

KINGSTON PLANNING BOARD

**July 7, 2020
Public Hearing**

Minutes

The Chairman called the hearing to order at 6:35 PM; he noted a quorum present through the Zoom platform for a remote hearing; there were no challenges to the validity of the hearing. Mr. Coppelman began the hearing by reading the Right-to-Know checklist explaining the requirements, workings and access information for the remote hearing via the Zoom platform; contacting the Planning Board through emails during the meeting was also noted as available. Mr. Coppelman explained that Glenn Greenwood was the host for the meeting.

A roll call vote of the Board members present occurred; each member noted that there was no one present with them in the room while attending this meeting.

Members present:

| | |
|-----------------------------------------------|-----------------------------------------|
| Glenn Coppelman, Chair | Chris Bashaw |
| Lynne Merrill, V.Chair | Peter Coffin |
| Peter Bakie | Robin Duguay |
| Richard Wilson, Board of Selectmen (BOS) rep. | Ellen Faulconer, alternate/admin. asst. |

Members absent: Steve Padfield, alternate.

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

Bresnahan Moving and Storage, Co.

7 Marshall Road

Tax Map R41 Lot 7-2

Mr. Coppelman read the public notice; he announced that the Board had received a letter from the project engineer, Charlie Zilch, requesting a continuance in August and extending the review time clock. Peter Coffin asked if there was any reason for the delay as everyone had come up with a plan and a workable solution; he said that there were continuously requested continuations and questioned how long this would go on. Mr. Greenwood said that no reason for the delay was in the request. Mr. Coppelman stated that he would hope that this would not be on much after the August date; it might not be planting season now but September would be a good time. Mr. Coffin noted that there needs to be a watering plan and maintenance plan.

MM&S to continue the Bresnahan Moving and Storage hearing to August 18, 2020 at 6:45. (Motion by Mr. Bakie, second by Mr. Coffin)

Roll Call vote:

Glenn Coppelman – Yes

Richard Wilson – Yes

Chris Bashaw – Yes

Robin Duguay – Yes

Lynne Merrill – Yes

Peter Coffin – Yes

Peter Bakie – Yes

Motion passed unanimously (PUNA)

The Board decided to take the Fieldstone application out of order.

Fieldstone Industrial Park

34 Route 125

Tax Map R2 Lot 13

Mr. Coppelman read the public notice and turned the discussion over to Mr. Greenwood who explained that the applicant would need to re-apply to address the proposal being for condominiums. He stated that he spoke to the property owner who was clear that he wanted this to be condos; Mr. Greenwood suggested that the Board continue this application to keep it going since there was not a letter on file and in case the applicant changed their mind. He did confirm that the applicant was not attending this meeting. He clarified that the plan would need to be revised as it would need subdivision and site plan with additional requirements for condos.

MM&S to continue to August 18, 2020 with new plans due to the Planning Board office by noon on August 6, 2020. (Motion by Ms. Merrill, second by Mr. Bashaw)

Roll Call vote:

Glenn Coppelman – Yes

Richard Wilson – Yes

Chris Bashaw – Yes

Robin Duguay – Yes

Lynne Merrill – Yes

Peter Coffin – Yes

Peter Bakie – Yes

Motion passed unanimously (PUNA)

The Board clarified that it was only the submitted site plan that was being continued; anything else needed to be applied for.

Capri Realty and Management, LLC

6 Spruce Lane

Tax Map R20 Lot 6

Mr. Coppelman read the public notice; he added that this was a continuation of a previous hearing. Mr. Pascoe stated that he sent new plans to Mr. Greenwood electronically this afternoon; Mr. Greenwood said that he hadn't seen them yet; he reviewed his email and said that they had been received but he hadn't looked at them. It was confirmed that the Town Planner and Town Engineer's comments were sent out to Mr. Pascoe and the Board.

Mr. Coppelman read the Department comments: Health: the electric for the well goes to one unit. Building: Item 7 of the plan notes refers to a 1 residential zone; it is RR zone and note #8 needs spell-check. In response to the Health comment, Mr. Pascoe explained that there is a common meter on a condo. meter and it is paid by the Condo. Association. He said that note #7 was corrected in the new plans sent out today; the spelling for #8 was also changed.

Mr. Pascoe read Mr. Quintal and Mr. Greenwood's comments and replied to each one as they were read.

3. 905.11.D - *The existing Gravel Driveway is not 20 feet from the property line and most of it could be relocated to meet this requirement.* Mr. Pascoe stated that the Road Agent had signed off on the driveway as it had already existed; he wanted to ask for a waiver for this requirement. There was discussion about existing versus a new subdivision. Mr. Quintal stated that fulfilling the intent of the 20 ft. regulation is to not impact an abutter with snow or dust between the driveway and abutting property. He stated that the intent could be fulfilled by plowing to the side not near the abutter. Mr. Pascoe said that the natural path is to plow straight back. Mr. Pascoe stated that he didn't have the waivers written; Mr. Bashaw suggested that he send something to the Board via email as it was being monitored.

6. 905.14.C.11 – *The Zoning District must be identified as Rural Residential on the Plan.* Mr. Greenwood confirmed that the submitted plan, dated June 24th does not show the correct zoning designation. Mr. Pascoe said the new plan has it corrected.

7. 905.14.C.13 & 905.14.I – *Corners of the lot must be Monumented. They now say "to be set".* Mr. Pascoe said he was going to request waivers on setting corners. Mr. Quintal said if the corner bounds are already set, the note can be changed to say "as set" instead of "to be set"; Mr. Pascoe said that was reasonable.

9. 905.14.C.17&18 – *Show Setback Lines. Wetland Setback must be defined by a Wetland/Certified Soil Scientist according to Article 202.2.B. Table A. Provide stamp by the soil scientist. A note on the plan says there are No wetlands on the site, however, on Sheet 4 an edge of wetland line is shown just 20 feet off the lot. So, the required setback line should be shown unless there is a waiver from this requirement.* Mr. Pascoe said he was going to request a waiver for that as it was an existing lot and the building isn't near the line. Mr. Coppelman said that there is a setback from that line that is required. Mr. Pascoe suggested alternatives to having a wetland scientist confirm the line. He said that he was also asking for a waiver for item #10, SSSM.

10. 905.14.C.19 – *A Site Specific Soil Map is required.* Mr. Quintal said that items 9 and 10 were two separate items and while he agrees that a waiver for #10 is reasonable, the plan should show a setback line for the buffer on the wetland; it needs to be clear on what can or can't be done and the limitations should be shown on a recorded plan. Mr. Quintal clarified that this would need to be determined by a wetland or soil scientist. Mr. Coppelman said that his

engineer has a wetland scientist that he works with. Mr. Pascoe said that he thought this was excessive and would request a waiver.

11. 905.14.C.20 – Landscaping must be shown. Mr. Pascoe said that there is no landscaping around the property. Mr. Quintal noted that the structure is a long way away from the street and he could ask for a waiver.

12. 905.14.23 – Drainage: The plan should verify that drainage and snow storage from the driveway does not impact the westerly abutter's property. This was talked about earlier; Mr. Quintal suggested that Mr. Pascoe can ask for a waiver.

13. 905.14.C.24 – Provide the State Approval number for the Sanitary Waste Disposal System. Also, the existing water supply well protective zone extends over the property line. An Easement or Book/Page for the Recorded Well Release Form should be noted on the Plan. Mr. Greenwood confirmed that this was not noted on the current proposed plan dated the 24th; Mr. Quintal suggested that since he must have gotten a recent septic approval, it would have been a requirement to have a well release; he suggested Mr. Pascoe speak with the designer; he should be able to get the book and page number for the recording of the easement.

19. It appears the (I assume) fence line along the east lot line is encroaching onto this property. An easement or note should clarify this feature. The plan should clearly identify what this line is. Mr. Quintal explained that at a minimum, there should be a note saying what it is and clarifying the line.

Mr. Quintal's comments included needing the State Subdivision approval number added to the plan; correct the spelling on Note #8 on Sheet 1.

Mr. Pascoe read and replied to Mr. Greenwood's comments.

- 905.14.c.9 - Endorsement block for the Planning Board. Mr. Pascoe stated that they were on the new plans.

-905.14.c.11 – Designation of the zoning district for the subject property. (The plan has a note number 7 that says the property is in "one family residential zone", we have no such zone. The property is located in the Rural Residential zone and this should be indicated on the plan.) Mr. Pascoe said that it was changed on the new plan.

-905.14.c.13. - The plan does not indicate surveyed monuments. (The revised plan indicates corner monuments will be iron rods. Subdivision requirements mandate concrete or granite corner monuments. The applicant can request a waiver be considered by the Planning Board for this.) Mr. Pascoe said that this was addressed through Mr. Quintal's comments.

-905.14.c.16 – *the final impervious lot coverage needs to be added to the plan.* Mr. Pascoe said that the lot coverage information was added to the new plan; it was noted that the Board had not reviewed the new plans.

-905.14.c.24 – *the well radius falls over property lines so easements need to be developed. The septic system 4k area needs to be shown on the plan. (The plan set indicates a line for the 4K area that leads to nowhere and portions of the septic system are located within the protective well radius. I believe this requires a waiver from the health officer.)* Mr. Pascoe stated that the Health Officer didn't say anything to him about needing a waiver and signed off on it. Mr. Greenwood said that the well release documentation would address this. He stated that the 4K area needed to be shown on the plan; he will check on the new plan but presently it is not shown correctly. Mr. Pascoe was unsure if it had been fixed on the new plan.

-905.14.c.28 – *Add the required note regarding travel ways to the plan.* Mr. Greenwood explained that there is standard language in the subdivision regulations that should be on the plan.

905.14.c.29 – *Add note regarding fire protection to the plan. Note eight indicates Fire Department approval in an awkward way. This does not substitute for the required note.* Mr. Greenwood said that the exact language to be used is in the regulations. Mr. Pascoe will have it corrected.

- *The map legend indicates several features that are not displayed on the plan. This should be corrected. (The map legend remains confusing. The water line from the well does not use the map legend annotation; a gas line is shown in the legend that does not appear on the site plan; a tree line annotation is offered in the legend but not shown on the plan.)* Mr. Pascoe said that these items were corrected in the new plan set.

- *Finally, the areas A and B limited common area are not clearly delineated on the plan as separate areas from the common area. This is important because the septic system should be clearly identified as being in the common area not the limited common area. The condo documents reflect a separation, but the plans do not.* Mr. Greenwood stated that the plan needs to show the demarcation showing the common facilities. There was discussion regarding common areas, common use and limited common areas. Mr. Pascoe will review and amend the plan.

Mr. Coffin stated that he had reviewed the condo. docs. and they were not ready to be recorded. He noted that there were multiple references to Hillsborough County, a reference to the Town of Amherst and a number of misspellings that need correcting. He continued that a signature block for the new owner would need to be added. Mr. Pascoe agreed. Ms. Faulconer asked if the statement that any changes to the condo. docs. needed prior Planning Board approval was included. Mr. Coffin stated that he hadn't seen it; Mr. Pascoe said that he added it. Mr. Coffin suggested that Mr. Pascoe point it out to the Board. Mr. Coffin added that there was a reference to a model unit and restrictions on anything other than the model unit having a "for sale" sign. Mr. Pascoe said that he will review the documents and send to his attorney for review. Mr. Pascoe stated that he was hoping to have all of the comments be part of a conditional approval.

Mr. Coppelman asked for any questions from the Board. He opened up the hearing for public comment. Brian Chevalier, 6A Spruce Lane, was accepted into the meeting; Mr. Coppelman reviewed the meeting up to this point. Mr. Chevalier stated that he had no comments was just at the hearing to support Mr. Pascoe. Mr. Coppelman closed the public comment section of the hearing.

Mr. Pascoe submitted a list of 6 waiver requests via email to the Planning Board. The Board voted on the 6 waiver requests:

1) existing driveway not 20' from property line

MM&S to grant the waiver as it was an existing driveway; many exist in Town that are not 20 feet from the property line. (Motion by Mr. Wilson, second by Mr. Bakie)

Roll Call vote: Glenn Coppelman – Yes Lynne Merrill – Yes

Richard Wilson – Yes Peter Coffin – Yes

Chris Bashaw – Yes Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA) Waiver request is granted.

2) corners of lot monumented---take off that they will be set

MM&S to approve the waiver request as it is a lot of record and not changed in anyway with the condition that the language be updated on the plan. (Motion by Mr. Wilson, second by Mr. Bashaw)

Discussion: Mr. Quintal said that typically subdivision plans require setting monuments. Mr. Coffin said that he is okay with iron pipes but thinks there should be corner monumentation at a minimum; not marking is unwise. Ms. Duguay stated that her understanding was that the language was being changed from “to be set” not that it wasn’t having markers. Ms. Merrill said that, in her experience, there is a lot of property encroachment when markers are not set; she does not think that it should be waived and they need to be marked; she agreed that granite was not necessary.

Roll Call vote:

Glenn Coppelman – No Lynne Merrill – No

Richard Wilson – Yes Peter Coffin – No

Chris Bashaw – Yes Peter Bakie – Yes

Robin Duguay – No

Motion fails, 3 in favor, 4 opposed, Waiver request is denied.

3) wetland setback defined by a soil scientist

MM&S that the waiver request be denied on advice of the Town Engineer as the setback value was not determined and should be shown as determined by a wetland scientist. (Motion by Mr. Coffin, second by Mr. Wilson) Mr. Coppelman clarified that a vote in favor was a vote to deny the waiver.

Roll Call vote:

Glenn Coppelman – Yes Lynne Merrill – Yes

Richard Wilson – Yes Peter Coffin – Yes

Chris Bashaw – Yes Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA) Waiver request is denied.

4) site specific soil map

MM&S to waive the requirement for the Site Specific Soil Map, 905.14.C.19, on this plan due to the Town Engineer's recommendations. (Motion by Ms. Merrill, second by Mr. Coffin)

Roll Call vote:

Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes

Peter Coffin – Yes

Chris Bashaw – Yes

Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA) Waiver request granted.

5) landscaping must be shown

MM&S to waive the requirements of 905.14.c.20 regarding landscaping based on the earlier discussion of not having/needing landscaping. (Motion by Mr. Bashaw, second by Mr. Bakie)

Roll Call vote: Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes

Peter Coffin – Yes

Chris Bashaw – Yes

Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA) Waiver request granted.

6) drainage plan

MM&S to waive the requirements of 905.14.23 regarding drainage and snow based on information provided by Steve Pascoe regarding the snow storage and plowing and lack of changes to the grades.

(Motion by Mr. Bashaw, second by Ms. Merrill)

Roll Call vote:

Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes

Peter Coffin – Yes

Chris Bashaw – Yes

Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA) Waiver request granted.

MM&S to retroactively invoke jurisdiction at 7:30 PM. (Motion by Mr. Bashaw, second by Ms. Merrill)

Roll Call vote:

Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes

Peter Coffin – Yes

Chris Bashaw – Yes

Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA)

Mr. Coppelman noted that 4 out of 6 waivers had been granted; monumentation and wetland setbacks need to be addressed. Mr. Wilson stated that he would suggest continuing the hearing; he added that it would be nice if the engineer attended the hearing and get the plans sooner than the day of the hearing. There was discussion regarding the dates for continuation. Mr. Pascoe wanted a tentative approval so he could get an occupancy permit.

Mr. Coppelman explained that an occupancy permit couldn't get granted until all the conditions of the approval were met. Mr. Pascoe said that nothing pending was of any substance. Mr. Greenwood said that thinking nothing pending was of substance was arguable. Mr. Pascoe re-iterated that he wanted to get an occupancy permit. Mr. Coppelman again explained that a conditional approval was not final until the conditions were met. Mr. Pascoe stated that he felt there were really only two action items. Mr. Wilson noted that while there had been initial delays, the Lavalles have been working in the Town and knows the procedures so there is delay on their behalf as well. Mr. Pascoe argued that this could have happened two months ago. Mr. Wilson noted that he sold the property without proper approvals. There was discussion about possible dates for continuing and the ability to meet conditions sooner than the next meeting. Ms. Faulconer suggested that it might not be in the applicant's best interest; if the plan couldn't meet the conditions for some reason, the applicant would have to reapply which could add several weeks. Conditional approvals and permits were discussed. Ms. Merrill withdrew a previous motion that had not been seconded. Mr. Pascoe stated that he couldn't get a soil scientist quickly. He suggested that it might take 3 to 4 weeks to get the corners set and a soil scientist out to the property. The Board suggested that Mr. Lavalle worked with a soil scientist and he would probably be able to motivate him. Mr. Quintal clarified that the work could be done by either a soil or wetland scientist.

MM&S to continue to July 21 at 6:45; new plans and amended condominium documents due to the PB office by noon on July 20th. (Motion by Mr. Coffin, second by Mr. Wilson)

Roll Call vote:

Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes

Peter Coffin – Yes

Chris Bashaw – Yes

Peter Bakie – Yes

Robin Duguay – Yes

Motion passed unanimously (PUNA)

Mr. Greenwood will get a list of pending items to Mr. Pascoe by Thursday afternoon.
This hearing was closed at 8:25 PM.

Accessory Dwelling Unit (ADU) Conditional Use Permit (CUP)

Mr. Coppelman reminded the Board that the ADU ordinance was changed at Town Meeting; the ADU CUP was previously reviewed by the Board with a couple of additions regarding the square footage. Upon review – on the second page in the section referencing square footage, change the words “residence” and “property” to “dwelling”.

MM&S to accept the ADU CUP as amended by the changes as discussed. (Motion by Mr. Coffin, second by Ms. Merrill)

Roll Call vote:

Glenn Coppelman – Yes

Lynne Merrill – Yes

Richard Wilson – Yes
Chris Bashaw – Yes
Robin Duguay – Yes

Peter Coffin – Yes
Peter Bakie – Yes

Motion passed unanimously (PUNA)

Board Business:

Procedures for Comment submittal: Mr. Bakie explained that his concern had more to do with the Planner and Town Engineer's comments, not the Department Head comments. Mr. Quintal and Mr. Greenwood agreed to try to get their comments to the Board members and applicants on the Thursday prior to the Tuesday hearings. Ms. Merrill suggested seeing how it goes; Mr. Bashaw agreed that getting them out as soon as practical would be helpful and having the weekend to review would be great. Mr. Bakie said to get the applicant with a disclaimer that new plans would not be accepted. Mr. Bashaw re-iterated that there needed to be a notation that the applicant should not submit a new plan as it will not be accepted. Mr. Greenwood said that he will review this with Mr. Quintal so they will have the same notation as the disclaimer.

Acceptance of minutes – tabled to the next meeting.

Other Business:

- Mr. Greenwood reviewed his discussions with Mr. Wilder(Fieldstone). Mr. Wilder wants to bring material in to store on the property prior to approval; it would be approximately 10,000 yards of material. Mr. Bakie asked if he owned the land and if there were wetlands that could be impacted. Mr. Coffin suggested that the soil scientist for the project review would want access to existing conditions. Mr. Coffin asked if Mr. Greenwood had seen any permission from Comcast yet. Mr. Greenwood answered that it was not yet finalized. Ms. Faulconer said the Board had received paperwork regarding their AoT permit and there was a long list of issues that they still had to address. Mr. Quintal said that on a site like this, a large site with steep slopes had requirements for an AoT; detention treatment areas are to be built first and stabilized before any work is done on site as an AoT requirement. Mr. Coffin said there were wetland issues, drainage issues, property crossing issues, run-off. Ms. Faulconer questioned whether the BOS still had a cease and desist on the property for removing and replacing fill from the site. Mr. Wilson suggested that this would become an issue and a problem if the Board said "yes". *<Board note: Mr. Bashaw had to leave the meeting at this time.>* Mr. Greenwood said that he now had all the information he needed and would let Mr. Wilder know the decision.
- Ms. Merrill stated that she received a lot of positive comments on the Zoom meeting for the Sears Logistics review; she added that she had not heard one unfavorable comment. Mr. Wilson said he had heard similar comments. Ms. Merrill suggested that, based on this feedback, that should a full application come forward, that the Zoom hearing might work best. The issue raised by Mr. Bakie during the hearing, regarding multiple similar comments was discussed. Mr. Coppelman agreed that it

can get repetitive. He is hoping that the comments can be consolidated. Ms. Faulconer suggested having people who want to comment “say so” but instead of typing the questions, “unmute” them for their question which might eliminate a lot of the same questions being typed. If someone wants to speak again, they would have to go back into the queue. Ms. Merrill agreed; she explained that anyone who wants to speak could request to speak through the chat function. It was suggested giving preference to abutters and the general public after that. Mr. Greenwood said that these refinements could go a long way to improving that section. Mr. Coppelman thanked everyone for the feedback.

The Chair declared the hearing adjourned at 9:00 PM.