

**Kingston Planning Board
Public Hearing
February 21, 2012**

The Chairman called the hearing to order at 6:30 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Adam Pope
Glenn Coppelman, V. Chair	Jay Alberts
Ernie Landry	Ellen Faulconer, Alternate
Mark Heitz, BOS rep.	

Absent: Richard St. Hilaire, Alternate

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

Board Business

Correspondence:

- Wetlands Permit for the Town received.
- Letter received from Mr. Daher in regards a letter from the Board; he will attempt to have the site in compliance within 60 days.

ACTION ITEM: Review Daher compliance in 60 days.

- Letter to the Editor by Mr. Coppelman per prior Action Item.

ACTION ITEM: Ms. Faulconer to forward Letter to the Editor to the Board members.

- Letter sent to Mr. Kalil per Action Item.
- Letter received from Melissa Mooradian re: massage therapy business replacing Pollycoat Junction; 4-5 parking spaces for the business.

ACTION ITEM: Ms. Faulconer to invite Ms. Mooradian to speak with the Board at their next meeting; get comments from Department Heads and Inspectors.

- Memo from Mr. St. Hilaire re: Planning Board input for update of Hazardous Mitigation Plan; Mr. Greenwood discussed the updating process and the need for communication exchange.

ACTION ITEM: Ms. Faulconer to represent the Planning Board at the Hazard Mitigation Meeting in April; bring information back to the Board.

- Per the last meeting's action item, the RSA pertaining to two members of the Planning Board serving on other land use boards was read; only one Planning Board member can serve.
- Letter to owner and applicant for Solar Hills regarding the escrow balance; will be noted during tonight's hearing.

MM&S to approve the January 17, 2012 minutes as written. (Motion by Mr. Coppelman, second by Mr. Alberts) Motion carried 6-0-1 with Mr. Heitz abstaining.

CIP Update: Mr. Greenwood and Mr. Coppelman updated the Board on the CIP progress; due to the events and the fact that the current Budget season had passed, Mr. Greenwood will create a new table to show the Library project passing. Mr. Wilson noted that there were no major Capital requests to amend in the current plan. Mr. Coppelman said that the plan had not lost much due to year's inaction; Mr. Wilson agreed that the plan is current for several years. Mr. Greenwood added that the update to the table would bring the plan forward to be updated this year.

Board of Selectmen, Town of Kingston
Lot Line Adjustment
Church Street
Tax Map U10-12 and 13

Mr. Heitz reviewed the proposed project; survey work had been done that showed that the Town didn't own the property that they thought they did; the property that they owned was at a different location; the Town didn't want to give up their easement and access to the water; the Church representatives and Seminary representatives had talked about the access ownership confusion and the Seminary Trustees agreed to give a piece to the Town if the other parcel was relinquished to the Church; giving the Masonic Lodge a piece near the rear parking area. Mr. Heitz continued that the Masonic Lodge representatives claimed to have been uninformed of the proposed changes and wanted more land; the Board of Selectmen had explained to them that only the Town, Seminary and Church were giving up anything through either land or monetary expenses and the Lodge was not providing either land or financing for the proposal. He continued that the Lodge was benefitting by the piece of land they were getting in the front area without having to give up anything but they wanted more water-front property; the Board of Selectmen did not think the Lodge's proposal was appropriate. Mr. Heitz said that the Town intends to move forward; they will see what the Town vote in March is and move forward from there. He continued that there could be an exchange of land between the Church and the Town that leaves the Lodge completely out of the proposal although that was not the Board of Selectmen's original intent.

Mr. Coppelman explained that at the last Planning Board meeting, not all parties were agreeing, making the Board uncomfortable with approving a proposal. Mr. Heitz said that, at this time, the BOS wanted to continue moving forward and see how the Town vote goes as there won't need to be an adjustment if the BOS leave the Lodge out of the issue. Mr. Coppelman asked if the BOS was comfortable with continuing until after the election; Mr. Heitz said that the Board would be.

Mr. Wilson confirmed that Ms. Faulconer would be a voting member this evening.

MM&S to continue the Lot Line Adjustment to March 20, 2012 at 6:45. (Motion by Mr. Coppelman, second by Mr. Heitz) **PUNA**

Solar Hills Estates Subdivision
76 and 78 Hunt Road
Tax Maps R6 Lots 10-4, 14

Mr. Wilson stated that he had received a call from Mr. Ingalls questioning the Planning Board procedures and the length of time the process was taking and accusing Ms. Faulconer of delaying paperwork. He continued by first stating that he hates receiving calls at home; he stated that Ms. Faulconer had not delayed anything; he reviewed a timeline of events showing the numerous delays there were due to multiple changes, multiple plans, delayed submissions and requests for delays being received by the applicant's engineer. Mr. Wilson added that just last Tuesday the Town Engineer had received another new set of plans to review not giving suitable time for them to be reviewed for comments to the Board; the Town had not received copies of the plan for Town officials to be able to comment; plans submitted at the January hearing were taken back by the applicant; because of these events, it would be unclear whether the set of plans being reviewed by the Board would be the same as being reviewed by the Town Engineer. He explained that the Board permitted the applicant's engineer to work with the Town Engineer with the intent of doing this sooner rather than later to have the changes done and returned to the Board in a more timely fashion. He clarified that while the Board's intent was to require 8 new lots on a new road, the language is not clear that the lots need to be newly created lots; however there is still a catch that one of the lots in the notice has been sold and the Board needs information from the new owner. He noted that there were many things wrong with the current application; if the discussion continues the bond would need to be replenished; he added that the Board would need to make a decision regarding the length of the road and the cul-de-sac waivers. Mr. Tim Lavalley stated that a waiver has already been granted for the size of the cul-de-sac.

Mr. Pellegrino asked to address the Board. He noted that this is an alternate energy project and he'd be hiring people from the Town of Kingston for this project and therefore creating jobs for Kingston including an electronics company for this project coming to Kingston. He said that he knew that they had made a lot of mistakes; he was new to the process; he was aware that the Board is trying to do what is in the best interest of the Town but also thought that it was up to the Board to help and didn't think that was being done; he almost lost a sale of the property because they had to wait for the plan to be recorded and he thought that the Board could have helped get that done quicker. Mr. Wilson noted that the applicant had many months to bring the plan in to be signed and recorded and waited until the last minute. Ms. Faulconer explained that the plan had been approved in July; the applicant waited until December 22nd to bring the plan in to be signed so it could then be recorded; due to Christmas, the Board didn't meet again until January 3rd; she stated that she felt that the Board had tried to help the applicant as she came in on her day off to make sure the plan got recorded as soon as it was possible.

Mr. Coppelman addressed Mr. Pelletier by stating that while he was new to the project, he had hired professionals who do know the process. Mr. Pelletier asked to explain why they missed the December meeting but Mr. Tim Lavalley interrupted by stating that it had been his fault. Mr. Wilson suggested that they work with the Town Engineer to finally get a good plan that they can present to the Town.

Mr. Tim Lavalley explained that the road length hadn't changed nor had 6 lots on the road changed; he was working out other issues for next month's hearing; the drainage engineer hadn't finished the drainage plan prior to meeting with Mr. Quintal; there were some confusions with the plan sets they had provided so now they have added all the soils onto one sheet; they are hoping to have a completed plan. Mr. Wilson said that due to the timeframe of them meeting with the Town Engineer, there would not have been enough time to address his issues and get a complete plan to the Board for this hearing. Mr. Coppelman noted that the other two existing lots needed to be serviced by this road. Mr. Pellegrino asked about a turn-around instead of the cul-de-sac; he said that the road will eventually extend into Mr. Conant's property eventually. Mr. Wilson stated that he thought that Mr. Pellegrino was going to bond the road to continue onward; Mr. Pellegrino started to answer Mr. Wilson but Mr. T. Lavalley stopped him. Ms. Faulconer commented that as of January, there were still questions from the Town Engineer regarding the lots; her point being that after all these months, there were still basic issues waiting to be corrected. Mr. Tim Lavalley said that the Town Engineer agreed that all the lots are buildable; he stated that they can address the issues and make the plans meet the Town Engineer's comments.

Mr. T. Lavalley said that the issues regarding the road on the new owner's property are addressed in the deed and the language of the sale; Mr. Ingalls is at the meeting and agrees to his driveway relocation and change. Mr. T. Lavalley said the drainage designer can have it done for a quick turnaround. Mr. Greenwood said that he still does not have the information back from Rockingham County Conservation.

ACTION ITEM: Mr. Greenwood to contact RCCD re: Solar Hills report.

Mr. T. Lavalley clarified that the road length waiver request was for 1190 foot road length. Regarding the Town Engineer's comments, Mr. Quintal clarified that the slope requirements have to have 60,000 sq. ft. of non-wetland and flatter than 50%; one of the lots didn't meet that requirement in which the Board may require a larger lot size. He continued that his comments were that there were two sheets within the plans that showed a difference in the slopes on the site; he would expect that the latest revision of the plan should address that and show how the slope requirement applies to the property. Mr. Coppelman asked a clarifying question about the 60,000 sq. ft. of contiguous dry soil; Mr. Quintal said that if there is not 60,000 with less than a 15% slope, the Board may require a larger lot size; the remaining must be suitable for building.

Mr. Jim Lavalley said that there were areas of inclusion on the map, some of the inclusions within a map maybe smaller or greater; he continued that having the two sheets on the plan made it confusing for Mr. Quintal so they have put the information on one page to make it easier to address.

Mr. Wilson confirmed that the intent is for this to remain a dead-end road; Mr. Tim Lavalle agreed and added that all dwellings will have fire sprinklers and is shown as note #6 on the plan. Mr. Pope said that the road length would require sprinkling of the houses on this road and all other houses in the future. He added that the Board had been looking at this proposal for a long time and if it is not very close to being right at the next hearing than it should be denied; he continued that this has been a long and frustrating process for the Board and for the Town; he clarified that all the houses must be sprinkled. Mr. Pellegrino asked how they would continue the road if they wanted to do that. Mr. Quintal said that they would have to put up a Bond for the binder and the finishing of the road.

MM&S to grant the waiver of the road length to approximately 1190 feet. (Motion by Mr. Pope, second by Mr. Alberts) Discussion on the motion: Mr. Coppelman noted that the cul-de-sac is temporary which is why the size was waived. Mr. Tim Lavalle said that there is approximately 550 feet from the end of the cul-de-sac to the Conant property; the bond money will be available to finish up to the cul-de-sac but not to the Conant property. Mr. Quintal said that is was not uncommon in other towns to provide ROW access to abutting property for the extension of the cul-de-sac. Mr. Quintal noted that the easements for drainage and slopes need to be shown in the ROW or with easements on the abutting properties. Mr. T. Lavalle said that a 100 foot swath was shown for the road to be built. Mr. Wilson asked if there was any public comment; there was none. Vote on the Motion: **Motion carried 6-1** with Ms. Faulconer opposed. Ms. Faulconer stated she voted in opposition as she would have liked to have a completed plan of the road with the drainage and easements reviewed by the Town Engineer prior to voting on a waiver.

Mr. Wilson asked Ms. Tina Flagg, the new property owner, to come forward to speak to the Board. Ms. Flagg said that she can't say that she understands everything about the proposal but she doesn't foresee any reason why she can say anything negative. Mr. Coppelman confirmed that she was aware that her driveway would be changing. Mr. Heitz informed her that her address would also change due to moving the driveway. There were no other comments. Mr. Wilson asked if the Board was ready to continue. Mr. Alberts asked if the applicant could meet with the Town Engineer. Mr. Wilson answered that the Board had encouraged them to meet but suggested that they get together quickly to work to provide the Board with a final plan. Mr. T. Lavalle said that they need to have the plan reviewed by the Corp. of Engineers; Mr. Coppelman suggested getting together with RCCD for wetland issues. Mr. Coppelman said that addressing the slope issues would depend on input from the Town Engineer; Mr. Wilson agreed. Mr. Heitz suggested that the applicant address issues raised by the Town Engineer as the Board is letting them know that they usually go with the Town Engineer's comments. Mr. Quintal said that it is up to the Planning Board to require additional area however, if there is a suitable buildable area would it be acceptable to the Board based on current methodology as changing configurations could easily be done now; after construction, lots can be made pretty flat. Mr. Coppelman explained that it is a regulation and there is flexibility that the Board can listen to the Town Engineer's recommendations. Mr. Wilson suggested that the Board would probably want to be sure that drainage is affected and water wasn't being put in to the wetlands or on a neighbor's property. Mr. Heitz said that he might find an exception if instead of 60,000 sq. ft., the buildable property was being squeezed into 25,000 sq. ft., as an example. Mr. T. Lavalle said that terrain

alteration can be determined later but not during this time; he suggested an additional month's delay.

MM&S to continue to April 17, 2012 at 6:45. (Motion by Mr. Alberts, second by Mr. Pope)

Motion carried 6 – 1 with Mr. Coppelman opposed.

Mr. Coppelman commented that he was glad that the applicant requested continuing until April; he stated that maybe two months will give them enough time but he thinks this might have been cleaner for the Board to deny without prejudice and the applicant to start over.

Mr. Pope commented that he wanted no more comments from the Town Engineer adding “get it done or get it gone”.

Mr. Wilson told the applicant that the revised plans are due on Tuesday, April 3rd by 4:00 PM; the applicant also needs to bring the Bond Amount back up to \$5,000 prior to any further review.

MM&S to adjourn at 8:10 PM. (Motion by Mr. Heitz, second by Mr. Pope) **PUNA**