

**Kingston Planning Board  
Public Hearing  
July 24, 2012**

The Chairman called the meeting to order at 6:46 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Stanley Shalett
Glenn Coppelman, V. Chair	Ernie Landry
Mark Heitz, BOS rep.	Adam Pope
Peter Coffin	

Absent: Richard St. Hilaire, Alternate

Also in attendance: Glenn Greenwood, Circuit Rider/Planner; Ellen Faulconer, Administrative Assistant

**Diamond Oaks Golf Club, LLC  
Rte. 125  
Tax Map R3 Lots 4, 4A, 4B, 4C and 13**

Attorney Kathy Sullivan and Jim Dufresne were present representing Diamond Oaks. Attorney Sullivan reviewed the latest changes; she had sent the color-coded map that Attorney Loughlin requested; the condo. documents were amended to clarify that Lot 4, the residential units, was responsible for the required water testing of the well. She stated that the revised documents have been reviewed with Attorney Loughlin and she felt that the issues were pretty much wrapped up. She stated that they want to record the Consolidation Plan and the condo. docs. Attorney Sullivan confirmed that there had been the hearing that had been scheduled for this date. She clarified that it is the Lot Consolidation Plan that will be recorded for the current bankruptcy plan, not the site plan for the 55 plus residential units, that plan would not be recorded until the final approvals were given by the Planning Board.

Mr. Heitz gave Mr. Dufresne a copy of the easement proposal that had been drafted by Attorney Ratigan. Ms. Faulconer reviewed her discussion with Attorney Loughlin; he was all set with the changes, adding that the bank that had filed an objection wanted some clarification language added to the document; he suggested that if the Board approved the documents this evening it could be conditioned upon the changes not having any impact on Town services or issues. Mr. Landry noted that some of the language in the documents referenced "part of" the Golf Course, LCA 3. Attorney Sullivan confirmed that LCA 3 was the entire golf course but did not include the clubhouse as that was another land unit. Mr. Landry stated that once that change was made to say that "all" of the Golf Course is LCA 3, he would be all set with the documents. Attorney Sullivan agreed to change the condo. docs. to properly reflect that LCA 3 was "all" of the golf course.

The use of LCA 3 was reviewed; it was for the benefit of the association; they would have use of the walking paths; they could use it in winter for outdoor activities such as cross-country skiing, as an example. Mr. Dufresne did not want to add any restrictions to using LCA 3 as it would cause further delays with the recording of the documents.

**MM&S to approve the condo. docs dated July 23, 2012 conditional upon removing all references to “part of” regarding the limited common area (as shown on P. 10 in the documents, for example). (Motion by Mr. Pope, second by Mr. Landry) PUNA**

Attorney Sullivan confirmed that the bankruptcy documents will refer to the Lot Consolidation Plan that is being recorded as part of the bankruptcy plan. The Board confirmed that a new Lot Consolidation plan mylar would need to be provided to the Board to update the signature and signing date for recording.

**Tim Lavalley  
Solar Hills Subdivision  
Hunt Road  
Tax Map R6 Lots 10-4 and 14**

Mr. Wilson noted that the Board had received a request for an extension of the deadline for the conditional approval last Tuesday; the Board granted a week’s extension to be able to review this evening; Mr. Wilson noted that, upon review, the extension request was received a day after the deadline had expired.

Mr. Lavalley told the Board that the project had gone forward “leaps and bounds” since last week’s extension request; they had been talking with the Army Corps. of Engineers and with the Wetlands Board; they expect to have their Dredge and Fill permit next week and will then have their State subdivision approval. He continued that the area that Mr. Cuomo noted had been illegally filled was confirmed by Elben Lewis; an area to be cleaned up has been established and they will be submitting a reclamation plan for that. He added that they should have all permits in place within the next few weeks and should have all approval and numbers in the next 30 days.

Mr. Greenwood confirmed that he had spoken with Mr. Cuomo about the status of the review of the property; Mr. Cuomo said that he has only had one discussion about one item with the applicant’s soil person and has not heard anything back since that discussion; he has had no other contact with the applicant or their representatives. Mr. Greenwood reminded Mr. Lavalley that the Board would need something final from Mr. Cuomo for any final approval.

Mr. Wilson informed the Board and Mr. Lavalley that a request for the escrow bond release had been received from Mr. Pellegrino adding that while the project is still being reviewed, the Board’s process is to not release the bond. Mr. Lavalley agreed that it should remain adding that they are still working on appeasing the Army Corps. of Engineers and getting State permits.

Mr. Lavalley asked about the posting of the construction bond. Mr. Greenwood explained that the construction bond would be the final condition that would need to be met prior to the mylar being signed and recorded; it would need to be completed within the conditional approval

deadline. Mr. Lavallo stated that a 90 day continuance would be enough time to meet the conditions.

**MM&S to continue the Solar Hills conditional approval deadline to October 24, 2012.**  
(Motion by Mr. Pope, second by Mr. Heitz) **PUNA**

### **Board Business**

#### **Correspondence:**

- Bond release request from Mr. Pellegrino; this request was denied by the Board.
- Invoice from Mr. Cuomo was signed; this invoice to be posted against Solar Hills bond.
- GeoInsights email asking about recommendations; the Subcommittee will be meeting on Monday and will review for the Planning Board.
- George Hall, on behalf of Brox, email received.

**ACTION ITEM: Mr. Greenwood will contact him and recommend they write a formal request for a continuation of the approval based on the delays caused by the court case.**

- Copy of letter sent from Building Inspector to Mr. Lancaster denying sign permit.
- Receipt of Galloway v. Brox decision

**MM&S to approve the June 26, 2012 minutes as adjusted; add “the CIP” before “solicitation” under “Committee Updates” on p. 6; add “CIP” between “next” and “meeting”. (Motion by Mr. Coppelman, second by Mr. Heitz) Motion carries 3-0-3, with Mr. Pope, Mr. Landry and Mr. Coffin abstaining.**

#### **Tax Map Updates:**

Mr. Wilson and Mr. Greenwood reviewed the questions raised by the Selectmen’s office and there will be some slight ballot amendments.

**ACTION ITEM: Mr. Greenwood will put the amendments in language and bring back to the Board to review.**

#### **Impact Fee Update:**

**ACTION ITEM: Mr. Greenwood will contact the School Board by letter.**

#### **Committee Updates:**

**CIP:** Nothing new, upcoming meeting in August.

**HDC:** Meeting reviewed by Mr. Shalett and Mr. Coppelman

**ZBA:** Mr. Coffin reviewed actions from ZBA including approvals from auxiliary apartments. He was asked if the ZBA was recording the documents now regarding those types of approvals. He said that he had brought this up but was told that the applicant would record them. Several

Planning Board members commented that Town decisions that needed to be recorded were done by the Town. Mr. Heitz re-iterated that the Town does not want an applicant recording a Town document; the Town needed to control what was being recorded. Mr. Wilson added that the point of having the ZBA and Selectmen establish the fees for recording is because the Town records the document. Ms. Faulconer said that the process for recording documents is not difficult; it can be done by mail if that was easier. Mr. Wilson and Mr. Heitz suggested that Ms. Faulconer contact the ZBA Chair about recording Town documents.

**ACTION ITEM: Ms. Faulconer to contact Ms. Alessio about the ZBA recording their decisions at the registry.**

#### **Telecommunications Ordinance:**

Ms. Faulconer provided a document adding a sentence regarding emergency communication which had come up as a discussion at the Inspector's meetings. Mr. Wilson agreed that it was a good idea to add this. Mr. Greenwood suggested that the Board post this for a hearing and further discussion could take place at that time; the Board agreed.

**ACTION ITEM: The Telecommunications Ordinance for the next public hearing.**

#### **Master Plan:**

**ACTION ITEM: Mr. Landry and Mr. Greenwood will set up meeting to review the scope of work for Natural Resources and Transportation section of the Master Plan.**

**ACTION ITEM: Ms. Faulconer to have ordinance documents available for Board discussion for the August 21<sup>st</sup> meeting.**

#### **Plan Review:**

Mr. Heitz brought a proposal for the Board to review; Mr. Greenwood stated that it would require an expedited site plan for a public meeting.

Shane McKeen submitted plans for a change of use from an antique shop to an Ice Cream take-out business. Mr. Greenwood stated that the best plan was for Mr. McKeen to submit a plan that could be recorded; get it updated by the engineer to be able to have a mylar; correct some of the spelling errors on the plan. This plan was added to the August 21<sup>st</sup> agenda at 7:00 PM.

**Wicked CAS:** Mr. Wilson informed that he, Chief Briggs, Mark Heitz and Mr. Greenwood performed sound checks on the site and questioned whether the site walk was still necessary. There was discussion about sound issues, the testing process, site walk protocol. Ms. Faulconer stated that she felt the public process was important; Mr. Coffin agreed adding that the Board should keep its word regarding the public process. Mr. Wilson said that the site walk should continue as planned. He suggested the Board review the Sound Ordinance.

**MM&S to adjourn at 8:15.** (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**