

**Kingston Planning Board
Public Hearing
March 26, 2013**

Mr. Wilson called the public hearing to order at 6:47 PM. There were no challenges to the legality of the hearing.

Members in attendance:

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

Absent: Richard St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner, Ellen Faulconer, Administrative Assistant

Holly Williams

Property Owners: Patrick and Catherine O'Brien

6 Chase Street

Tax Map R34 Lot 24A

Ms. Williams explained that she wanted to have a home-based dog grooming business at 6 Chase Street. Mr. Wilson described the property's location. Ms. Williams stated that there would be a single groomer, herself, and she would have no more than 10 dogs per day. Mr. Wilson read the comments from the Health Department that noted that there was a new septic plan in progress. Ms. Williams said that she was expecting her engineer, Tim Lavallo, to answer some of the Board's questions but he wasn't here yet. Mr. Coppelman asked about signage; Ms. Williams said she will comply with the sign ordinance and would have a two square-foot sign. Ms. Faulconer read the letter submitted by Ms. Williams describing the proposed activity. Mr. Wilson noted that there were no floor drains allowed in the space. Mr. Wilson continued reading Department comments: Conservation questioned whether there were wetlands on the property; the Building Inspector had no comments. Mr. Coppelman wondered if the proposal might be able to fit in the Residential Home Occupation requirements noting that site plan does allow for more visibility of the business in the residential area and does give more flexibility.

Mr. Wilson asked where the proposed septic was going. Mr. Lavallo answered way in the back; the State septic approval was received. Mr. Wilson stated that the well radius should be shown on sheet two adding that if it was less than 100 feet from the property line the plan should show the abutting wells or have a note added to the plan that the septic is at least 150 feet from the abutting well. Mr. Lavallo explained that they will be building a raised leach field with vent pipe.

Mr. Wilson noted that the setback dimensions to the property lines should be shown on the plan showing property setbacks and well setbacks.

Mr. Coppelman returned to the question of complying with the Residential Home Occupation. Mr. Lavalley said that they would move forward with the site plan; the corrections and revisions for the Board were minor; the applicant needed to know that they have approval for this use prior to buying the property. Mr. Lavalley noted that there would be no need for on-street parking; there was enough parking on the property.

There were no abutter comments.

MM&S to invoke jurisdiction. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**

Mr. Coppelman stated that he was not seeing specifications on the plan for items such as sign location, any lighting, snow storage. Mr. Lavalley said that he could go down the Town's list; he said the plan was so simple, he didn't go forward with the list. Mr. Coppelman asked about the applicant's timing. Ms. Williams said that they were hoping to close on Friday. Mr. Heitz explained that this was not a question of whether the use was permitted but rather that there were deficiencies on the plan and typically the Board tried not to approve a plan without all the information. He added that he would feel comfortable with the closing but the hearing could continue for another 30 days. Mr. Lavalley agreed that it wouldn't hurt to continue for another 30 days; he added that the septic could still be put in without having the Board's final approval. Mr. Wilson confirmed that the septic is done through the Health Department; the only thing they can't do is run the business. Mr. Wilson checked with the Board and there were no issues with the use on the site.

MM&S to continue to April 16th at 6:45. (Motion by Mr. Pope, second by Mr. Landry)
PUNA

Mr. Pope noted that the items on the Board's list of requirements needed to be shown on the plan such as sign location amongst others.

Benevento Bituminous Products, LLC
Property Owners: John and Brenda Galloway
1 Roadstone Drive
Tax Map R3 Lot 18

Bill Schneider, operations manager and Frank Quinn, appearing on behalf of Benevento, introduced themselves to the Board. Mr. Schneider explained that they were proposing two structural additions; piers and footings to support a 30,000 gallon propane tank and piers and footings for the second structural addition to interject recycled asphalt into the process putting it back into the manufacturing stream. Mr. Quinn noted that they had gotten the appropriate approval from the Zoning Board of Adjustment; they have the Kingston Fire Department's sign off; he stated that they fit the criteria to proceed under amended site plan regulations and have satisfied all the requirements of the site plan review.

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

Mr. Schneider explained the topography of the site; 52 feet from the nearest emission source; 450 feet from the closest water source; he explained the process involved with the conveyor bringing the material to the mixing box. Mr. Schneider explained that there is no environmental aspect to RAP; he pointed out the access easement road and the Plaistow town line. Mr. Heitz pointed out the existing scale in the right-of-way; Mr. Schneider explained that this was a previously existing item and they have no intention of moving it at this time. Mr. Heitz asked if they were discontinuing the use of #2 fuel; Mr. Schneider said that the loader still needs the fuel source; one of the tanks will remain. Mr. Coppelman confirmed that the propane tank will be added and the other tank will remain. Mr. Wilson confirmed that they will be adding the propane tank and conveyor belt.

Mr. Wilson read notes from the Conservation Commission: if tank is greater than 10,000 pounds, it needs EPA approval and there is a requirement to have an emergency plan in case of a leak. Frank Bosman, EA Science and Technology, confirmed that they will be preparing a plan. Mr. Wilson read other Department comment; Police suggested a Technical Review Committee; Health said there were no property lines shown on the plan; Building noted a lot of commercial vehicles parked on the site with Massachusetts plates; photos were provided. Ms. Faulconer explained the Building Inspector's position with getting compliance on the site and non-conformance. Mr. Heitz noted that it looked like there was storage of equipment on the site but it had nothing to do with the proposal or asphalt plant. Mr. Wilson agreed. Mr. Heitz assumed that the Building Inspector's concern is probably that the company had never come before the Board. Mr. Wilson stated that there did not appear to be any issues that would require a Technical Review; Mr. Greenwood agreed. Mr. Coppelman asked if the Board had the property owners' approval; Mr. Wilson confirmed that it was received.

Abutters' comments: Ms. Faulconer asked about the transfer of the recycled product on the conveyor belt; Mr. Schneider explained the air quality issue, the item is not heated until it is enclosed. Mr. Coppelman asked about dust particulates; Mr. Schneider said there are no issues per the DES. Mr. Heitz asked about the mixture; Mr. Schneider explained that it is a mix of RAP and sand and stone. Mr. Schneider, to answer Mr. Coppelman's question, explained that the truck traffic will be a "wash"; the trucks will bring in the aggregates and leave with the hot mix. Mr. Coppelman stated that he believes that the Town will want to be sure that the rest of the site is in compliance with current approvals for the site; to be consistent with what the Board has done in the past.

Mr. Wilson read additional comments from the Conservation Commission; Mr. Posen explained that the plan was voluntary and they would have it on-site. Mr. Quinn stated that he was not aware of any citations on site and requested an approval of the amended site plan as it applies to the leased land and not the entire property. Mr. Heitz explained that, when a site was not in compliance and asking for an amendment, it was when the Town had leverage and can unfortunately negatively impact their expansion. Mr. Pope added that the site needs to come into compliance. Mr. Wilson added that they could either get rid of the trucks or ask Mr. Galloway to come into compliance with an amended site plan. Mr. Heitz noted that the use is not out of character for the site. Mr. Wilson commented that the Town knows the dilemma and needs to move forward. Mr. Coffin suggested tabling the truck issue and have the Building Inspector and Board of Selectmen take formal action.

MM&S to conditionally approve based on verification of the EPA issue. (Motion by Mr. Pope – withdrawn).

Per Mr. Coffin's questions, Mr. Wilson and Mr. Greenwood explained the Technical Review Committee as an assemblage of Department Heads who review and report to the Planning Board, usually for large scale developments so all the Department involved can review and bring their concerns to the Board for the public hearing process.

MM&S to approve the plan as presented. (Motion by Mr. Pope, second by Mr. Heitz) **Motion carried 5-2** with Mr. Coppelman and Mr. Shalett opposed. Mr. Coppelman stated that he was not opposed to the plan but believed the Board was being inconsistent without clearing up any non-compliance and other inconsistencies on the site.

Mr. Wilson stated that the Board could decide how to deal with the site inconsistencies at the end of the meeting. Mr. Heitz explained that any compliance issues initiated by the Building Inspector should go to the Planning Board for review and then to the Board of Selectmen for enforcement proceedings.

Trendezza, LLC

Property Owners: Wall Living Trust, Heirs-Florence Hanson

22 and 30 Marshall Road

Tax Map R33-27 and R41-1

Christian Smith, Beals Associate introduced himself and Jim Gove, Gove Environmental, to the Board. They were having a Design Review for Market Elderly Housing Units; Mr. Smith stated that they don't have a firm number of units at this point; they are showing a 48 unit lay-out with two types of units, single story and single story with loft: two bedroom units of 1400 to 1700 sq. ft. He said there were wetlands on site showing the largest setbacks and a small pocket of wetlands in the middle; a private road is being proposed.

Mr. Wilson noted that this is a non-binding discussion for both parties.

James Gove explained the environmental specifics of the property; it is a preliminary interpretation of the buffer size as it was not determined whether there was a vernal pool on the site; he said there was a very deep water table despite the fact that the site had been graveled.

Mr. Wilson read Department comments: Police asked for Technical Review Committee; both Mr. Wilson and Mr. Greenwood stated that this would be a good idea. The Building Inspector's comment was "Ash Drive again" referencing an on-going issue with private roads which was explained by Mr. Wilson. Conservation Commission's comments: leach fields were not shown, South East Land Trust easement concerns, question about Unit 26 and the wetlands, questions about the proposed water source, flow rate and the aquifer. Fire's comments concerned a fire cistern, no parking on any part of the road, the road in Phase I not being built as a dead-end. Health: if using both lots for septic calculations, the lots must be merged. Mr. Smith said that a minor lot line adjustment is expected with the remainder staying as a single family home.

Phil Osier, property manager for South East Land Trust says there is an easement that isn't shown on the plan; they can be flexible as long as it remains accessible to us for hunting, fishing and passive recreation. The public access issue may become an issue; the property is open to the public and may become a conflict with this type of density. He added that it might also be a problem to enter the SELT site if this is a private road with no parking on the road per Fire Department requirements; he said, being familiar with the property, there are some significant wetlands on the property that are not shown on the plan. He said that he is assuming a huge amount of site modification would be required; there are 20-30 foot drop-offs that will require a fair amount of extraction and the Town might want to consider these impacts. Mr. Osier pointed out the area on the plan with the current easement.

Mr. Pope said that he thinks the biggest obstacle is the road; he would like them to build it to meet Town standards. Mr. Heitz said that the Board of Selectmen are not opposed to private roads but are opposed to them not being built to Town standards. Mr. Greenwood read from Section 9 on page 208-6 that states that the Planning board may allow private roads but they shall be built to Town standards. Mr. Rivier, the developer, said that he had no problem with issues regarding the Town road; he just doesn't want to create a 50 foot front yard setback. Mr. Smith would like the copies of comments from the staff and SELT. There was discussion about diverse housing stock, affordable housing, age group of housing which was stated to be 55 and over.

Mr. Wilson asked for any abutter's comments. Andrea Kenter, 23 Marshall Road, stated that there were multiple natural resource items on the site: vernal pool, bobcats (a protected species); she asked if a wildlife inventory would be required; asked about hydrogeological requirements as noted in the Aquifer Protection Ordinance. Mr. Rivier noted that this would be a Condo Association.

The applicant referenced a plan, not submitted to the Town, that showed septic and wells. Mr. Wilson stated that if the Town had received this plan there might have been more comments. Mr. Smith said the test pits had not been done yet.

Ms. Kenter noted that there was a three-acre minimum in the Aquifer Protection Zone; she asked how the Town felt about cul-de-sacs. Mr. Heitz stated that allowing a cul-de-sac might be a reason that the Town allowed the road to be private but built to Town specs in case there was the possibility of a future connection; subdivision regulations assume that cul-de-sacs are considered temporary and eventually expect them to connect with the applicant showing a future connection; it would have to be a convincing argument to not show a possible future connection. Mr. Smith said that they would review that. Ms. Kenter discussed the possibility of lead contamination due to target practice that had occurred on the site. Mr. Smith confirmed that they were aware of the need for a hydrogeologic study. Mr. Pope reminded the applicant that there was a list of items specific to subdivision that would need to be addressed; Mr. Smith said that they have met those items. Mr. Greenwood said that the list of items would apply unless the Elderly Ordinance specifically set a different standard. Mr. Rivier re-iterated that he has no issue building the road to Town standards. Mr. Wilson said that he has no issue with having a private road as long as it is built to Town standards. Ms. Merrill discussed possible condo. doc. restrictions. Mr. Rivier said he would build to Town specs. and leave it the Board's pleasure

about whether public or private; when they submit in the future, they will also submit the condo. docs. Mr. Coppelman stated that he hoped that they come back with a proposal.

The Board took a five-minute break at this time.

Plan Review:

The Board reviewed a plan re-submitted by Scott McKeen. The Board decided not to put the plan on the agenda until a plan was submitted as the Board had conditionally approved.

Correspondence:

- RCCD report
- OEP Planning and Zoning Conference
- Lot Line adjustment –approved/signed by Chairman
- BCM Planning invoice – approved/signed
- Oaths of office for Richard Wilson and Stan Shalett
- RPC letter re: dues
- Letter to Roger Young re: apartment
- Letter for Chief Briggs re: copiers
- Memo re: key for Planning Board use; Mr. Heitz approved; Ms. Faulconer to speak with Rich St. Hilaire to get key and code; Ms. Faulconer to put safeguards in effect.
- Wetland permit for Dan Mastroianni
- Amendment of Diamond Oaks Golf Club condo. docs.
- Town and City magazine
- Town Engineer's latest review of DOGC plans
- Letter of interest from Mr. King re: Pondview Restaurant; the Board did not require any further review per specifics in the letter.

MM&S to approve February 19, 2013 minutes as written. (Motion by Mr. Coppelman, second by Mr. Pope) **Motion carries 5-0-2** with Mr. Landry and Mr. Heitz abstaining.

Board Election:

By Board consensus:

Capital Improvement Plan Committee, Planning Board representatives:

Glenn Coppelman

Peter Coffin

Ernie Landry

MM&S to Glenn Coppelman to remain as representative to the HDC. (Motion by Mr. Wilson, second by Mr. Landry) **Motion carries 4-0-3** with Mr. Coppelman, Mr. Shalett and Mr. Heitz abstaining.

MM&S for Stan Shalett to be Mr. Coppelman's alternate to the HDC. (Motion by Mr. Wilson, second by Mr. Coffin) **Motion carries 5-0-2** with Mr. Shalett and Mr. Heitz abstaining.

Historic District Committee:

Glenn Coppelman

Stan Shalett, Alternate

Mr. Wilson expressed his interest in remaining as Chairperson. Mr. Heitz asked if anyone else was interested. No one else expressed an interest.

Chairperson: Richard Wilson

Mr. Coppelman expressed his interest in remaining as Vice-Chairperson. He added that he would also be happy to serve as Chairperson but realized that was not the wishes of the Board. No one else expressed an interest to be Vice-Chairperson.

Vice-Chairperson: Glenn Coppelman

Mr. Wilson reminded the Board that the next meeting would be next Tuesday, April 2nd.

MM&S to adjourn at 9:15. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**