

**Kingston Planning Board
Public Hearing
June 18, 2013**

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

Members in attendance:

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

Absent: Richard St. Hilaire, Alternate

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

John Ingalls
Solar Hills
78 Hunt Road
Tax Map R6-14

Scott LaPointe and Mr. Pellegrino appeared before the Board. Mr. Appointee, attorney for the applicant, stated that the abutters have now been properly notified and asked that the Board accept the plan for jurisdiction. He would also like to review the waiver requests. Mr. Greenwood stated that the plan was complete enough for the Board to accept.

MM&S to accept jurisdiction of the plan. (Motion by Mr. Pope, second by Mr. Coffin).
PUNA

Ms. Faulconer read the waiver requests. Mr. Wilson asked the applicant why not phase the development to include two more lots rather than ask for the waiver of the amount of new lots on a new road. Mr. Pellegrino stated that Dave Conant has talked about moving the cul-de-sac onto his property when continuing the development. Mr. Wilson suggested showing the phasing and not needing the waiver. The plan was distributed to the Board. Mr. Coppelman asked about the issue with the number of lots. Mr. Wilson confirmed that the changes now require 8 lots for a new road, 7 of which must be new lots. Mr. Pope stated that there appears to be enough land to have 8 lots. Mr. Pellegrino said that he initially tried to have a T-turnaround with 8 lots but with a cul-de-sac there is only 6 lots; if he removes the cul-de-sac, he can have 8 lots. Mr. Wilson asked about the acreage for the Conant property; Mr. Pellegrino replied that there are 15 acres. The Board discussed the cul-de-sac and the number of proposed lots. Mr. Wilson stated that he would have assumed that the cul-de-sac would have helped establish frontage for the other lots. Ms. Faulconer asked if the applicant could extend the road to get the required 8 lots. Mr. Pellegrino agreed that they could get 8 lots with a longer road. Mr. Coppelman confirmed that this was a new application and the applicant was essentially starting all over again. Mr. Wilson

agreed. Mr. Pellegrino noted that the Board had cautioned him at the last approval that due to circumstances, he might have to start all over again and that is what has happened. The Board had warned that if the Board did not have Mike Cuomo's information received within the deadline, then he would have to start over again. Mr. Wilson suggested the Board start with the last two waivers requested by the applicant.

Mr. Heitz confirmed that if the cul-de-sac was all the way at the end, then there would be enough for the required 8 lots. Mr. Pellegrino confirmed that was true but he would then have to get a site specific permit from the State; he would like to be able to build a couple of houses first; it would financially kill him if he had to get the alteration of terrain permit as he believes there is a lot of cost involved with that. Mr. Quintal said he just had to take the plans and drainage design and meet with an official and in two or three hours he would have the answers; he added that most of the work has been done already for erosion, sediment and stormwater management. He continued that the fee is based on square footage; he did not know the exact amount and could get that answer but believed it would be \$400 or \$500 at the most; it would take some time to get the permit.

Mr. Heitz was concerned that the applicant seems to be proposing a plan with a cul-de-sac but doesn't expect to build the cul-de-sac; there was discussion about the timing of building the road in regard to Building permits and Occupancy Permits; Mr. Coppelman added that without a timeframe for completion, there would be an issue for an approval. The Board noted that no Occupancy Permits would be issued without the road being completed. Ron Conant told the Board that he was trying to check with his father on issues being referenced by Mr. Pellegrino but was unable to contact him. Mr. Pellegrino asked if 76 Hunt Road, which was currently a 4 acre lot, became a smaller lot, would it meet the criteria for a different, new lot. Mr. Wilson said it would not; it would have the same tax map number.

Mr. Pellegrino said that the plan the Board was looking at was the same as before; Mr. Greenwood corrected this statement saying that he had not previously seen a plan with differentiated wetlands shown; this was a significant difference. Mr. Pellegrino apologized for misspeaking. Mr. Greenwood added that the information regarding the wetlands has changed; he has assumed that Mr. Cuomo has reviewed it. Mr. Wilson suggested that Lot 4 on the plan might require additional comments from the Board; Mr. Greenwood stated that Lot 4 has conflicting language; the issues may cause the lot to be reconfigured. Mr. Quintal stated that vernal plans were not on the plans previously reviewed by the Board and they are shown on the current plans. He continued that he had questions regarding the soils map that he wanted Mr. Cuomo to review adding that this is an issue that he has on the plan. Mr. Cuomo's letter stated that the revised plans dated 5/13/2013 meet the requirements and there is an acceptable plan for the future restoration. Ms. Faulconer explained that Mr. Quintal had not reviewed the plan per the applicant's request. Mr. Coppelman asked Mr. Quintal if he would be doing a full review of the plan; Mr. Quintal said that was his intent; he needs to also look at the vernal pools, the setbacks and the contiguous land. Mr. Pope suggested that the Board needed to get through the waivers first; starting with the easy ones, the road length and cul-de-sac width which were previously okayed by the Road Agent.

Mr. Wilson read comments from the Departments; there was no public comment.

MM&S to approve the waiver to the requirement for 905.9 (F) for the cul-de-sac width from 150 ft. to 100 ft. as it is expected to be temporary and based on the Road Agent's approval. (Motion by Mr. Pope)

Board discussion on the motion: Mr. Coppelman noted that per the Town's rules, all cul-de-sacs are expected to be temporary. Mr. Heitz questioned setbacks to vernal pools; Mr. Greenwood said there is a 100 ft. setback requirement but the Board can make a distinction that the access or road is in the best place with the least amount of impact and approve it. Mr. Pellegrino noted that Mr. Cuomo wanted the 100 ft. setbacks shown on the plan. Mr. Coffin stated that the radius is shown within the 100 ft. radius of the vernal pool; it completely encompasses ½ of the turnaround. Mr. Coffin added that the vernal pool and its radius appear to block access to the house location on one of the lots; they would have to go right through the setback.

Ms. Faulconer asked that since the wetlands information has been added, has any engineering been done to review for anything better now that there is this new information. Mr. Pellegrino answered no. There was Board discussion on the cul-de-sac location, wetlands setbacks, normal standards for cul-de-sacs, ROW's, pavement, and turnaround area. Mr. Quintal reminded the Board that Mr. St. Hilaire stated that the proposed smaller cul-de-sac is adequate for emergency vehicles; the edge of pavement gets reduced proportionally to the size of the cul-de-sac. Mr. Coffin stated that just using the ROW, it still at least abuts the 100 ft. buffer; Mr. Greenwood stated that he thinks it is still in the 100 ft. buffer. Mr. Coffin stated that the road is close enough that it is still a consideration. Mr. Greenwood said that on p. 202-4, article 202/6 (A) would require a waiver; the Planning Board can make that determination. Easements and Rights of Way were discussed; Mr. Wilson asked if once the road was extended, if it would be outside the setbacks; Mr. Pope answered no; Mr. Heitz said it was still within 75 feet. It was re-iterated that the rules allows roads and easements within the setbacks upon finding that there is no better way as to minimize any detrimental impact. Ms. Faulconer stated that since the applicant confirmed that the plan hadn't been reviewed since the updated information was added, how did the Board know that there wasn't a better way. Mr. Greenwood added that the change in the circumstances have provided a better wetlands plan. The driveway in Lot 2 was discussed. The Board reviewed Mr. Cuomo's letter and email. Mr. Shalett asked if the lot lines need to be moved to make the vernal pool 100 ft. away; Mr. Pope answered no, just the driveways, roads and structures.

Mr. Pope re-stated his motion: **MM&S to approve the waiver to the requirement for 905.9 (F) for the cul-de-sac width from 150 ft. to 100 ft. as it is expected to be temporary and based on the Road Agent's approval.** (Motion by Mr. Pope, second by Mr. Heitz) **Motion passed 5-1-1** with Mr. Coppelman opposed and Mr. Coffin abstaining.

MM&S to approve the waiver request for the length of the road from 1000 feet to approximately 1200 ft, as shown on the plan, due to the note on the plan that the houses shall be sprinkled. (Motion by Mr. Pope, second by Mr. Heitz) **Motion passed 6-1** with Mr. Coppelman opposed. Mr. Coppelman explained that his objection is not to the length of the road but to the placement and he is now sensitive to jumping too quickly; he thinks this needs more

attention. Mr. Wilson said that he would agree had Mr. Cuomo not okayed the plan. Mr. Heitz said that he would also agree if this was the first time the plan was before the Board.

MM&S to approve the waive request for that section of the regulations requiring 7 new lots for a subdivision. (Motion by Mr. Pope, second by Mr. Heitz for discussion purposes)

Ms. Faulconer said that she would address the elephant in the room; since the intent of the previous regulation was clarified due to actions that occurred for the previous application, what was the benefit to the Town for waiving the regulation. Mr. Wilson answered that since the cul-de-sac and road length is temporary, it is okay. Mr. Heitz stated that the revision of the regulation is to address the future, not to put restrictions on this submission. Mr. Pope stated that it had originally had a hammerhead with 7 lots but had to put in a cul-de-sac to get it approved.

Return to vote on the motion: **Motion passed 5-0-2** with Mr. Coppelman and Mr. Coffin opposed.

Mr. Wilson stated that, at this point, the Town Engineer had not reviewed the plan. Mr. Wilson explained to Ron Conant that, in order to speak on his father's behalf, he would need a notarized letter from Dave Conant

MM&S to continue to July 16, 2013 at 7:15. (Motion by Mr. Pope, second by Mr. Heitz)
PUNA

David Smith
35 Pow Wow River Road
Tax Map R27-49

Mr. Wilson stated that the site being reviewed was formerly the Bakie Farm. He read Department comments. Mr. Wilson explained that the owner was proposing a Farm Stand with a sign on the property; the Board had reviewed and determined that an expedited review was appropriate.

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

Mr. Smith reviewed the parts on the plan that were already existing and those proposed; he stated that there is currently a grass parking area with a sort-of pea stone soil that he would eventually like to upgrade to gravel; the driveway entrances are existing.

Public comment: Mr. Soterakopoulos of 34 Pow Wow River Road said that he was fine with the proposal. Mr. Wilson stated that there were no Department comments. Mr. Heitz asked about the parking and the Board's feeling on impervious vs. pervious surface. Parking and paving requirements per Article 904.6 were reviewed.

MM&S to accept the plan as presented. (Motion by Mr. Pope, second by Mr. Heitz)

Mr. Heitz agreed to accept the plan as presented as there is minimal impact regarding the parking; other than employees and farm equipment, there will be vehicles coming and going for a short period of time with seasonal use. He added that given that, he would waive the requirement for parking on an impervious surface and approve the plan as requested. Mr. Coppelman noted that a waiver to the standard is required. Mr. Pope withdrew the motion.

MM&S to approve a waiver for the requirements of section 904.6 (J) for those reason just expressed by Mr. Heitz. (Motion by Mr. Pope, second by Mr. Coppelman) **PUNA**

MM&S to approve the plan as presented. (Motion by Mr. Pope, second by Mr. Landry)
PUNA

Ms. Faulconer reminded the applicant that he would now need to apply for the sign permit.

Matthew Dworman
Archangel Woodworking
3 New Boston Road
Tax Map R19-10

Mr. Wilson explained that the applicant is proposing a furniture making business. He read the Conservation Commissions comments; they asked whether the placement of the dumpster fit the setbacks for placement within 20 feet of poorly drained wetlands; concerns with shared septic, well, types of material going into the septic. The Fire Department commented that the applicant will be having a spray booth; a sign copy had been presented. Mr. Quintal read his comments which included comments regarding buffers/screening, compliance with Lighting Ordinance hours of operation, noise, dust, hazardous materials on the site, need to address Stormwater Management. Mr. Quintal stated that even though this was an existing lot of record, Stormwater Management, while something the Board could ignore, should be looked at for updating and address issues on updated development. Ms. Faulconer read an abutter's letter from Kathy Birch. The plans were distributed to the Board. Mr. Wilson noted that the last proposal on this site had issues regarding noise and buffers. Mr. Coppelman questioned the zone. Ms. Faulconer read the ZBA variance granted to this proposal.

Mr. Dworman spoke to the Board about himself and the type of furniture he makes; he said this proposal was basically for a small woodworking shop with 4 employees that might eventually grow to 6 or 8 employees. He added that he is environmentally conscious; when it comes to furniture making it is a hands-on operation although there is some machinery; in a busy week, he might build 4 bookcases. He said that he recently purchased sound-proofing panels for the walls in the machine area. Mr. Wilson asked about dust collection. Mr. Dworman said that currently he has a 3 bag dust collector plus two smaller collectors; he is looking into a biomass furnace which will use this instead. He explained that there will be a vertical exhaust to the outside for the spray booth; the State threshold for permitting is 25,000 tons; he will exhaust about 5 gallons in a busy week. He initially stated hours of operation would be Monday through Thursday but changed the request to be Monday through Saturday from 7AM to 7 PM; he can limit equipment to different hours as needed. Mr. Heitz stated that the Board does not need to set those limits as the application will need to meet the noise ordinance; if the applicant exceeds the noise

ordinance, it doesn't matter what the hours are. Mr. Coffin asked about truck and delivery traffic. Mr. Dworman stated that in his best week, he makes 4 pieces of furniture; it is special order; trucks are there once a week or every two weeks; his biggest supplier for wood is in Kingston or Brentwood. He will be open to the public but more likely by appointment, not like a regular furniture store. He clarified that due to the threshold for venting requirements, he does not need a permit. Mr. Shalett asked about chemical storage; Mr. Dworman said that there is a metal cabinet designed for this purpose; he does not keep a lot of stock, only carries what he needs. He currently disposes the sawdust with a pig farmer but is hoping to use it for heat with a bio furnace. Mr. Coffin asked if the Board had received anything from the abutter about sharing the well and septic. Mr. Pope explained that the last applicant was required to provide a letter from the property owner that they were in agreement to the proposed use of the septic and well. Mr. Daly, the attorney for the applicant, said that they can get this from the abutting owner of the septic and well easement.

Public comment:

Bill Matern, 2 New Boston Road, stated he initially had concerns about noise, but having to meeting the noise ordinance seemed reasonable. He said at the ZBA hearing, there was a discussion about sub-leasing to others which was not brought up at this hearing. He asked about the amount of dust, shellac and paint smells that might be permeating in a neighborhood. He asked how the waste, other than sawdust was handled, such as scrap wood, paintbrushes, rags; he questioned the time of the day that deliveries were handled and how this was regulated in a residential neighborhood; security issues with employees at lunch or on break; any outside storage. Mr. Wilson stated that everything was internal. Mr. Dworman clarified that a forklift and dumpster would be outside on the property. He clarified that the trailer currently on the site is not his. Mr. Shalett asked how the proposal might impact the Aquifer Zone. Mr. Wilson stated that the applicant is saying that everything is internal and contained. Mr. Dworman said that the primary finishing product is lacquer, there is minimal overspray; any is captured by the spray booth; there are no fumes, no waste, no spills into the Aquifer, the lacquer "dies" in 30 seconds. Mr. Pope added that Mr. Quintal's comments on Stormwater Management will address this. Mr. Dworman explained that his current shop in Worcester is a woodworking co-op but that is not planned to come here. Mr. Coffin spoke about the 50 foot buffer adding that the vegetation has to be on the applicant's property, not the abutting property. Mr. Wilson noted that there is currently no buffer. Mr. Blaisdell said that there are trees on both sides of the property; they would have to rip up pavement to put in a buffer. Mr. Dworman said that the property won't look different. Mr. Coffin said it could still look like a church but the Town's regulations require a 50-foot buffer and the buffer should be included on the plan. Mr. Quintal stated that the Board also allows a fence. Mr. Wilson noted that the regulations state that there has to be a buffer. Mr. Pope said that the Board could accept an alternative plan. Mr. Heitz suggested that it could be argued that this was a similar use as a church is a commercial use. Mr. Coppelman explained that the church was there prior to zoning, if it was established now it would need a buffer. Mr. Pope stated that the buffer needs to be between the property and the residences; the commercial use ordinance says that if the applicant can't do a 50 foot buffer, they either have to be in compliance or give an alternative. Mr. Quintal offered to speak with the applicant to come up with a plan. Mr. Dworman stated that he wanted an approval this evening. Mrs. Dworman stated that the church is equally anxious to get rid of the property. Mr. Wilson suggested

continuing for a half hour for the applicant to come up with a proposal. Mr. Pope asked to hear Mr. Greenwood's comments. Mr. Greenwood read his comments which included issues with the incorrect zoning showing on the plan, it should be SFR; snow storage shown beyond the tree line, the snow shouldn't be plowed into the wetlands; dumpster needs to be moved outside 100 ft. wetland buffer, questioned the septic system being okay, usually the Board has something from the Health officer; ZBA approval wasn't for signage; anything over the allowance for signage in the SFR will need ZBA relief. Mr. Shalett questioned the amount of parking; Mr. Dworman said there is enough parking for 88 vehicles; he won't need more than 8.

Amy Leach, abutter at 2 New Boston Road, asked to clarify the change in appearance to the building. Mr. Coppelman stated that there is a loading dock on the side of the building. Mr. Greenwood stated that he was uncomfortable with the applicant pushing this through while there were still outstanding issues; there was still an issue with Stormwater Management.

MM&S to continue to 9:40 this evening (Motion by Mr. Pope, second by Mr. Wilson) **Motion carries 4-0-3** with Mr. Coppelman, Mr. Coffin and Mr. Landry abstaining.

Ovitt, LLC
135 Rte. 125
Tax Map R13-10

Mr. Wilson explained that this was a revocation hearing for a previously conditionally approved and recorded plan; the applicant has notified the Board that they are not going forward with the plan, therefore won't be meeting the conditions and has requested their bond back, with the knowledge that this would require the revocation.

David Joy, 9 Meeks Road, asked what was being revoked. Mr. Wilson explained the process and the plan. While before the Board, Mr. Joy asked about compliance and enforcement procedures; Mr. Wilson explained the process. Mr. Coppelman stated that questions to the Board about compliance issues can come from an abutter or Town official; once reviewed it is sent to the BOS and up to them to address it. Mr. Heitz explained the Selectmen's process.

At the applicant's request, MM&S to revoke the previously approved Ovitt plan, D-35628. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**

2 Girls Upholstery
163 Main Street
Tax Map R402, 2A, 2B

Mr. Wilson noted that the owner of the property, Mr. Mastroianni was present. Dawn Dutton and Jacqueline Clark, the principals, were present and explained their proposed business as upholstery, primarily restoring seat cushions, boat interiors, soft trim; there was no refinishing or chemicals; hours of operation was 8-6, Monday through Saturday; they are the only two employees. They are located in the only building on 51 Route 125; the business occupies the first floor, there is an apartment above; they are not retail use; people come in to drop off and then pick up; deliveries are usually UPS; there is not currently any signage although there is an

existing sign on the property. Mr. Coppelman stated that there is a Sign Ordinance and a Lighting Ordinance that they would need to comply with and need a sign permit if they proposed one in the future.

The Planning Board decided that no further review is required as long as they comply with the existing plan and current ordinances.

Board Business

Correspondence:

- Updated calendars were available.
- Board does want Mr. Mayberry at the July public hearing.

ACTION ITEM: Request Mr. Mayberry to attend July public hearing.

- Mayberry Invoice signed.
- Previous wholesale dealer plate request from February, check deny and return to BOS.
- Authorize Mr. Greenwood to set items for July public hearing.
- Letter from ICE re: lumens; copy given to Mr. Coffin
- Lori Buswell bond release request; approved and signed by Chairman
- DOGC Reports #2 and #3 from Town Engineer; Mr. Quintal reviewed for the Board; he explained that he hadn't seen the drainage structures; they were put in without being seen; some will have to be dug up to review properly, especially those on the road).
- RPC Open House announcement for June 24, 2013; Mr. Greenwood urged people to attend.
- Bond balance list received, reviewed.
- DOT driveway permit for 32 Newton Junction Road
- Copy of Notice of Violation for North Atlantic Properties received from BOS
- Vacation approval
- Additional proposed projects list

ACTION ITEM: Ms. Faulconer to email the additional project list to the Board for review.

- Coopers Grove request for bond/paving release; the Board okayed Mr. Quintal and Mr. St. Hilaire coming up with the appropriate number and Mr. Wilson can sign without any further Board action.

Matthew Dworman
Archangel Woodworking
3 New Boston Road
Tax Map R19-10

Mr. Dworman returned to the Board, the hearing continued from previously in the evening.

Mr. Dworman returned with a proposal to add 6 foot tall fencing around the property; stockade type that you can't see through; Mr. Dworman added that all of them agreed that this would not be an improvement to the property. Due to this, he had a concern that the abutters may not want the fence installed; if this was the case, they would like to not have to put up the fence. Mr. Daly stated that he didn't think the abutters' will like the fence. Mr. Coffin if the buffer is not going to

be 50 fifty, they would still need a strong visual barrier; he continued that the Board can chose the improvement and would tend to favor the regulations. Mr. Dworman pointed out some of the uses on the road; Mr. Pope noted that there is a residential use on either side of the property. Mr. Dworman said that even though this is considered a commercial site, it is basically a wood shop. Mr. Blaisdell showed the proposal for the stone berm in the back corner to the Board. Mr. Quintal talked about BMP's; the filtering mechanism to enhance stormwater run-off and filtration prior to the stormwater getting to the wetlands. He said it is a step-up from what is there now. Mr. Coffin said that since this is a change of use, it is the chance to address issues. Mr. Quintal agreed that if impervious surface is reduced, it is an improvement to the site.

Mr. Dworman said that a note will be added that all lighting will conform to the Town's Lighting Ordinance. Mr. Coppelman said that basically all lights need to be shielded and pointed downward. Mr. Pope reviewed the issues raised by the site's abutter: air quality: under the threshold for requirements for permitting; there were comments about air quality in a residential zone as opposed to a manufacturing session; Mr. Dworman explained that NHDES does not distinguish between zones, just the volume of emissions. Trash pick-up was reviewed; Mr. Dworman said it would be weekly or bi-weekly and he will work within the residential decibel allowance. Mr. Wilson explained that the applicant can not regulate whether employees leave the site at lunch or on break; Mr. Coffin stated that the applicant has confirmed that there will be no sub-letting on the site.

Clovis Leach, abutter, asked if there was another plant like this in operation that could be visited. Mr. Dworman said there is a woodworking shop in his basement. Mr. Wilson re-iterated that any time the applicant went beyond the noise level, he is in violation of his site plan; the sound panels he bought should help with any noise. There was continuing discussion on the buffer issue; abutter comments favored some type of buffer to help with noise issues; green vegetation is better and visually more appealing and better for noise reduction. Mr. Blaisdell confirmed that there were planters added to restrict traffic; Mr. Wilson said that in a previous review, the Police Chief had wanted better controlled access for the site.

Mr. Coffin said that the current plan is essentially not compliant with the Town's regulations; he would prefer the 50 ft. buffer which would also help eliminate the pavement going to the property line; the applicant doesn't need the total amount of the parking; he thinks it is important to provide screening for the residential areas. He proposed adding to the site plan a buffer as described in 904.6 (D) rather than approve a plan that needs a waiver; he doesn't see it as that big an expense. There was discussion as to the possible costs involved; possibility of 1/2 the buffer requirement; single family zoning issues. Mr. Heitz stated that he would see Mr. Coffin's point better if the site had originally been a dwelling that was changing; that would be a lot different discussion. He stated that he sees a church with 100 cars on a Sunday as a commercial use with this proposal as less of an impact with 4 to 8 vehicles at a time. Mr. Coffin stated that a church is not the same as a commercial use; this was a change of use for the property; since it is a change, it is the time that the Town has the opportunity to have the business comply; he stated that the applicant can work out a better buffer to follow the spirit of the Ordinances. The use of the site was discussed; improvements, traffic, noise, use of the building was discussed by the Board.

Mr. Wilson agreed that the Board's decision regarding the fence could not be optional. Mr. Coppelman stated he agreed with bits and pieces of items discussed stating that the fencing will not visually improve the site and stating that he was willing to consider a narrower buffer than 50 feet; he agreed that removing some of the concrete makes the property better. The Board reviewed the buffer along the property; the vegetation is on the abutting neighbor's property. The requirements versus the intent were reviewed. The vegetative buffer requirements were reviewed; Mr. Quintal read that the requirement does say at least 15 feet in width; not less than 50 feet when separating residential and commercial. The Board continued reviewing setbacks, buffers, possible costs, age of the existing building, and waiver requirements. Mr. Dworman explained the real estate process with the archdiocese. Mr. Wilson explained that issues with the site and the negotiation process with the archdiocese could not be blamed on the Town. Mr. Dworman agreed stating that it was a unique property with its own hardships. The intent of the buffer requirement was discussed. Mr. Dworman stated that the forklift would be parked behind the building; possibly in a canvas carport. The Board continued to discuss the proposed fencing, stormwater berm, moving the dumpster to an appropriate location.

MM&S to deny the applicant's request to install a stockade fence in lieu of a vegetative buffer. (Motion by Mr. Coppelman, second by Mr. Pope) **Motion carries 4-2-1** with Mr. Pope and Mr. Heitz opposed; Mr. Wilson abstained.

MM&S to waive the requirement for a vegetative buffer. (Motion by Mr. Pope, second by Mr. Heitz) **Motion fails 3-4;** Mr. Coppelman, Mr. Coffin, Mr. Landry and Mr. Shalett opposed.

Mr. Landry suggested a middle ground that combined fencing and a vegetated line of trees. Mr. Heitz confirmed that the Board could not put the option to the abutter. Mr. Pope said that the Board was obviously trying to get creative to come up with something in the middle. The Board reviewed possible options.

MM&S to require a 15 foot vegetated buffer planted in accordance with the Town's buffer requirements in the location of the proposed fence as shown on the amended plan. (Motion by Mr. Landry, second by Mr. Pope) **Motion carries 5-0-2** with Mr. Coffin and Mr. Pope opposed.

Mr. Pope says the site meets the intent of the buffer requirements with or without this buffer. Mr. Dworman stated that it is a good compromise but would still be about a \$10,000 expense. Mr. Wilson wanted the record to reflect that any commercial proposal/change of use on this site would require a vegetative buffer.

ACTION ITEM: Ms. Faulconer to send a letter of the motion regarding the buffer requirements to Mr. Dworman ASAP.

MM&S to conditionally approve the plan with the addition of a note regarding compliance with the Lighting Ordinance, 60 foot stormwater berm as reviewed with the Town engineer, move dumpster outside of the setbacks, redesignate snow storage to appropriate location outside of the wetland buffer. (Motion by Mr. Pope, second by Mr. Heitz) **PUNA**

Board Business, continued

Correspondence, continued:

- The Board reviewed Mr. Quintal's report on the Early Gravel pit site walk; Mr. Quintal discussed the issues found on the site: there is currently an old plan with a pencil modification done in 2010, the majority of the lot is devegetated, the outlet structure has fallen apart, the berm structure has deteriorated, the stormwater detention is not functioning and the outlet is not working properly; the stockpiled materials on the southerly side extends to Town property, there are questions to where the property line is located, in the back of the lot the rock piles are at or over the property line; product appears to be on the abutter's property on the northerly side, he appears to be over-extending the limit of his property ownership. Mr. Quintal stated that stormwater run-off is a problem running off the site and might compromise abutters downstream. He continued that the site plan done previously is marginal at best and appears to be different than what is being done on the site now. He told the Board that the property lines should be staked, the site plan updated; the lot is unvegetated, RSA 155:E requires that 5 acre maximum be exposed, the site has surpassed that; there needs to be a restoration plan to stabilize the site. He added that there should be a plan to clarify the active area; there should be a stormwater plan.

ACTION ITEM: Send a copy of Mr. Quintal's report to Mr. Early; let him know that he needs a new site plan, mark property lines and needs to comply with Mr. Quintal's recommendations; he should contact Mr. Quintal; inform Mr. Quintal that the gravel pit permit is not renewed at this point.

- Dan Parks: Greenhouse has Facebook page with flowers for retail sale.

ACTION ITEM: Ask Mr. Parks to come speak to the Board about activity on his site at the Board's next meeting.

Plan Review:

The Board reviewed a submission to subdivide a lot on Jericho Drive. The Board reviewed the location; this item is not being added to the agenda as the Planning Board had previously reviewed a similar proposal and determined that the lot was not sub-dividable.

MM&S to approve the May 21st minutes as presented. (Motion by Mr. Coppelman, second by Mr. Pope) **Motion passed 6-0-1** with Mr. Heitz abstaining.

Mr. Wilson reminded the Board that the next meeting was July 16th.

MM&S to adjourn at 11:20 PM. (Motion by Mr. Pope, second by Mr. Coppelman) **PUNA**