added that it met minimum lot size.

**MM&S that Section D has been met.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

- E) Re: a hydrogeologic study shall be submitted.

**MM&S that this requirement has been met as a hydro. study was done.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

**MM&S to grant the CUP based on the Board affirming, unanimously, all of the 5 conditions.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

Mr. Greenwood asked the Board to determine Substantial Improvement has been met at the construction of the road to the basecoat.

**MM&S that Substantial Improvement consists of the construction of the road to the Basecoat, AKA Binder.** (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

**MM&S to continue to May 21<sup>st</sup> with amended plans due by noon on May 9<sup>th</sup> including the revised performance guarantee. Mr. Quintal, Mr. Greenwood and Ms. Faulconer to review the Board's notes and other material for any notes and/or conditions prior to the next meeting.** (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

**ACTION ITEM:** Mr. Greenwood will send condo. docs. to Mr. Coffin and Ms. Faulconer; add statement regarding any changes requiring review to the condo. docs.

**This hearing ended at 8:15 PM.**

### **Board Business**

**Rte. 125 Corridor:** Mr. Coppelman discussed the upcoming work being proposed for Rte. 125 and the Corridor Study. He said a working group is being formed by NH DOT with the suggestion that it include a member from RPC, Plaistow, Kingston and Kingston's Police Chief, Fire Chief, Planner, Planning Board rep. and BOS rep. He asked for the Board to appoint someone for the working group; he stated that he would be happy to represent the Board. Mr. Coffin asked if Ms. Faulconer was interested in serving as she had been on the original 125 Corridor Study. Ms. Faulconer suggested that Mr. Coppelman serve with her as the alternate/back-up. The Board agreed by consensus.

**Training:** Mr. Coppelman updated the Board on in-house training; while it won't be specific to an individual Board it will include topics such as: running an efficient meeting, right-to-know, conflicts, and the responsibility as a volunteer in a framework of a meeting. He stated that he and Mr. Greenwood will be going to the other Boards to ask for their participation and encourage them to attend. Ms.

Faulconer suggested that Boards, other than land-use, be invited including the Budget Committee and Library Trustees. The date of the meeting is June 27, 2019 from 6:30 – 8:30 at the Town Hall.

**ACTION ITEM:** Mr. Coppelman, Mr. Greenwood and Ms. Faulconer will come up with a list to invite.

Mr. Coppelman added that, especially for new members, the training being held in Plaistow might be of interest. Mr. Coffin suggested that the Planning and Zoning Conference notes may wind up being available on-line. Mr. Quintal reminded the Board that an email was sent from the PB office on April 2<sup>nd</sup> with the contact information for the Plaistow training being held on May 22 at 6:30. Ms. Merrill said the training is fabulous and highly recommended it to Mr. Padfield and Ms. Duguay.

**ACTION ITEM:** Mr. Greenwood will re-send the email to the Board again tomorrow.

**Correspondence:**

- Email (letter) from Juan Orlanzinni, Flaco's Mexican Street Food, LLC re: utilizing property for a food truck, porta-potty and tables on a lot at the corner of Newton Junction Road and Rte. 125, the former location of Bayberry Variety. Mr. Coffin stated that the south area has no curb cut and it is listed as non-buildable. Ms. Faulconer suggested that this would require site plan per previous requests for similar uses needing site plan review; previous proposals and site plan requirements were reviewed. Mr. Greenwood said it would be ill-advised to not require site plan review; public safety personnel need to be contacted for review of the proposal. Ms. Merrill said that they need a site plan/an engineered plan; there are concerns with parking and other details. Mr. Coppelman questioned why the Board would treat this differently; by consensus, no one on the Board thought a site plan wasn't required.

**MM&S to require an engineered site plan; suggest to Mr. Orlanzinni to come in to speak to the Planner about the development of the site and possible waivers that can be requested; the proposal requires coming to the Planning Board under the site plan review process.** (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

- Letter received from Mr. Mitchell; a subdivision plan has been submitted so the letter is moot.
- Per previous Board action, letter dated 1/10/2019 re: Saddle Up Saloon's withdrawal and complying with approved site plan; an advertised upcoming planned event was included. There was discussion regarding a special event. Mr. Greenwood explained that a special event can not violate the requirements of a site plan. He stated that a pig roast and burn pit is outside and they don't have the allowance to do that per the site plan that requires all activity to be inside. Ms. Merrill said that the Selectmen should be told that the proposed activity is outside of the site plan approval and do an enforcement request to the BOS. Mr. Coppelman suggested that the owners be reminded that they need to provide an amended site plan for the Board to review for anything outside of the approved plan. Ms. Faulconer said that all of that information is in the January letter that had been sent to them. There was discussion about asking for enforcement for something that hadn't happened yet. Ms. Faulconer said that it would be better to tell them prior to the event occurring. The Board decided to re-send the January letter to Saddle Up with a non-aggressive "reminder" regarding re-submitting for any changes and complying with the existing approved plan; send an enforcement request to the BoS that the site is currently not in compliance (per the January letter) and to address the advertised event proposed to be occurring on the site.
- Invoice from Town Engineer for work done for 4 Main Street
- Letter from George Korn re: enforcement of Town's regulations and site plan providing the Town with the bus company on the property.

- Letter from Executive Councilperson, Russell Prescott; any interest in being on committees, please contact him.
- Letter dated today re: retail use at 34 Church Street.

**MM&S that no further review is required per the use stated in the letter; send a letter to that effect, include a BOP (Business and Occupancy Permit) and sign permit is required.** (Motion by Mr.

Bakie, second by Mr. Bashaw) **PUNA**

*<Board note: Mr. Quintal left at this time.>*

**Planner Contract:** Mr. Coppelman noted that the contract had been sent to the Board members for review. Ms. Faulconer suggested that as budget season approaches, the amount of work being done for other committees be reviewed as it might be necessary to add to the Planning Board budget or to other budgets; she said she encouraged other Boards to consult with Mr. Greenwood but it should be looked at as there might be more appropriate avenues for budgeting for his time.

ACTION ITEM: Mr. Greenwood to keep track of time involved with other Boards to make any necessary adjustments.

**MM&S to recommend the BOS sign the Planner contract.** (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

**MM&S to accept the minutes of March 19, 2019 as presented.** (Motion by Ms. Merrill, second by Mr. Coffin) **Motion carries 5-0-1 with Mr. Bashaw abstaining.**

**MM&S to accept the minutes of March 5, 2019 as presented.** (Motion by Ms. Merrill, second by Mr. Coffin) **Motion carries 4-0-2 with Mr. Bashaw and Ms. Duguay abstaining.**

Mr. Greenwood handed out “agritourism” proposal for the next meeting.

The Board briefly reviewed the Mitchell subdivision submission for approval to go on the upcoming agenda and a waiver request.

**MM&S to grant the waiver request for the Preliminary Review for the Mitchell subdivision.** (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

**MM&S to adjourn at 9:25 PM.** (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**