

**Kingston Planning Board  
Public Hearing  
May 17, 2016**

The 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	Peter Coffin
Adam Pope, V. Chair	Chris Bashaw
Carol Croteau	Peter Bakie
Mark Heitz, BOS rep. (arrived with meeting in progress)	

Members absent: Ernie Landry (Alternate), Richard St. Hilaire (Alternate)

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; Ellen Faulconer, Alternate/Admin.Asst.

**George and Paula Demers  
32 Exeter Road  
Tax Map R35-5**

Charlie Zilch and Mr. Demers appeared before the Board. Mr. Coppelman reviewed the minutes of the site walk held on April 30, 2016.

**MM&S to accept the 4/30/16 minutes as written.** (Motion by Mr. Coffin, second by Mr. Bakie) **Motion carried 5-0-1** with Ms. Croteau abstaining.

Mr. Zilch reviewed the site walk and that the concerns with the wetlands and mapping were addressed; the three entry points on Exeter Road, per the State, were noted. He reviewed the meeting with the Technical Review Committee adding that the focus was on the driveways and concerns with safety with a one-entry point preferred. *<Board note: Mr. Heitz arrived at this time.>* Mr. Zilch provided the Board with three plans; he explained them all to the Board: the “shared-driveway” plan, the “cluster subdivision” plan and the “traditional subdivision” plan. He explained that his preference was the shared driveway plan adding that it eliminated the extra costs associated with added driveways. Mr. Zilch explained that he did not like the cluster zone plan due to the site impacts which created more impervious areas and encroached more into the wetland area and it cites the houses on a steeper area of the property; he stated that there is a tremendous cost for a roadway. He stated that he understood that the shared driveways were unconventional. Mr. Zilch said that they would draft a homeowner’s agreement and prepare the necessary easements for the shared driveway option.

Mr. Coppelman stated that the 2<sup>nd</sup> and 3<sup>rd</sup> options have similar roadway designs; he added that in a conventional set-up, the town would accept the road. It was clarified that if the roadway was a private road, the 8 lots minimum requirement was not an issue. Mr. Coffin noted that the

homeowners association would be responsible for it. The radius of the road was discussed. Mr. Coppelman said he is in favor of the central entrance but not in favor of the multiple shared driveways; he said he preferred the traditional subdivision proposal and would be in favor of a waiver from 8 lots down to 5 lots. Mr. Bakie said that the “shared driveway plan/page one” has less impact on the land and less impervious surface and less tree-cutting.

The design elements were reviewed. Mr. Bashaw said it seemed that the first plan works to address the abutters concerns and has the least impact for everyone. Mr. Zilch said they would come up with the agreements for Town Counsel’s review. Mr. Pope agreed with Mr. Bashaw and Mr. Bakie that Plan 1 had less impact adding that Plan 2 is an advantage only if it is a Town road with Town standards and the Board is okay with the number of houses. Mr. Coffin said that Plan #1 is more traditional with houses being built along roads; plan 2 is what we are used to seeing when farms become house lots; he expressed concerns with a driveway agreement and stated that it should not depend on the owners being family members. Mr. Heitz agreed with the subdivision approach but only if it remained a private road; he stated that it is usually better for the Town to avoid the issue with multiple houses of a single driveway as it puts the town in a spot even though it would be a civil issue. He added that the least impact to the town is Plan 2 with it remaining a private road. Mr. Quintal referenced the conventional subdivision noting that if kept a private road, the cul-de-sac radius could be significantly reduced and be acceptable to the needs of the Fire Department which would allow the houses to be pulled in closer and in the flatter areas of the property suggesting it may be something the Board could consider. Mr. Greenwood stated that either Town attorney would be familiar with agreements and easements for shared driveways. Mr. Zilch said that he would prefer moving forward with layout #1 as they didn’t want to incur the added costs of a road. Ms. Faulconer cautioned the Board to be clear in the reasoning as to why this particular development would be approved with a driveway providing access to five lots. Mr. Heitz asked Mr. Greenwood to explain the reasoning behind each home having its own driveway. Mr. Greenwood said that it is common for lots to be autonomous and can be simpler; there are no common septic and each lot has its own driveway; emergency services can easily find the property. He continued that the concept of individual driveways is pretty basic; it changes as an area becomes more urbanized noting that Kingston is not urbanized. He stated that public safety issues will take precedence. Mr. Heitz reviewed the dangerous area on Exeter Road with the dip near Madison Avenue. Mr. Coppelman said that it was clear at the TRC that both the Police and Fire Chiefs had safety concerns with the area; Mr. Greenwood agreed.

There was no public comment.

Mr. Coppelman stated that the applicant was looking for direction from the Board; he confirmed that the Board was in agreement with one entrance there was just a question of the internal design. Mr. Bakie said that the concept of the shared driveways was purely a safety issue. Mr. Coppelman noted that the State would only give three curb cuts onto the State highway at this location so even if not shared, they would not get any further curb cuts. Alternatives were reviewed; Mr. Greenwood said that more than one access point would cause issues to the Department Heads. The issues specific to emergency vehicles on the “super driveway” were reviewed; they did have to meet Fire Department specifications. Mr. Zilch said they were

concerned with getting the emergency vehicles off of Exeter Road; he said they intended to use compacted gravel for the driveways.

Mr. Coppelman asked for a show of hands from Board members about their preferences: 5 in favor of #1, Mr. Coppelman in favor of #2, Ms. Croteau abstained as she had not been on the site walk. Mr. Heitz said that the reason he was in favor of #1 in this instance was due to the unique conditions of the roadway not because it was better for the applicant; it was important to have one entrance to reduce accidents and it was a safety issue. There was discussion about the ability to get 5 driveways off the highway from the Town but the State only allowing three. Mr. Pope said that in regards to safety, it had concerns of the driveway entrance being gravel; Mr. Heitz agreed that gravel was not great for emergency vehicles; Ms. Faulconer suggested that a gravel turnaround area might not be the best idea in respect to the emergency vehicles. There was discussion regarding whether the turnaround should remain gravel and the ability to enforce keeping the turnaround clear. Mr. Greenwood suggested clarifying the issue with the Fire Chief. The discussion continued about the area that might be paved and continued discussion about gravel not being the best for emergency vehicles; paved driveways vs. gravel driveways were reviewed. Mr. Zilch noted that the Homeowner's Agreement and easements would not be available to be reviewed prior to the next hearing; revised plans need to be brought to the Planning Board office prior to June 7<sup>th</sup> for review and comment to be on the next agenda.

**MM&S to continue to June 21, 2016 at 6:45.** (Motion by Mr. Pope, second by Mr. Bashaw)  
**PUNA**

**Ingalls/Pellegrino**  
**7 and 8 Lefevre Drive**  
**Tax Map R6 Lots 14-2 and 14-6 and R6 Lot 13**

Mr. Coppelman announced that this meeting was a Design Review to give applicant direction and was a non-binding discussion with the Board. Paul Nichols, introduced himself representing John Ingalls and Dave Conant and introduced Bob Pellegrino; he handed out revised plans. Mr. Nichols explained the plan noting that the intent was to merge the remaining land of Mr. Ingalls, 14-2 and 14-6 with Mr. Conant's property, Lot 13, and extend the cul-de-sac into the property and put the cul-de-sac there creating 5 additional lots. He adjusted some incorrect boundaries; the expansion of the roadway brings it to 1657 feet. He reviewed the terrain noting there were multiple areas in excess of 15% and discussed the current regulations. Perpendicular lines were discussed; there will be waiver requests at the time of submission.

Mr. Greenwood reviewed standards and land building suitability; wetlands and steep slopes being major considerations; dry contiguous land and a previous law suit were reviewed. Slope requirements for driveways, septic designs and State requirements were discussed.

Mr. Nichols reviewed the length of the roadway; aspects of the roadway would initiate one of the waiver requests. Connectivity requirements of cul-de-sacs were explained. Slopes and buildable area requirements continued to be discussed. Members of the public did not have questions but did ask to review the plans; this was provided to them.

Mr. Pope asked about access to two of the lots; Mr. Pellegrino explained the wetlands and the driveway placement; slopes and current requirements were questioned.

Ms. Faulconer reminded Mr. Nichols that the current requirements are for the plans to have the lots lettered, not numbered; the numbering will be determined by the Selectmen's office. Mr. Nichols noted that this was a good idea to eliminate confusion.

Setback requirements in relationship to the 60,000 square foot of buildable land were reviewed. Mr. Bashaw asked for the reasoning behind the 60,000 square foot requirement. Ms. Faulconer will send the minutes to the Board about the previous discussions and the law suit addressing the requirements that the Town won. Lot sizes, percentages, buildable area and requirements were discussed. Issues were raised about the setbacks not being allowed to be included in the calculations for buildable area creating a problem with getting to the required square footage causing the need to request waivers.

Mr. Pellegrino asked if the current proposal could be considered grandfathered from current requirements. Mr. Greenwood said that the proposed plan had not been reviewed by the Board so could not be considered grandfathered. Mr. Pope explained that the Board had noted there was an ambiguity so clarified the requirement with the understanding that waivers could be reviewed on a case by case basis.

The Board continued to discuss slope requirements and upland contiguous buildable land. Mr. Pope suggested providing the Board with a version with the slopes highlighted differentiating between 15%, 20%, 25% slopes; setback exclusion possibilities were noted. "Non-buildable" requirements were reviewed; Mr. Heitz explained that clearly the Board did not intent to force every lot to not be able to meet the requirements; he explained the law suit pertinent to the 15% slope; Mr. Greenwood added to the explanation. The Board continued the explanation of decisions in creating ordinances. Mr. Heitz suggested that any proposed changes to the topography would need to be depicted for the Board in determining slopes; Mr. Nichols said that this information could be shown on the plan. Mr. Greenwood added that when the plan came forward for subdivision review, there would be a site walk as part of the process and the Board could see how slope impacts the development. Mr. Heitz noted that waivers had been granted for the previous development. Mr. Quintal reviewed slope requirements noting there was new equipment and techniques to address them adding that there were also wildlife and environmental concerns that can cause issues for Soil Conservation. Mr. Coppelman asked for any public comment. Joe Primo of 10 Ball Road noted that he was not an abutter but he did not understand a two-acre, 80,000 sq. ft., lot size minimum. Mr. Heitz said that the requirement is 1.84 acres minimum lot size, not two acre. Cheryl Kind asked about potential right-of-way. Mr. Coppelman explained that while an opportunity to connect a cul-de-sac to another roadway does not mean the road will be built. She added that she enjoys the area as it is as it is not "suburbia" yet. Mr. Coppelman reminded the Board that this was Design Review and asked if there was further guidance. Mr. Pellegrino asked if the Board would vote on a waiver for the 15% slope buildable land requirement. Mr. Coppelman explained that a Design Review is a non-binding discussion and even if a vote was taken, it was not binding. Mr. Pope added that the Board would need to know the changes and the specifics to know what was being granted. Mr. Nichols noted that if the 20 ft. setbacks were able to be included, all but 2 lots meet the buildable lot

requirements. Waivers due to slope requirements were reviewed. Mr. Bakie suggested the applicant take away the 20 ft. setbacks and put in two waivers for the parcels with issues with the slope requirements. Mr. Nichols said waiver requests would be needed regarding perpendicular lines. Mr. Pellegrino stated that he thought Mr. Nichols did a great design. Mr. Greenwood reviewed the previous requirement for perpendicular lines and the Board needing to remove “ambiguous” language to clarify the requirement and needing a waiver; the Board would expect to have waiver requests. Mr. Pope reiterated that it was an attempt for clarification to remove the ambiguities. Mr. Pellegrino pointed out the new lots versus the old lots on the plan. The Board held multiple conversations while reviewing the plan; Mr. Pope noted that “contiguous” issues were reviewed. Mr. Pellegrino also noted that he would be asking for a common driveway between two lots (2 and 12) due to restrictions of setbacks from the wetlands. Mr. Pope said that while some of the issues should be okay, some of the lots look like they might be tight, specifically #12 and #7; there may be road design issues. There were no further comments or questions. Mr. Pellegrino asked if waivers were available during the meeting. Mr. Coppelman explained the Design Review process discussion as non-binding on both the Board and the applicant adding that even if it could happen, the Board would not have the final plans with the full information to be able to grant waivers. Mr. Heitz said it would be helpful for the submitted plans to distinguish between the 15% and the 20% grades. Mr. Nichols agreed to provide this. Contour lines, re-grading, road re-grading, significant slopes were noted as being a topic of conversation during the review process. Mr. Coppelman told those present that should the plan be submitted, certified notices would be sent to abutters.

### **Regulation Amendment**

Mr. Coppelman explained that there was a public hearing to remove the phrase “civil engineer” from 905.8 as it does not comply with State requirements. There was concern with the current title of the article; Mr. Quintal suggested it be changed to simply “Layout”. Mr. Bashaw asked what the difference was between the Planning Board changing something and the need for a Town vote. Mr. Coppelman explained the difference between a regulation and an ordinance; he explained that regulations can be changed by the Board while ordinances take a Town vote adding that ordinances can get relief from the ZBA while the Planning Board can waive a regulation requirement.

**MM&S to remove the words “or civil engineer” from 905.8 Engineering and Layout (#A) and change that title to “Survey and Layout”. (Motion by Mr. Coffin, second by Mr. Croteau) PUNA**

### **Correspondence**

- RPC meeting announced
- SELT letter re: Sign Permit: Mr. Greenwood reviewed the Sign Ordinance; Mr. Bashaw questioned the public safety portion of the ordinance in relationship to the request; Mr. Heitz explained why that did not apply in this instance; the Board agreed a sign permit is required (by consensus).
- Bond Balance List
- Planning and Zoning Conference dates (conflict with Envision Kingston II)
- NH Div. of Historical Resources re: Lot R32-9A

- Benevento Bituminous Products – off Roadstone – letter asking about a tent structure over an existing concrete slab – 42’x48’x22’; Mr. Pope noted that the slab did not appear on the plan; Mr. Coppelman added that the tent would be permanently attached to the slab; Mr. Pope explained that the Board had reviewed similar in the past; Mr. Greenwood stated that the slab is not on the plan and is therefore non-conforming which eliminates the ability for expedited review. By consensus, the Board determined that an amended site plan review will be required. Ms. Faulconer will contact them with the information.
- Memo received from ZBA about an upcoming hearing; Ms. Faulconer will confirm with the Building Inspector and the BOS’ Administration Assistant about a legal review that had possibly been done by Attorney Kalman of the Town’s in-law/accessory apts.
- Uncle Bob’s Self-Storage letter re: changing signage – no further PB review required; they need to be told they need to get sign permits.
- Letter from Conservation re: site walk of ECSI; Ms. Faulconer will make sure that they come back within the 90 day window.
- Targeted Block Grant applications due June 15<sup>th</sup>; Mr. Greenwood explained the block grant to the Board; Ms. Faulconer will contact Mr. Landry about the possibility of applying to finish the Natural Resources Chapter of the Master Plan.
- Email for Mr. Greenwood regarding follow-up re: Landscaper’s Depot <*Board note: Mr. Coffin recused himself from the Board for this discussion*> Mr. Greenwood reported back on the Board’s request for a site walk; the property owner would prefer not to have everyone on the site adding that if there are other issues to send the issues to them for their review and reply. Mr. Bashaw asked if the concerns that had been raised had been addressed. Mr. Coffin replied that they were. Mr. Greenwood said that the issues from the 11/15/2015 letter seemed to be addressed but other concerns were raised; he had suggested a site walk to just finally address any issues with the owner at the site. Mr. Coffin reviewed the approval of aspects of Depot Energy; concerns about the possibility of trucks refueling in the buffer zone and not over the pad were raised. Mr. Coffin noted that concrete blocks have been set up to distinguish the buffer zone but they were not in all areas of buffer. The as-built approval of oil tanks was reviewed. The buffer zone requirement of no activity within the buffer zone was discussed. Differences between approved activities of other sites were explained; grandfathered activities and lots were reviewed. Mr. Heitz suggested the Board needs to be consistent. Board requirements and enforcement of those requirements were noted. Documentation of unauthorized activities was discussed; formal complaint requirements were suggested. Mr. Coffin stated that the owners are in compliance now and are aware of any of the complaints. He re-stated that he agrees that the site is currently in compliance. Ms. Faulconer suggested the Board write a letter to the owners that would “close out the issue”; the possibility of confirming the issue of maintaining the buffer with no activity was raised. Ms. Faulconer will prepare a letter and bring back to the Board for their review.
- Tractor Sales request for return of their escrow – approved for return of the balance.
- Town and City – May/June 2016 received.
- Three other items leftover from the last meeting, from Mr. Green, were addressed:
  - Fence for Carriage Towne Plaza – Mr. Greenwood confirmed that this can be reviewed under expedited site review

- Placement of signs at CTP – Mr. Greenwood noted that it is not in the CII zone, it is in RR and therefore any additional signage needs to be denied by Building Inspector; any relief is through the ZBA.
- 2 Marshall Road – Mr. Greenwood was initially concerned with increased parking spaces but the tax card notes 57 spaces; he will confirm that the approved plan have that many spaces; if that is the case, no additional Planning Board review is required.
- Mr. Heitz asked to bring the Board up to speed with the Lancaster property and began explaining the history before asking to go into non-public session to discuss a legal matter.

**MM&S to go into non-public session to discuss a legal matter.** (Motion by Mr. Heitz, second by Mr. Coffin) Vote on the motion:

Carol Croteau – yes

Peter Coffin – yes

Adam Pope – yes

Mark Heitz – yes

Glenn Coppelman – yes

Chris Bashaw – yes

Peter Bakie – yes

**Motion passed unanimously.**

Mr. Heitz reviewed a legal matter with the Board. No votes were taken in non-public session.

**MM&S to come out of non-public session.** (Motion by Mr. Coffin, second by Mr. Pope)

Vote on the motion:

Carol Croteau – yes

Peter Coffin – yes

Adam Pope – yes

Mark Heitz – yes

Glenn Coppelman –yes

Chris Bashaw – yes

Peter Bakie – yes

**Motion passed unanimously.**

The Board table approval of the minutes to the next meeting.

**MM&S to adjourn at 10:48 PM.** (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**