

**Kingston Planning Board
Public Hearing
August 16, 2011**

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

Members in attendance:

Richard Wilson, Chairman	Mark Heitz, BOS rep.
Glenn Coppelman, Vice Chair	Ernie Landry
Adam Pope	Richard St. Hilaire, alternate

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

Absent: Jay Alberts.

Mr. St. Hilaire will be a voting member this evening.

Board Business

Correspondence:

- The Board approved Mr. Wilson signing the two invoices received from Civil Construction.
- Bond from Mr. Early for the gravel pit was received and reviewed by Mr. Greenwood; he explained that the Board requires that the bond be self-calling; the one received needs to be re-phrased.

ACTION ITEM: Mr. Greenwood will contact Mr. Early about amending the bond.

- Rouleau request for Auto Inspection was approved by Board consensus.
- TBG Grant was reviewed; Mr. Coppelman suggested the Board apply for public information regarding any changes to the Aquifer Zone; Ms. Faulconer suggested the possibility of a work product being necessary after review of the Master Plan; the Board will make a final suggestion on the grant application after next week's meeting and Master Plan discussion.
- BOS letter re: compliance with sign ordinance on property at Rte. 125 and N. Boston Rd.
- AoT permit for Diamond Oaks Golf Club; the Board reviewed the status; regardless of any State permits, no work can be done without Town permits.
- Mailing fees were increased.

ACTION ITEM: Ms. Faulconer will review the mailing and administrative costs to determine if the costs are covered by the current fees and report back to the Board.

- 4 Granite Road discussion; Mr. Greenwood reviewed the Dredge and Fill permit in Brentwood on the property that the excavated material was delivered to; there is no

prohibition from bringing the fill to the site but the amount of material moved appeared to be greater than that needed for the approved permit; Mr. Heitz stated that the Board needed to give the applicant the benefit of the doubt when he said that he wasn't selling the material but using it for personal use; he added that he didn't think the activity on the site rose to the level of being a gravel pit for the purpose of selling the material. By Board consensus, it was determined that no further action was required by the Planning Board. Mr. Heitz added that the letter to Mr. Greer should include a reminder that if the excavated material was no used for personal use and sold then he would require a permit from the Planning Board; agreed by Board consensus.

ACTION ITEM: Ms. Faulconer to send letter to Mr. Greer re: activity at 4 Granite Road.

Brox Industries
8 Dorre Road
Tax Map R2 Lot 3

George Hall, real estate manager for Brox Industries, addressed the Board explaining that this was a continuation from June and the access to the site was still an open issue. Mr. Wilson explained that the Town looked into the possibility of eminent domain but it was decided that it wasn't feasible due to various reasons; he added that some of the Town officials had met with representatives from the State and they had made statements that improvements to the Rte. 125 corridor might not go forward to service a private road and anyone accessing Rte. 125 from that location may need to only go south and use a turn-around down near the storage facility at Kingston Road instead of putting a lighted intersection at Roadstone.

Mr. Greenwood's comments were read, he had no outstanding issues. Mr. Quintal had no new comments. Mr. Hall handed out a letter confirming the four outstanding issues that will be added to the plan upon the Planning Board granting a conditional approval.

Mr. Greenwood spoke with Attorney Loughlin and discussed the request to use the existing easement and the Board's concerns about policy; Mr. Greenwood reported that Attorney Loughlin said that the cleanest avenue for the Board was to approve the Dorre Road access but had no specific guidance for the Board. Mr. Greenwood stated that the Board is within its jurisdiction to require the applicant using Dorre Road. Mr. Coppelman confirmed that the applicant is currently showing a future path to Dorre Road but the proposal is for the entrance using the easement on Roadstone. Mr. Hall said that they had discussed the road issue; they had no issue showing where the access could be and showing an alternative for the future but they didn't want to construct a driveway at Dorre Road and then have the State put a light at Roadstone Drive which is why the access is shown where it is on the plan. Mr. Hall stated that they would like to have the ability to go either way. Mr. Wilson said that it is his understanding that the State won't make an intersection at Dorre Road.

Mr. Heitz addressed Mr. Hall; he commented that the applicant owned a majority of the contiguous property and asked if they were not interested in putting in their own access directly to Rte. 125. He explained the history of the development of the Rte. 125 plan, the connector roads in respect to Roadstone Drive and the industrial property as proposed during the

discussions with the State. Mr. Heitz added that the State agrees that it would be cheaper not to put in a light and have everyone use the turn-around; with Roadstone remaining a private road it is not a viable option for a lighted intersection. He asked why didn't Brox and Mr. Torromeo put in the road stating that the Town would petition the State to put the lighted intersection at that road. He said that the Road Agent and Police Chief had discussions with the State and the State would be receptive to moving the light to the new location; this would still provide a permanent solution which would be a benefit to the applicant having the light at their location. Mr. Hall discussed the public process in having Roadstone at the lighted intersection and the State's public hearings and approval process; he felt it would take an inordinate amount of time to have any changes. Mr. Heitz stated that he had been informed that Mr. Torromeo was interested in building the road as it would allow him access and the ability to go north and south at the intersection instead of only going south from Dorre Road when the light was put in. Mr. Hall stated that he thought it would be a long-shot to get all of this however he agreed that it would benefit all the parties. Mr. Heitz envisioned that the ROW that was shown on the plan now would be the path the road would take with the change being down toward the end of it. Mr. Hall discussed the issues involving the residential abutting lot that they owned and the issues with getting any required variances involved with Mr. Heitz's suggestion, including issues with diminishing the size of the existing lot, adding that at this point, he didn't think it is practical. Mr. Heitz asked if Mr. Hall anticipated that the Board would be approving Roadstone as the access point. Mr. Hall answered that it would make sense to have a road that doesn't use Dorre Road.

Mr. St. Hilaire responded to a previous comment from Mr. Hall; he said that as far as moving curb cuts on the State's existing 125 plan, the Town had already tackled this issue at the Tractor Supply location; they had petitioned the State and had a public hearing to open the plan and the changes were achieved within two months adding that it can happen relatively quickly. Mr. St. Hilaire, addressing the residential lot size, explained that the Town did not need to own the land under the road, just an easement was needed allowing the land to still belong to the lot and not reduce the size so as not to make it non-conforming. He added that due to its existence, the preference would be to use Roadstone. Mr. Wilson agreed that it would be preferential to use Roadstone but the Ordinances would need to allow it. Mr. Hall commented that the easement had been used previously. Mr. Greenwood suggested that the easement could be used for access; he stated that it wasn't prohibited, it's just not as clean. Mr. Heitz asked Mr. Greenwood to confirm that the Zoning Ordinance requires that there is 200 feet of frontage on a Town-approved Class V road, otherwise it would require a variance. Mr. Greenwood agreed but added that if this was a new circumstance then it would need to go to the ZBA. Mr. Wilson offered a suggestion that the Board could approve the entrance at Dorre Road and the applicant could be sent to the ZBA.

Ms. Faulconer asked for clarification of any previous use of the easement; she was unaware that the easement was used as an entrance for any use approved by the Town. Mr. St. Hilaire said that nothing had been approved but people had no doubt driven over it to get to the property. Mr. Coppelman noted that being asked to approve the use as an entrance to a concrete plant is different than the casual use of someone driving a car over it.

Public Comment:

Mr. Galloway stated that the easement has never been used, the trees are still there.

William Whitney stated that he has lived on Dorre Road since 1941 and would be downwind of the plant within 200 feet. He asked about back-up alarms and the plant operating 24 hours a day. Mr. Wilson stated that the applicant had previously stipulated that from 7 PM to 7 AM the back-up alarms would be shut-off and strobe lights used instead. Mr. Whitney stated that he did not believe that was legal. He stated that his second point was that directly across from Dorre Road was a cemetery and the expansion of Rte. 125 avoided that cemetery and crowded Dorre Road; two trucks can not pass safely on Dorre Road now and it is difficult for a truck to make the corner entering onto Dorre Road. Mr. Whitney continued that the previous owner of the Brox property had significantly lowered the property that affected the water table; he asked the Board how this development would impact the water table and his well; he asked the Board to be fair to the people in the residential neighborhoods.

George Weiskopf, 5 Colonial Road, commented that it was ridiculous for the applicant to be putting in a plant running 24 hours a day, 365 days per year. He continued that the activity in the area can be heard now during the day and he certainly did not want to hear it at night and wondered why it was okay and necessary. Mr. Wilson explained that some of the construction work is done at night which is why they were asking for 24 hours a day. Mr. Weiskopf stated that paving companies don't work weekends and certainly not on Christmas and Thanksgiving; he stated that this was excessive.

Ms. Faulconer stated that she believed that 24 hours a day, seven days a week was excessive for the use on Dorre Road; she added that utilizing a road specifically for the Industrial zone was different when requesting 24 hour use but it is up to the Board to protect the rights of the existing residents as well and suggested limiting the hours if using Dorre Road.

Mr. Hall explained that they would like the ability to operate 24/7 as necessary but added that it would be on a very rare occasion, probably just 3 or 4 times a year.

At this time, Mr. Wilson notified the public that the applicant for the 7:30 hearing for Solar Hills had asked for an extension to next month which the Board would be voting on shortly.

Mr. Heitz asked Mr. Hall how much of the ROW as depicted on the plan was actually already built. Mr. Hall answered that it was within 50 feet of the property. Mr. Heitz stated that he recognized that putting in the road could delay things due to dealing with curb cuts on Rte. 125, moving the set of lights and the applicant wanting to move forward with the plan. He added that the Town does have an interest in trying to get truck traffic off of Dorre Road. Mr. Heitz asked Mr. Hall if the Town would consider the proposal, would he consider exploring working with Mr. Torromeo to lay out a Class V road onto Rte. 125 with the Town agreeing with the curb cut and the lighted intersection at this new road; if he was receptive to using the ROW on the plan and working with Mr. Torromeo to put in the new road with the Town working to get the lighted intersection on the Rte. 125 plan moved to the new intersection at the new road. Mr. Hall stated that he believed they had a good history of working with the Town. He continued that they would need to get a location for the road that wouldn't negatively impact their land value and they would look into that; he felt they have contributed a lot to the Town. Mr. Heitz agreed.

Mr. Hall said that to do the road would have to be a significant benefit to Brox Industries and Torromeo Industries; if they could find a location that made sense it would be a benefit to Brox, Torromeo, the Town and even Mr. Galloway.

Mr. Greenwood asked, due to a previous comment, if the back-up alarms could actually be turned off and use strobes instead. Mr. Hall stated that the previous speaker was probably correct and the trucks themselves couldn't shut-off the back-up alarms, other equipment could turn off the alarms but not the trucks; he added that the trucks don't usually back up so it shouldn't be an issue.

Mr. Greenwood explained that he had previously been concerned that the Board would be being disingenuous by saying that the entrance was at Dorre Road while knowing that the entrance on Roadstone was really the one being used; he stated that Dorre Road is not capable of a large amount of industrial traffic; what works for the benefit of the Town and the applicant could require upgrading Dorre Road. He stated that in an effort to balance the request of the applicant and the needs of the Town the Board could work out a process that says that legal access is on Dorre Road with the actual access being Roadstone. Mr. Heitz commented that he thought that Mr. Greenwood said that Attorney Loughlin said it was within the Board's discretion to let the applicant use the easement and wouldn't need ZBA approval. Mr. Greenwood said that Attorney Loughlin asked if he knew the exact language of the easement; Mr. Greenwood said that it wasn't as clear as he would have liked it to be.

Mr. Heitz commented that Mr. Hall has worked with the Town in the past and believed he would try to come up with some way to gain access to Rte. 125 and the Board should allow him to move forward with allowing access over the easement.

MM&S to move forward by allowing access over the easement. (Motion by Mr. Heitz, second by Mr. Pope)

Mr. Coppelman noted that by the Town's own ordinances, the entrance is on Dorre Road; to do it clearly, the other entrance should be approved by a variance. Mr. Coppelman added that any motion should include a condition of approval for the four items still pending and should say the Lighting will be Dark-sky compliant and be in accordance with the Lighting Ordinance. Mr. Hall suggested that the note be added to the plan and the Board review for compliance.

Motion was amended: **MM&S to move forward by allowing access over the easement; conditional approval upon the following edits being made to the plan: Note 14, page 3 will be changed to reflect 24 hours notice to the Selectman's office instead of 12 hours; add a note 17 to read "A strobe light will be used in lieu of a backup alarm on the front end loader between the hours of 7 PM and 7 AM"; The offsite sign will be removed from the drawing; the lighting plan will include all available bulb specifications for the light pole and wall packs and a note will be added that all Lights will be in compliance with the Lighting Ordinance and be Dark-Sky Compliant.** (Motion by Mr. Heitz, second by Mr. Pope).

Mr. Landry asked if there was any precedence for the Board granting approval with an access not on an approved Class V road. Mr. Greenwood said the Board approved access to the plumbing place off of Rte. 125; Mr. Coppelman noted that that property had no other access.

Mr. Heitz added to the motion. The motion now before the Board:

MM&S to move forward by allowing access over the easement; conditional approval upon the following edits being made to the plan: Note 14, page 3 will be changed to reflect 24 hours notice to the Selectman's office instead of 12 hours; add a note 17 to read "A strobe light will be used in lieu of a backup alarm on the front end loader between the hours of 7 PM and 7 AM"; The offsite sign will be removed from the drawing; the lighting plan will include all available bulb specifications for the light pole and wall packs and a note will be added that all Lights will be in compliance with the Lighting Ordinance and be Dark-Sky Compliant. This motion is based on the best interest of the Town for Access Management; avoids adding a burden to residential Dorre Road and controlling Access Management to Route 125; there is a legal Right of Way to be utilized to access entrance away from the residential area and based on Mr. Greenwood's belief that the Right of Way is a legitimate and viable option that the Board can embrace. (Motion by Mr. Heitz, second by Mr. Pope)

Mr. Wilson added that safety is also an issue for approving this entrance. Mr. Coppelman agreed that the Roadstone access is much better than Dorre Road but it would have been cleaner and more consistent with previous Board actions to have ZBA action.

Vote on the Motion: **Motion passes 5-1 with Mr. Coppelman opposed.**

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

Mr. Wilson read the letter asking to postpone the hearing to the September hearing. Mr. Coppelman commented that the engineer for this project has a history of telling the Board he'd be ready for the next meeting and that not happening and suggested that this hearing be scheduled for later in the meeting so as not to leave a gap in the agenda.

MM&S to continue this hearing to September 20th at 7:45; any new plans for this proposal need to be submitted no later than Sept. 6th. (Motion by Mr. Coppelman, second by Mr. Pope) PUNA

**John's Truck and Auto and Salvage of Kingston, NH
71 New Boston Road
Tax Map R18-22, 23**

The applicant explained the proposal for covered parts storage. Mr. Wilson read comments from the Health Officer, Conservation and the Building Inspector which included a note that a Wetlands Scientist had not signed and stamped the plan; suggestion that there be a lot line adjustment. The applicant said that "911" issues kept the lot from being merged; Chief Briggs

said that having multiple dwellings on the site was not a “911” issue, they could be appropriately numbered. Mr. Middlemiss clarified that the ordinances only allow one residence per property. While the applicant stated that they were trying to keep the racks on one piece of property, Mr. Heitz stated that it didn’t meet the setbacks; Mr. Wilson added that the Board would be allowing a use that didn’t meet the setbacks. Ms. Faulconer explained the Building Inspector’s proposal of swapping equal amounts of land to get the proper setbacks and the lots in compliance.

Mr. Quintal reviewed his comments which included compliance with requirements of the Town’s site plan, Erosion and Sediment Control, Stormwater Management Regulations and customary engineering practices. The applicant was willing to go back to his engineer and add the items to the plan and address all of his comments. Mr. Heitz suggested the Board decide about the setback issues while the applicant was there. Mr. St. Hilaire said the Board needed to decide what direction they are looking for or the applicant could come back and ask for waivers. Mr. Greenwood said that he had advised the applicant to go forward as if it was a minor addition to an existing site plan as a response to a betterment requirement from DES. Mr. Quintal explained that some of the items he presented were just drafting items that he could review with the Owner and his engineer; other items could be waiver requests. The applicant stated that he would like to go forward with waivers. Mr. Heitz stated that if the Board had previously approved the concrete pad location, then setbacks weren’t really an issue now. The Building Inspector had provided, with his comments, the approved plan and the proposed plan; there appeared to be a discrepancy with what had been approved and what showed as existing on the proposed plan. Mr. Greenwood stated if the pad was different that the original approval, he might have an issue with an expansion of the approval. The Board reviewed the two plans; Mr. Wilson said that it looked like there was an addition to the slab, approximately 24 feet by 45 feet. Mr. Quintal noted that the pad may be impacting the septic system behind the single family dwelling. Mr. Heitz noted that the applicant says that the concrete pad is the size of the initial approval and stated there was a 40 foot aluminum trailer box that is on the site but not shown on the plan; the applicant thinks that the roof is going over that, also. Mr. Coppelman stated that the size of the pad needs to be determined along with whether it was poured correctly because if the slab is not compliant with the approval then the Board’s review will be different. The Board discussed the inconsistencies on the plan and raised questions regarding the submittal. Mr. Heitz stated that the plan needs to show what is currently on the site. Mr. Wilson suggested having the engineer, Paul Nichols, speak with Mr. Greenwood about the Board’s concerns with the plan. Mr. St. Hilaire said that there appeared to be a disconnect between the applicant and the engineer. The applicant will contact the engineer to talk with Mr. Greenwood and adjust the plan as discussed; add the trailer to the plan. Mr. Greenwood agreed that if the site is as previously approved then it would not be appropriate for the Board to require a lot line adjustment.

MM&S to continue this hearing to September 20 at 7:00. (Motion by Mr. St. Hilaire, second by Mr. Coppelman) **PUNA**

Stepping Stone Music Opportunities, Inc.
Sad Café
3 New Boston Road
Tax Map R19-10

Ross Blaisdell, the engineer, and Dick Gerrish introduced themselves to the Board. Mr. Gerrish explained the Sad Café's mission. He explained that purchasing property can reduce their costs and double the floor space.

Mr. Wilson read comments from Town Officials; Highway had concerns with parking and traffic; Health had questions about the septic and easements. Mr. Wilson asked if a new septic system was proposed. Mr. Blaisdell said they were proposing a new septic on the abutter's property which would only be used by the Sad Café. He added that the well is also shared.

Mr. Blaisdell stated that he did receive the Town Engineer's comments today and they will be asking for waivers. Mr. Quintal reviewed his comments that included: benchmark reference, vegetation, visual buffers, parking standards, clearly defined controlled egress, lighting, sanitary waste disposal, maintenance and inspection for water quality measures. Mr. Blaisdell responded that they can show the benchmark, existing trees; there is no additional screening or buffering proposed; parking spaces are as existing, amending to the standard of 24 ft. would eliminate 15 parking spaces. Mr. Gerrish said that there was only one time in Plaistow when they filled the spaces with 70 cars. Mr. Blaisdell said that the entire area is paved and there doesn't seem to be a need for controlled entrances as the site seems to be working as it. Mr. Mailhot, Sad Café Board member, explained that on busy nights they are usually in the parking lot making sure everything remains organized. Mr. Blaisdell commented on Erosion and Sedimentation control by saying they aren't touching any dirt except where the septic is going.

Mr. Blaisdell told the Board that this is basically going from a church where people come, stay for a while and leave; the proposed use is basically the same type of use; it's a very similar use to what has been there with less people. He addressed Mr. Quintal's comments regarding the Lighting Plan by saying that the property already has lights that work so they didn't want to have to do a Lighting Plan. As to maintenance of water, he explained that they weren't doing much digging at all. Mr. Blaisdell submitted a waiver request for Articles 904.6 D, 904.6 E, 904.6 I, 904.7, 904.8, and 908.16.6.

Mr. Wilson began his comments by stating that Mr. Blaisdell's description of this being a similar use to the church is totally wrong; there were no activities at night at the church. He referred to the waiver requests: one is adding for a visual buffer, he stated that this is a commercial use backing up against residences that should have some buffering. He continued that the Lighting Plan is a new ordinance and everyone has to comply with it; as an example, he stated that the new library has to comply with it. He added that the hours of operation bother him due to the residents in the area.

Mr. Wilson continued that at a previous meeting, when asked about police calls to the site, the Board was told that there were no police issues and he has a call sheet, going back a few years with over 300 police calls; he clarified that approximately 120 of them had to do with traffic and alarms. He ended his comments by saying that these are his concerns which cause him to have a hard time putting this use at this location; if he lived next to a church, he would like the peacefulness during the majority of the week; now the applicant is talking about teenagers all week at different hours. He stated that he is all for the purpose of the Sad Café but is not sure this is the correct location.

Chief Briggs asked about lighting. Mr. Mailhot said there were existing lights. Chief Briggs explained that he had spoken to abutters and has been told that he will constantly be getting phone calls; this is an issue for him. He asked the applicants if they were aware of the Town's Noise Ordinance as he was not sure they could be in compliance. The Board clarified that this was located in the SFR zone and had received a variance. Chief Briggs continued that noise is an issue along with neighbor complaint issues; he stated that the decibel level at the lot line may not be in compliance with the Noise Ordinance due to the live bands on location. Mr. Mailhot said that they had never gotten call about noise. Chief Briggs added that while he thinks this is a good activity, he does not want to be responding to multiple noise and trespass issues. He added that he had suggested to Mr. Gerrish that they should put a fence around the property. He explained that if the noise is not in compliance by using a decibel meter, then he will have to shut them down. Mr. Gerrish explained that they had taken preliminary noise measurements; they realized that they would have to address the problem and there are building materials that do that; they want to be good neighbors. Mr. Gerrish said that he didn't believe the police calls Mr. Wilson referenced were due to activities caused by the Sad Café. He suggested Chief Briggs have a conversation with Plaistow's Chief Savage who has been very supportive.

Chief Briggs read the requirements of the noise ordinance for SFR which is 55 decibels from 7 AM to 9 PM, 45 decibels from 9 PM to 7 AM. He recommends putting a couple of bands in the building to see if it complies; he would hate to see Sad Café spend a ton of money on the place and then have to shut them down due to noise issues. Mr. Mailhot said that they had done the test which was 90 decibels in the building and in the 60's at the lot line; they intended to use sound-blocking materials; they would be glad to do the test with the Chief. Mr. Mailhot asked that Chief Briggs speak with Chief Savage about the police report.

Chief Briggs asked the applicant why the hours are 7 AM to 11 PM. Mr. Gerrish said that there might be office staff or cleaners at 7 AM. Chief Briggs asked if it was possible to be more restrictive about times that bands would be playing. Mr. Gerrish said that they played between 7 PM and 11 PM; there could be music in the afternoon for the middle schoolers, from 3 to 6; he explained it would be comparable to music lessons. He explained that there is also a theater group that could practice on a Sunday afternoon but there wouldn't be music. Mr. Gerrish explained that it would not be helpful to them to close at 9 PM, the musicians needed time to get their equipment to the site. Mr. Mailhot explained that sometimes there are 5 acts a night between 7 and 11. Mr. Coppelman noted that the lot is zoned SFR and abuts SFR; any restrictions would need to comply with the stricter codes. The Board will have a site walk, which the abutters are invited to attend, to review the decibel levels.

Mr. Heitz stated that this is a commercial use abutting SFR which calls for a 50 foot vegetative buffer but the Board can waive that requirement in favor of a substantial fence. Mr. Wilson noted that the Lighting Ordinance does not allow the light to go off of the property. Mr. Coppelman confirmed that to be in compliance, the light can't spill off of the property and all the fixtures are downcast with shielding.

Chief Briggs asked about crowd size. Mr. Gerrish about 50 people, it varies in direct relation to the bands that are playing. Mr. Gerrish added that the Sad Café requires that everyone in the building register as they enter. Mr. Heitz asked about age restrictions; Mr. Gerrish said there are

none; middle schoolers are brought by parents. Mr. Wilson clarified that 90 of the police calls were alarm calls. Mr. Gerrish confirmed that the building will be alarmed. Mr. Wilson said he believed that no one on the Board was against the purpose, there were issues with the location.

Public Comment:

Mike Edwards, 80 Main Street listed his concerns: his property is right across from the intersection of N. Boston Road and Main Street; traffic patterns; he stated that he is in favor of the program but this is not the best location. Mr. Wilson read the waivers requests at the request of Mr. Edwards. Mr. Wilson read the variance from Article 103.1 and 103.2 granted by the ZBA. Mr. Edwards continued with his concerns: hours of operation; he said that the Town had done a lot of work with the State to get traffic off of Main Street and was concerned that this use will generate negative traffic patterns between 7 PM and 11 PM; he's concerned with the impact on property values. He expressed his disappointment with the ZBA for granting this as the hours of operation are so intrusive. Mr. Wilson said that the ZBA probably were not given the hours of operation. Mr. Edwards noted that he will be calling Chief Briggs with any infraction.

Brian Letendre, 6 N. Boston Rd., explained that he is directly across from this site. While not necessarily opposed to the use, he is concerned with traffic patterns and the wide open access on the property; potential loitering and foot traffic to and from the site.

Nick Ahern (1 N. Boston Rd.) said his biggest concern in the noise and traffic patterns. He explained that it is his property that does share the septic; he added that the biggest problem is the new septic being proposed on his property; his realtor has said that it will decrease his property value and he has not agreed to allow the septic on his property. He discussed the shared well and noted that it had been shared with a church which had limited use, his pump is not designed for this type of use. Mr. Wilson explained that the Board does not get involved in civil disputes but added that the plan would not be approved without Health Office compliance. Mr. Ahern said that his bedroom window is about 100 feet from the site and is concerned with traffic and cars idling while waiting to pick up the kids at night.

Kirsten Arnold, 10 N. Boston Rd. said she likes the Sad Café at its location in Plaistow which is a commercial area. She has the same issues: traffic, noise, property values. She agreed with Mr. Wilson that this is not the same use as a church; she said it is an underage night club and does not belong in this area. She said that Chief Briggs will be hearing from her every day.

Carl Oppenheimer, 12 Depot Road, said that his son spent a lot of time at the Sad Café; it is a good thing but the neighbor's points are valid; fencing and lighting are good ideas.

June Lage, New Boston Road, said she thinks the organization keeps things under control and is impressed with their control of the activity; she is in favor of the organization and while she is concerned about noise levels is leaning towards allowing them at the location.

Joe Kay, treasurer of the Sad Café; spoke in favor saying that it is about community and kids being kids. He said that it is their goal to design a space with less noise.

Rocklin Porter stated that she uses the Sad Café and there are activities besides bands; her heart goes out to the neighbors but it sounds like they are going to address the issues.

Jennifer Selfrage spoke in favor of the group and discussed safe and monitored activities as a preventive professional.

J. Sang, 10A N. Boston Rd. remarked that several people had spoken in favor of the Sad Café but they didn't have to live across from it; she will be calling the Chief as she won't feel safe.

Mr. Gerrish explained that adults are often on-site with their children and they would call the police themselves for any issues.

Phil Gamache, member of the Sad Café Board, said that they wanted to work with the Town and Kingston should be proud to house the Sad Café.

Mr. Edwards explained that he has a daughter who plays the guitar and hopes she can one day play at the Sad Café but added that this is not the right location for a commercial establishment whose prime hours are 7 PM to 11 PM. He stated that 50 cars running at 11:00 PM would also cause noise. Mr. Wilson said that sound was one issue of many. Mr. Heitz suggested interested people go to Plaistow to see the traffic. Mr. Ahern and the owners of 6B N. Boston Rd. gave permission for the Board to go on their property for the noise test.

Mr. Heitz asked when the music actually stopped; Mr. Gerrish answered at 11:00; the site was usually empty by 11:30 adding that 30% of the artists were not bands. Mr. Wilson suggested the applicant save money until the Board's discussion before spending money on a new plan; he said that the waivers would be reviewed at the next meeting.

MM&S to conduct a site walk on the site on September 10th at 10:00 AM. (Motion by Mr. St. Hilaire, second by Mr. Coppelman) **PUNA**

MM&S to continue to Sept. 20th at 7:15. (Motion by Mr. St. Hilaire, second by Mr. Coppelman) **PUNA**

REGULATIONS UPDATE

MM&S to accept the changes to Kingston Regulations 902, 903, 906 and 907 as proposed in this public hearing. (Motion by Mr. Coppelman, second by Mr. Landry) **PUNA**

ACTION ITEM: Ms. Faulconer to resend Master Plan recommendations to Mr. Heitz.

MM&S to approve the minutes of July 19, 2011 as written. (Motion by Mr. Coppelman, second by Mr. St. Hilaire) **Motion passes 5-0-1 with Mr. Heitz abstaining.**

ACTION ITEM: Ms. Faulconer to email Water Utility letter to Board members.

MM&S to adjourn at 10:20. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**