

**Kingston Planning Board
Public Hearing
September 25, 2012**

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

Members in attendance:

Richard Wilson, Chairman	Adam Pope
Glenn Coppelman, V. Chair	Peter Coffin (arrived with the meeting in progress)
Ernie Landry	Ellen Faulconer, Alternate
George Korn, BOS alternate	

Absent: Richard St. Hilaire, Alternate; Mark Heitz, BOS rep., Stanley Shalett
Also Present: Glenn Greenwood, Circuit Rider/Planner

Board Business

Matthew Hotz: The Board had invited Dr. Hotz to review his proposal to move his office to 43 Church Street; he provided the Board with an updated letter with the correct address. Mr. Wilson noted that the file for the property contained a list of approved uses for the site that included a doctor's office. Dr. Hotz said that he would be taking about ¼ of the building; his office would be on the left hand side as you faced the building which is being referred to as Suite 1. It was explained that they were hoping to take the current back playground area for parking. Lynn Merrill, the listing agent, discussed the current parking and a possible future proposal for designated parking that would be closer to the building; she said if this was going to go forward, they would return to the Board to amend the plan. She confirmed that there would no longer be child care in the facility. Mr. Wilson reviewed the plan and stated that there was currently an approval for 58 spaces; there were three handicap parking spaces; these are paved; the rest is on gravel. Mr. Coppelman asked about the approved hours of operation; Mr. Wilson stated that the approved hours were 6 AM to 8 PM Monday through Saturday; Dr. Hotz stated that he could operate within those hours. Mr. Coppelman informed Dr. Hotz that he would need to get a Business Occupancy Permit prior to occupying the building.

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

MM&S to approve Dr. Hotz proposal as presented without further review. (Motion by Mr. Pope, second by Mr. Coppelman) **PUNA**

Committee Update: Mr. Coppelman announced that the HDC will be sending information for the "Remember When" event.

Correspondence:

- Invoice received from Bruce Mayberry for the meeting with Mr. Wilson and the School Board; Mr. Wilson added that the updated contract had been received and signed and the

project would be moving forward. He discussed his meeting with Mr. Mayberry and the School Board; Mr. Mayberry explained the project. The School Board agreed to support the project, provide any information required such as their CIP plan and give their full co-operation. Mr. Wilson added that, overall, it was a very good meeting.

ACTION ITEM: Mr. Wilson will call the School Board Chairperson, Nancy Ross, for a copy of the School District's CIP.

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

Mr. Wilson explained that the applicant had asked to meet with the Board to review the status of the conditional approval. Mr. Greenwood reviewed his comments; he explained that since he had not received a new plan to review he could not confirm whether any of the corrections had been made; he added that he would need to take the new plan and compare it with those items that were missing.

Mr. Cummings said that he would like to tell the Board what had been addressed at this point. Mr. Wilson agreed that Mr. Cummings could proceed but since the Board had just received the plan tonight, Mr. Greenwood could verify the items completed at a later date.

Mr. Cummings said that item "e" had not been done; the professional stamps on the plan were still outstanding; "h", the binder course, gets completed after the mylar is signed. The State permits, "k" are still pending; "l" (the septic design) is not complete yet. Per Attorney Sullivan, "m" is in the condo. docs.

ACTION ITEM: Attorney Sullivan will send the pertinent section numbers in the condo. docs. to Ms. Faulconer to be reviewed in reference to the conditional approval.

Mr. Cummings explained that they will clean up the minor items noted by Mr. Quintal in his review letter of September 18th; he stated that "q" and "r" are not done yet.

Attorney Sullivan explained that the Water Supply Permit still is not done yet; they are hoping to get it done for November but may need to ask for an extension prior to January.

Mr. Wilson stated that the applicant has started excavating, noting that there is supposed to be a pre-construction meeting. Mr. Quintal said that he is waiting for the Board to okay a review. Mr. Greenwood explained the Board usually waits until the site plan is finally approved adding that he is a little concerned that there is construction activity. Mr. Pope asks when it was possible to have the pre-construction meeting. Mr. Greenwood said that in order for the applicant to have an approved site plan, the list of the conditions of the approval needed to be complete. Mr. Wilson asked if the items could be reviewed again next week to see how far away they are from being complete. Mr. Greenwood asked what was happening on the site. Mr. Wilson said that the main issue at this point is that the hill is being cut down. Mr. Cummings noted that the material is being moved in such a way to enhance the future activities of the

property; it is in accordance with DES AoT permit with erosion controls, silt fence and detention basins put in. Mr. Wilson asked if it was possible to do pre-construction review in anticipation of construction. Mr. Coppelman asked if anyone else on the Board was uncomfortable that the applicant was doing activity on the site without an approved plan in place. Mr. Wilson believed that the applicant could move dirt around on his own property. Mr. Quintal stated that his concern was that there are no State permits which can sometimes force a design change. His first concern is that the Stormwater Management Plan and Erosion Plan is in place; he re-iterated that he would not go out to the site without direction from the Board. He added that starting construction without final approval is not usually done. Mr. Coppelman stated that he wants to be on the record as voicing a strong objection against what is going on at the site without a final Board approval and without State permits; he doesn't think that it is appropriate. Ms. Faulconer stated that her issue with the applicant continuing with the activity is that the Board treat every other applicant the same; if the Board was going to waive the need for a final approval and waive the requirement for a pre-construction meeting for this applicant, then all applicants should be allowed to begin a project prior to a final approval; if that was the case then she did not have a problem with the applicant continuing but if the Board would not normally allow an applicant to start a project without a final approval, then it shouldn't be allowed this time.

Mr. Pope had a procedural question and asked how the plan goes from conditionally approved to approved. Mr. Greenwood explained that the applicant has a list of items needed to be completed and work should not begin until the list and plan is complete. Mr. Wilson asked if the applicant was close and would it be possible to have the pre-construction meeting. Mr. Greenwood stated that, with the exclusion of the as-built plans and possibly the water permit, the other items needed to be completed before a pre-construction meeting. Mr. Greenwood re-iterated that all conditions need approval before going forward. Mr. Wilson reviewed the list of conditions for possible length of completion. Mr. Cummings asked why they can't have a pre-construction conference prior to the plan receiving final approval; he asked what would have to happen to have the work that has been done inspected. Ms. Faulconer asked if, knowing a pre-construction meeting was required, if the applicant would continue working on the project if the work that is currently done was reviewed or would the applicant stop work and wait until the final approval before continuing on with construction. A question was asked regarding the septic approval; it was noted that the plan could not be reviewed prior to the lot consolidation which had just recently occurred.

Mr. Greenwood re-iterated that he would never counsel the Board with a different recommendation: the conditions of the conditional approval get met, then the mylar is signed and then the project starts. Mr. Pope reviewed the pending items. Mr. Coppelman stated that the Board could not sign the mylar prior to receiving the water supply permit. Mr. Pope asked if the Board would allow the pre-construction meeting and approval without the receipt of the Water Supply permit. Mr. Greenwood said that there is still an element of being out of sequence by having a pre-construction meeting prior to getting the water permit.

Attorney Sullivan confirmed that Mr. Dufresne had agreed to stop any further activity unless required by the Town Engineer. Mr. Dufresne asked about loaming and seeding; the Board agreed that it could occur if required by the direction of the Town Engineer. Mr. Wilson still wanted the Town Engineer to review the site; that action was approved by Board consensus.

MM&S to allow a pre-construction meeting prior to signing the mylar as long as all conditions are met with the exception of “h”, “k” and “u”, which includes the receipt of the water permit. (Motion by Mr. Pope, second by Mr. Wilson)

Discussion on the motion: Mr. Quintal stated that the site would have to be stabilized. Mr. Cummings asked if this meant that the Board would not give final approval until after the Water Permit was received; Mr. Wilson said that if that was the case, the Board would deal with it at the time. Mr. Quintal said that it was important to have the reviews complete by the Town and State to make sure that aren't other issues. Mr. Cummings stated that he did not think there would be any problems in meeting the Town's septic requirements and assumed they would receive the approval soon.

The Board clarified that the intention of the motion is to allow a pre-construction meeting with the understanding that no further activity should occur on the site until final approval except for site stabilization.

Vote on the motion: **Motion carries 4-1-2** with Ms. Faulconer opposed and Mr. Korn and Mr. Coffin abstaining.

Mr. Greenwood confirmed that he could provide an update of the completed conditions by email. The Board gave the applicant an appointment for December 4th in anticipation of the possibility of requiring a continuance to complete the conditions of the approval.

Board Business, continued:

Correspondence:

- Escrow funds received from Ducks on the Pond

Action Item: Mr. Greenwood and Ms. Faulconer will review Ducks on the Pond escrow amount for suitability of amount.

- GeoInsights proposal reviewed by subcommittee: the recommendation to the Planning Board for the BOS is that if they agree to the project, it should go out to bid.
- Letter from Attorney Loughlin re: Brox and Galloway
- Proposed letter for Planning Board to send out for working on Natural Resource Chapter; Mr. Landry explained the letter and project; he requested additional Board participation and was hoping for other Boards/Committees and private groups to participate to get project moving forward. October 17th would be the first meeting. Peter Coffin offered to participate; Mr. Wilson will also try to attend the meeting and he encouraged the rest of the Board to attend the meeting.
- Updates of Maps – Ms. Faulconer suggested updating some of the Boards maps due to additional information/ changes in zoning done in the past few years. Mr. Greenwood said that his office can update some of the maps at no cost to the Town by using Federal Highway Funds; he said that the Community Facilities map could not use these funds; he

stated that if the Town Tax Map Maker had the parcel information available electronically, RPC would buy that information from him. Mr. Coppelman asked if the Facilities map could be done using dues to the Commission; Mr. Greenwood was not sure.

ACTION ITEM: Ms. Faulconer will check to see if the parcel map is available electronically.

ACTION ITEM: Mr. Greenwood will confirm the costs (if any) of updating the maps and report back to the Board.

- Mr. Wilson noted that he sent a link to the Conservation Commission's Facebook page to Ms. Faulconer who confirmed that she sent this out to the Board members. He stated that it is worth going to this page.
- Town and City magazine received.
- Copy of signed Impact fees contract; Mr. Mayberry will be contacting Newton.

Ordinance Updates:

Mr. Wilson noted that "paving" is all set; he suggested reviewing the list at the Board's next meeting. Mr. Greenwood said that his office is applying to DES to help communities with their MS-4 issues; it was confirmed that the Town of Kingston would love to have free assistance.

ACTION ITEM: Mr. Greenwood will write a letter of support for the project for Mr. Wilson to sign on behalf of the Board.

Calendar:

The public hearings deadlines for Town Meeting and the Board's calendar was reviewed.

ACTION ITEM: Review the calendar at the next meeting.

ACTION ITEM: Ms. Faulconer to send Sympathy Card to RPC staff member on behalf of the Board.

Mr. Wilson suggested Board members might want to check out the work being done on Ball Road.

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