

**Kingston Planning Board
Public Hearing
April 19, 2016**

The acting Chairman called the hearing to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Glenn Coppelman, Chair
Adam Pope, V. Chair
Peter Bakie
Mark Heitz, BOS rep.

Peter Coffin
Chris Bashaw
Ernie Landry (alternate)

Members absent: Carol Croteau., Richard St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Administrative Assistant/Board alternate; Dennis Quintal, Town Engineer

Mr. Coppelman noted that Mr. Landry would be a voting member for this meeting.

Mr. Coppelman publicly thanked former Board members, Richard Wilson and Stan Shalett for their service to Kingston and to the Board.

**The Tractor Place of NH, LLC/HT Property LLC
65 Route 125
Kingston, NH 03848
Tax Map R-9, Lot 88**

Board Note: Peter Coffin recused himself from the Board as he is an abutter.

Mr. Coppelman read the notice. Kevin Camm introduced as representing the applicant; he introduced the applicant, Ed Krukonis, and the property owner, Steve Nouri. Mr. Camm reviewed the history of the site noting the state highway widening project improvements on the site. He noted that this was in the C-III zone and was a non-conforming pre-existing lot with a pre-existing use. Mr. Camm stated that there were no changes to the lot; re-iterating that they were pre-existing non-conformance as it existed prior to the zoning going into effect. Mr. Camm presented a list of waiver requests to the Board adding that the submission was more of an as-built site plan. Mr. Camm continued that the use isn't new as there are currently rental spaces being used; the same type of space will be used to assemble tractors and sell as retail; no one will notice anything different other than seeing a couple of tractors out front; the extra commercial building has a variety of lease spaces. Mr. Camm said that building is already separated into 7 units; the 7 bays as indicated is pretty much a reflection of what is on the lot; the proposed display area is all pavement since the highway was widened by the State. Mr. Krukonis will replace some of the trailer displayed with tractors. He confirmed that the tractors displayed will be on pavement. Mr. Bashaw raised questions of pavement requirement based on the State's leniency with instruments of animal husbandry. Mr. Coppelman stated that currently the Board

requires motorized vehicles to be on pavement not having had the discussion regarding agricultural vehicles as different at this point. Mr. Bashaw stated that if the State allows it, he doesn't see the need for the requirements. Mr. Krukoni explained that homeowners use the tractors to maintain their properties selling about ½ to homeowners and the other ½ to contractors and farmers. He distributed brochures.

Mr. Krooni's took pictures of the signage on site to show the empty spot on the pre-existing sign that he would fill with a new sign. Mr. Camm said that sign already exists and they are not intending on moving it or adding signage, just replacing the empty spot with a new sign. Mr. Krukoni said they are just planning on adding tractors to the trailers already being sold as it is a good fit. Mr. Bakie noted that they are also intending to sell tractor implements.

Mr. Greenwood stated that he sees this as a minor site plan needed as the plan the Board had was not current and did not accurately represent the structures on the site; the intent is almost to review as an as-built with the additional use; the Board had reviewed the application as similar in use but still different enough to require an amended site plan. Mr. Pope said that the motor vehicle sales aspect and the 1,000 foot distance requirement had also been raised as an issue that the Board dismissed as not meeting the intent of the ordinance. Mr. Pope suggested that the approved uses on the site and hours of operation be included in the file. Mr. Krukoni explained that the State required them to operate a minimum of 37 ½ hours and they need to be posted. The Board discussed whether hours of operation and uses should be documented. Mr. Heitz stated that the existing conditions should be reflected on the plan and the plan should be labeled with this information. Mr. Nouri confirmed that the existing warehouse was in use. Possible hours of operation were reviewed.

Mr. Quintal commented on the plan suggesting the plan note a reference as amended to plan D-16661. He reviewed Stormwater Management stating that this is not a problem for this submission however any surface disturbance for snow plowing or displays would need erosion controls. Mr. Krukoni said that there would need to be a spot on site for customers to try out the tractor and be able to dig up some ground; he would like a spot in the back of the property to do this. Mr. Camm said that there could be erosion control measures done in the area of the back where this could be done; it is a flat area so there would be minimal impact. Mr. Pope said that this should be noted on the plan.

Public Comment:

Peter Coffin, abutter at 11 Newton Junction Road, said that he is in favor of the application; he agrees that the motorized vehicles should be on pavement as protection for the environment and suggests that the parking on paved surfaces requirement not be waived. He is in favor of waiving the 50 foot buffer requirement as he believes the flat area in the back is suitable for demonstrations. Mr. Coffin did note, however, that currently there are 9 ½ unregistered vehicles, one is ½ a vehicle, in the buffer area near the back fence; he does not think the buffer area needs to be vegetated but does think all unregistered vehicles should be out of the buffer zone. Mr. Nouri stated that all of those vehicles will be removed from the 50 foot buffer area within 30 days. Mr. Coffin re-iterated that all motorized vehicles should be on a paved surface. Mr. Coppelman confirmed that the applicant is not asking to put motorized vehicles on any unpaved surfaces. There were no additional public comments.

MM&S to accept the plan for jurisdiction. (Motion by Mr. Landry, second by Mr. Pope)
PUNA

The Board continued to voting on the waiver requests:

- **Motion Made and Seconded to waive 904.3 (A) Preliminary Review and 904.4 (A) Prelim. Review.** (Motion by Mr. Pope, second by Mr. Bakie) **PUNA**
- **Motion Made and Seconded to waive 904.4 (B) Soils Study.** (Motion by Mr. Pope, second by Mr. Bakie) **PUNA**

(The request to waive 904.5 (C) was withdrawn)

- **904.5 (G):**
 - **15: MM&S to waive the requirement for the hours of operation and number of employees for the existing uses.** (The hours of operation and number of employees for the Tractor business will be noted on the plan; the hours of operation will be Monday through Saturday, 6 AM – 9 PM; Sunday 8 AM – 5 PM. The number of employees will be 6) (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**
 - **16: snow storage area will show on the plan; MM&S to waive the rest of the requirements of 16.** (Motion by Mr. Bakie, second by Mr. Bashaw) **PUNA**

(The request to waive #17 was withdrawn)

- **18: Dust Control: MM&S to waive this requirement.** (Motion by Mr. Pope, second by Mr. Bashaw) Mr. Heitz noted that the Board requests the use to be reasonable; when demonstrations are occurring dust and dirt should not be flying around. Mr. Krukoni agreed. **PUNA**

(The requests to waive sections 19, 20 and 21 were withdrawn. Mr. Krukoni explained that there is very little fuel associated with the retail sales of the tractors, possibly a couple of 5 gallon tanks, there was no bulk fuel storage and no hazardous materials on the site. Mr. Heitz noted that the Fire Department may have requirements for the fuel storage. Mr. Quintal stated that it would be beneficial to add a note regarding the current percentage of lot coverage. Mr. Heitz said that as it is an existing condition, it should show on the plan. Mr. Camm agreed to add that note to the plan)

- **22: Drainage scheme: MM&S to waive this requirement.** (Motion by Mr. Pope, second by Mr. Bashaw) Mr. Coppelman asked if the Town had any issues on the site; Mr. Camm explained that the State did much of the area when widening Rte. 125.
Vote on the motion: **PUNA**

- **23: Natural Features:** Mr. Heitz stated that the features shown on the plan are sufficient. **MM&S to waive any additional natural features needing to be added to the plan.** (Motion by Mr. Heitz, second by Mr. Bashaw) **PUNA**

(The request to waive #24 was withdrawn; the Board noted that the non-conforming pre-existing setbacks were noted on the plan. The setbacks were reviewed with the pre-existing circumstances.)

- **25: Elevations: MM&S to waive this requirement.** (Motion by Mr. Heitz, second by Mr. Pope) **PUNA**

(The request to waive #26 was withdrawn; Mr. Camm noted that there is plenty of gravel overflow parking when necessary; enough parking is shown on the plan.)

- **28: Facilities: MM&S to waive this requirement.** (Motion by Mr. Bashaw, second by Mr. Pope) Mr. Coppelman noted that there are no new structures or bathrooms shown on the plan. **PUNA**

(The request to waive #29 was withdrawn. Mr. Camm stated that solid waste disposal is on the site and he will update the plan to reflect the dumpster's location.)

- **32: MM&S to waive the requirement to show any additional landscaping and accept what is shown on the submitted plan.** (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**
- **33: Sign Details:** Mr. Camm said that the existing sign pre-dated the current sign ordinance; all the applicant will be doing is utilizing the current "open" space on the existing sign structure. **MM&S to grant the waiver for the existing signs and allowing the new business sign in the existing space on the existing sign structure.** (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**
- **34: Lighting:** Mr. Camm stated that there are no proposed changes to the existing lighting. Mr. Heitz said that having a record of the existing lighting on the plan is a baseline for the future. **MM&S to grant a waiver for the lighting detail requirements with the exception that the plan shows the existing lighting.** (Motion by Mr. Pope, second by Mr. Bashaw) **PUNA**
- **904.6 General Standards:** MM&S to waive all of 904.6 as not applicable. (Motion by Mr. Heitz, second by Mr. Bakie) Discussion: The Board discussed the detail in the requests to waive items A through J and whether a waiver for these items was necessary. Mr. Coffin, abutter, said that appropriate buffers should be maintained which were discussed earlier in the hearing; he does not think they should be waived. Mr. Pope said the comment is valid. Mr. Camm re-iterated that Mr. Nouri agreed to make the cars within the buffer disappear. Mr. Coffin added, after reading the buffer requirements, that existing non-compliance is acceptable for the pre-existing use but expanding non-compliance is not okay. Mr. Heitz suggested amending the motion. **MM&S to amend the previous motion by granting the waiver requests for 904.6 (A,B,C,E,F,G,H,I,J) and maintaining requirement 904.6 (D) to conform with appropriate buffers recognizing that existing encroachments are not subjected to the 50 foot buffer but new encroachments would be subject to the buffer requirements; acknowledging that the demonstrations of tractors are okay within the 50 foot buffer in the rear of the property (as discussed during the hearing).** (Motion by Mr. Heitz, second by Mr. Bakie) **PUNA.** The Board clarified that the tractor demonstration activity can occur up to the property line within the 50 foot buffer area noted.
- **904.7 (A) Groundwater Testing:** The Board agreed with Mr. Camm's interpretation that this requirement was for cars and trucks and not pertinent to tractors. **MM&S to approve this waiver request.** (Motion by Mr. Pope, second by Mr. Bakie) **PUNA**
- **904.13 Parking:** **MM&S to grant the waiver for 904.13.** (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

Mr. Coppelman reviewed the items previously discussed to be added to the plan.

MM&S to conditionally approve the plan with the following notes added to the plan: percent of impervious lot coverage, area for tractor demonstrations, existing lighting, existing uses (text notes in appropriate spaces), hours of operation for the tractor sales

business, solid waste disposal location, number of employees for the tractor sales business, snow storage, site waivers noted on the plan; the vehicles in the back of the lot need removal; the plan to be resubmitted with all conditions met within 30 days of this approval. (Motion by Mr. Pope, second by Mr. Bashaw) PUNA

**Torroneo Industries, Inc.
10 Dorre Road
Kingston, NH 03848
Tax Map R2 Lot 8**

Mr. Coppelman asked if any public present were here for the Torroneo hearing; there were none. Charlie Zilch, engineer representing the applicant said that he would be fine with taking the next hearing out of order.

**George and Paula Demers
32 Exeter Road (Rte. 111)
Kingston, NH 03848
Tax Map R35 Lot 5**

Charlie Zilch introduced himself as the Demers' representative and introduced George Demers to the Board; he described the previous use of the property as a single family farmhouse with outbuildings; he said the site included a large wetland complex with a small portion in the Aquifer Protection District. He continued that the applicant wanted to create 5 single family lots with one for each of his three children and one for himself. He continued explaining the project noting that the test pits have been provided and witnessed by RCCD. Mr. Zilch stated that the DOT limits the number of access points so shared driveways are proposed. He is asking for waivers for the driveways and asking to limit the topography and wetland designation on the plan. He added that he had received the Fire Department comments and spoken with the Fire Chief.

Mr. Quintal read his comments that included the review of items such as: should show buffers and provide associated documentation, driveway entrance and 3000 ft. to hydrant requirement, driveways need to be 20 ft. from property line, no more than two driveways per parcel, soils mapping requirements, use of letters per parcel, Sheet C has overwritten text, detail for lot corners, sheet 5 needs to show building at least 15 feet from 4K area, grading, common drive maintenance agreements, current and future Stormwater management, bounds set and final mylar requirements.

Mr. Greenwood stated that his comments were very similar to Mr. Quintal's; the error of closure notes were discussed with Mr. Greenwood noting that the one shown meets the requirements. Mr. Greenwood questioned Mr. Zilch's discussion with the Fire Chief and suggested getting a sign-off letter. Mr. Greenwood reviewed his comments that included: wetlands mapping verification, the hydrant requirement, the Board determining the three lots being shared by a single driveway, showing abutter's buildings, wastewater facilities, driveways and well within 100 feet on the plan, appropriate lot designation, area of proposed impervious surface, prohibition of houses on lots 5-3 and 5-4 sitting on a portion of the 4K area, designate 60,000 sq.

ft. requirement on lot 5-1, waiver requirement for wetlands and topography. Mr. Greenwood's notes recommend not accepting the plan for jurisdiction and a site walk.

Mr. Coppelman read notes received by the Fire Department regarding NFPA requirements, Police Chief Briggs recommending a technical review committee with concerns about the proposed driveways and the Conservation Commission with wetland designation concerns as the stream not shown on the plan is part of the Little River/Exeter/Great Bay watershed.

Mr. Bakie questioned the three residences off of one driveway noting the regulations requiring one driveway entrance and the 20 foot setback to the property line. He added that he did not recall seeing 3 residences off of one driveway. Mr. Coppelman stated that it is unusual.

Mr. Coppelman opened the hearing up for abutter comments.

Richard Tuit, 31 Little River Road stated that the Little River is left off the plan so the delineation of the wetlands is not accurate; he continued that he has walked along the elevation and it was wet with multiple springs coming out of the hill. He is concerned that the development will impact the run-off as his land is already wet; the development and the lawn will change how the water runs and will have a negative impact on his property; he asked the Board how this will be dealt with as well as the value of his land dropping because of the changes. Mr. Tuit explained that Mr. Hayes used to allow them on the property and they have had to retrieve cows stuck in the mud; he re-iterated his concern that there is already a lot of run-off in the Spring and the development and the lawn may cause more run-off. Mr. Coppelman explained that the Board will expect that the engineer has designed the plan to show run-off and drainage to prove that it isn't affecting adjacent property. Mr. Tuit added that house #5 is concern in regards to the lower edge of the wetlands and stream running through the property that isn't shown on the plan; he would like the Board to see the springs on the hill; he re-iterated his concerns with making his barn unusable with any additional run-off onto his property. Mr. Coppelman said the Board would need to be convinced that it won't happen.

Don Woodburn, 31 Exeter Road, asked questions about the placement of the driveways expressing safety concerns. Mr. Coppelman stated that it was a concern for him also; he stated that portion of the road was due to be re-configured by the State but it never happened. Mr. Zilch reviewed the placement of the driveways. Mr. Coppelman clarified the abutter notification process; one notification is sent prior to the first hearing but no further notifications are sent unless the process stops and then an additional application is received.

Ralph Twombly, 33 Little River Road, stated that the land in back of him was clay so additional water would not continue to run off, it would build up. Per some of the abutter's requests, small versions of the plan were approved by the applicant to be given to them. Mr. Tuit asked for the Board to do a site walk on the property.

Mr. Coffin asked Mr. Zilch about issues raised by the Town Engineer; Mr. Zilch said that almost half of them were easily addressed. Mr. Zilch said of lot of the concerns were about the driveways and soil mapping; he asked that the Board schedule a Technical Review Committee meeting so the issues could be hashed out with everyone involved and to also schedule a site walk. Mr. Zilch added that he could show items to minimize impacts.

Mr. Coppelman suggested the Board look at the wetlands issue. Mr. Coffin said that the limit of wetlands should be shown; it should be mapped out; the topography and stream should be shown on the plan. Mr. Greenwood said that the Aquifer Protection designation looked correct. There was discussion concerning whether it was appropriate to waive the topo. requirements; Mr. Coffin said that it would not be appropriate after hearing concerns from the abutters and comments from the Conservation Commission. Mr. Zilch said that, pending the site walk, they may withdraw that waiver; the waiver requests would be reviewed after the Board took jurisdiction of the plan. Mr. Zilch believes he can improve the driveway to meet the Fire Dept. requirements; he stated that he is aware that the Board usually only considers 2 shared driveways but would like them to consider three. Mr. Greenwood suggested having the site walk prior to the TRC meeting and asked that the driveways be flagged prior to the site walk. Mr. Coppelman asked that the lot corners be marked.

The Board agreed to post a site walk for Saturday, April 30, 2016 at 8:00 AM.

MM&S to continue this hearing to May 17th at 6:45. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

Torroneo Industries
10 Dorre Road
Tax Map R2 Lot 8

Charlie Zilch reviewed the proposal; after speaking with the Fire Department, he added the need to have an NFPA compliant fire alarm as a note on a new plan distributed at the beginning of the hearing. Mr. Greenwood explained that if the Board confirmed the waiver requests, then it was okay to accept for jurisdiction. Mr. Zilch confirmed that the foundation was dug prior to getting the approvals from the Planning Board or a permit from the Building Inspector. Mr. Coppelman read the comments from the Building and Fire departments; Police and Health had no comments. Mr. Zilch confirmed that there was no water (plumbing) in the building; he reviewed the plans and the waiver requests. Mr. Greenwood did not recommend a site walk for this proposal. Mr. Zilch confirmed that there were no wetlands in the area of the building. Mr. Heitz read the waiver request:

904.5(G)8,9,14,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37.

MM&S to invoke jurisdiction of the plan. (Motion by Mr. Heitz, second by Mr. Pope) **PUNA**

Mr. Landry asked the definition for a minor site plan; Mr. Greenwood explained that the Board did not have that definition; he noted that the plan would need to be recorded. The Board reviewed the reasons for granting the waivers. Mr. Heitz suggested that the requirements are not applicable to this site due to the size and the development proposed so waivers were not necessary as long as the plan was accepted. Mr. Greenwood explained that there is technically some solid waste on the site as there will be vehicles being worked on and a trash can, so, while minimal, it would apply. Mr. Heitz confirmed that water supply and sewage does not apply. Mr. Greenwood said that signage could be waived as none were proposed; landscaping would normally be required but this is an odd circumstance due to the placement in this large parcel. Mr. Greenwood re-iterated that this plan was an odd circumstance in respect to the requirements

usually associated with a plan, based on the proposal and area of land; Mr. Greenwood added that it was not a proposal having any public come to it. Mr. Heitz specified that the circumstances were a single maintenance building in the middle of a 182 acre site of land.

MM&S to approve the plan as presented showing the developed area; the site plan regulations are not being used uniformly for this site due to the circumstances of a 182 acre site with a building in the middle of it that does not invite the public into it. (Motion by Mr. Pope, second by Mr. Heitz) There was continued discussion on the motion. Call for the vote:
PUNA

The Board confirmed that the applicant had 90 days to submit the mylar for signing.

ECSI

111 Rte. 125

Tax Map R10 Lot 2

Mr. Coppelman announced that the Board had received a letter from the applicant asking for a continuation as he was out of Town for this hearing; the same letter authorized the Board to visit the site. The Board reviewed the news article that mentioned contamination issues on a site in Massachusetts that ECSI was involved with; Mr. Pope suggested that the Town Engineer, Health Inspector and NH DES to walk the site. Mr. Greenwood reviewed the issues that started the proceedings by the Board that included possible expansion, dumpsters improperly located; debris stored on the site inappropriately. Mr. Heitz said that the Board needs to determine these issues against the approved plan adding that DES would not be on site to review approved uses; those issues would need to be addressed by the Board. Mr. Pope stated that he felt the Town Engineer's review would be more useful to the Board. Mr. Coppelman agreed that Mr. Quintal could check the site for compliance. Mr. Quintal disclosed that he had been the engineer on the original plan but had not spoken to the owner for years. Mr. Heitz asked that Mr. Greenwood contact DES and ask them to review the site. Mr. Quintal agreed to review the site and report back to the Board; he will contact the Conservation Commission chairperson to see if she would like to walk the site, also.

MM&S to continue the hearing until May 3, 2016 at 7:15 PM. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

Board Business

Mr. Coppelman noted that the majority of the correspondence had been emailed to the Board prior to the meeting.

Correspondence:

- 2016 Local Officials Workshops dates; no Board comments
- Court Update – “One Bite at the Apple” decision; no Board comments
- Letter from Andrea Kenter re: complaints – Activities at Trendezza’s property; Ms. Faulconer stated that the Police Chief was dealing with the issue.
- Port City Design request for release of bond; Bond balance released, signed by Chair.
- Spring Planning and Zoning Conference – June 4, 2016; no Board comments

- email from Bradin Delano re: “mySidewalk”; no Board comments

Minutes:

Mr. Bashaw stated that he would have liked the minutes from March 29th to better reflect the confusion with the process of the election and not allowing for multiple motions. He would like to clearly establish a procedure that could be followed and would like a different procedure than what occurred at the meeting. Mr. Bakie agreed. Mr. Coppelman said that the Board could review the Board procedures and by-laws if that was something the Board would like to do adding that, whether right or wrong, the election was done consistent with previous elections. Mr. Bashaw re-iterated that he would like it noted that there was confusion in the election process and would like to have the Board move forward to clarify the process. Mr. Pope added that in previous years, there had been more discussion in the past instead of moving into the election. Mr. Coppelman said that the Board could review its policies and procedures at some point during the year and add this process to one of those discussions.

MM&S to accept the March 29, 2016 minutes as written. (Motion by Mr. Coffin, second by Mr. Pope) **Motion carried 3-0-4** with Mr. Landry, Mr. Pope, Mr. Heitz and Mr. Bashaw abstaining.

Mr. Bashaw asked for information regarding the Aquifer Protection District and how it was determined. Mr. Greenwood said there was information at the RPC about this and pertinent USGS maps dating back to 1991 that Mr. Bashaw is welcome to review. Ms. Faulconer said that the District was updated a few years ago with extensive discussion in the minutes along with documentation from the Board’s hydrogeologist, Danna Truslow. Ms. Faulconer will determine the year that review occurred so Mr. Bashaw can start with a review of the minutes.

Mr. Coffin reviewed the letter prepared by Mr. Greenwood regarding activities at Memories. Mr. Greenwood will amend the letter to reflect the actual approvals; any other changes would have to be done via an application from the property owners. Mr. Pope confirmed that the final motion for approval did clarify “fruits and vegetables”. The Board authorized Mr. Greenwood to amend the letter and send to Memories on behalf of the Board.

Mr. Coppelman reminded the Board that April is the month to review excavation permits; the Board needs to confirm that the reclamation plan has occurred on the Steve Early site on Rte. 125. The Board authorized the Town Engineer to review the restoration plan to see if it is complete. Mr. Quintal noted that he will take pictures of the site for the Board.

MM&S to adjourn at 10:30 PM. (Motion by Mr. Coffin, second by Mr. Pope) **PUNA**