

**Kingston Planning Board
Public Hearing
July 15, 2014**

Mr. Coppelman called the hearing to order at 6:50 PM. There were no challenges to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman	Adam Pope
Glenn Coppelman, V. Chair	Stanley Shalett
Peter Coffin	Carol Croteau, Alternate
Mark Heitz, Selectmen rep.	

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

Absent: Ernie Landry, Rich St. Hilaire, alternate

**Tower Resource Management
36 Depot Road
Tax Map U9 Lot 31**

Mr. Wilson noted that this was a continuation from the June 17, 2014 hearing, at the applicant's request. Ms. Faulconer stated that a property owner's acknowledgement had been received.

Craig Cody introduced himself as an agent for American Tower Corporation and described the project as adding a diesel generator within the existing compound; the generator will automatically function in case of disruption of electricity. It cycles for 20 minutes at 11:00 AM every Wednesday unless there is a major outage; the diesel fuel is in a "belly" tank under the unit but above ground. He explained that it is a double wall tank; it is alarmed to prevent overfillage; it holds approximately 300 gallons; the double walls act as the containment.

Carl Oppenheimer, abutter, asked why they were not using propane. Mr. Cody explained that the diesel is more reliable for commercial applications as it is an independent fuel source and not relying on a natural gas line; ATC choses diesel as being more reliable for this higher kilowatt application. Mr. Cody stated that 300 gallons is approximately a 48-hour run-time. They are automatically notified when a generator starts and they can dispatch as required. He added that the noise is the approximate equivalent of an HVAC unit and is about 70 decibels from 30 feet away and decreases when in the wooded area; the property line is about 170 feet away and should be well below the 60 decibels limit for the zone at the property line. He also explained that the power in the generator is currently more than they need; it is designed to be a shared generator for another to use if needed. Mr. Coppelman confirmed that the applicant is aware that if the noise ordinance is not met once they are running then some sound abatement would be needed. Mr. Cody noted that they are aware of the ordinance requirements and the unit has a level 2 sound attenuating enclosure to help address the noise; if necessary there is a lot that can be done with sound and calculations. Mr. Cody added that they keep a very strict maintenance schedule on the generators.

MM&S to invoke jurisdiction on the application. (Motion by Mr. Heitz, second by Mr. Coppelman) **PUNA**

Mr. Wilson read the Fire Department comments; they want a “knock box” for the locked gate. Mr. Cody replied that it is standard procedure for them to contact the local Fire Departments.

The Board reviewed an application from the Building Inspector for this site; Mr. Cody said it was another application entirely and not part of this one.

MM&S to approve the application as submitted. (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

Board Business

Correspondence:

- Recommendation received from Mr. Quintal regarding receipt of final plans and his review; the Board agreed to his recommendation.
- Carol Croteau’s oath of office received.
- Memo re: Koliias application to the ZBA
- Memo re: Mr. Heitz as BOS rep. to the CIP
- ZBA (2) Special Exceptions granted
- Notice of withdrawn legal action from Connors re: Peaslee substation
- Greenhome Solutions request for Bond release; signed by the Chair
- Exchange of emails re: Memories Ice Cream and sign enforcement from BOS
- Reply from Koliias re: enforcement action
- Town Engineer report: Coopers Grove Subdivision
- Town Engineer report: Diamond Oaks Golf Club/Hawks Ridge
- Enforcement requests reviewed – pending BOS meeting/action
- Update/renewal received from Steve Early’s bond
- Notification re Air Quality – Northland Forest Products
- Confirmation of activity at Atkinson Machine
- Review of previous Conservation Commission requests regarding updated plan; Board will ask engineers to provide letter explaining changes for ease of departmental review. Budget request due – Mr. Wilson suggested that, due to increased Board education activity/attendance at seminars, the Mileage line within the budget should be increased accordingly. **ACTION ITEM:** Ms. Faulconer was authorized to complete a draft budget request for the Board to review at their next meeting.
- Town and City magazine
- Dr. Shuman request to expand use to include a hygienist school; Mr. Greenwood believes this is an expansion of use and should require an amended site plan at a public hearing with abutter notification; the Board discussed possible options and agreed that it would require an amended site plan. Due to the limited paperwork involved with this review, as there were no physical changes to the plan, the Board agreed to extend the deadline to be on the August agenda to Monday, July 21st.

- A letter was received from Dave Smith, White Cedar Farm – the former Bakie Farm, regarding an addition of a greenhouse. The Board discussed the level of review that should be required based on the type of structure; the levels of activity were also discussed. Mr. Coppelman stated that he felt it would require a review that included abutter notification. Mr. Heitz suggested the need for a recordable site plan as it was a commercial use. Mr. Greenwood replied that a 3000 sq. ft. greenhouse is a different structure than a 3,000 sq. ft. commercial building. Mr. Heitz stated that since it is a commercial activity it should be consistent in its review regardless of the type of commercial activity; a large farm and its associated activity may be just as active as a smaller commercial use that would require an engineered, recordable site plan; he stated that deviating from the rules is what gets the Board and the Town in trouble. Mr. Coffin said that the applicant will still be providing a site plan; it is just not a recordable one. Mr. Coppelman agreed that it is an issue of impact and if it is determined that this is a greater impact than anticipated then the Board could then require an engineered, recordable plan. There was discussion regarding previous suggestions for site review specific to agriculture and farming and levels of activity and review.

MM&S to require an amended site plan in response to this letter from David Smith to the Board; and to waive the requirement for an engineered site plan based on the same information. (Motion by Mr. Pope, second by Mr. Coffin) **Motion carries 4-1-2** with Mr. Shalett opposed and Mr. Heitz and Mr. Wilson abstaining.

ACTION ITEM: The Board will add Commercial Agriculture discussion/possible zoning to this year’s project review list.

- Letter received from Elizabeth Beebe re: site of Jimmy Lee’s Ice Cream; the Board agreed that no further review is required based on activities described in the letter.
- Letter received from Robert Latinville re: automotive repair at Maria Leighton’s unit on Rte. 125; Fire Dept. comments were read; the Board will invite Mr. Latinville in for discussion of the activity on the site.
- Notice of activity at Stanley property on Rte. 125 was received re: Isabella Boutique; the Board will invite Ms. Stanley in to discuss nature of the activity to determine if further review is required.
- Letter forward from BOS from Mr. Holt re: property at corner of Derby Lane and N. Boston Road; possible car repairs/commercial use; possibility of inappropriate disposal of automotive fluids; **ACTION:** Ms. Faulconer to prepare a compliance/enforcement request for the BOS – operating business without site plan approval and possible environmental issues regarding that use.
- Deed received about the possibility of abutters “trading” land which would require a Lot Line Adjustment with the Board; the issue of creating one undersized lot even smaller was raised; **ACTION:** Ms. Faulconer to send letter to property owners explaining that a lot line adjustment before the Planning Board would be required.

Approval of Minutes:

Mr. Coffin noted that the June 17th minutes should have “Tower” Resource Management, not “Town”; this will be amended.

MM&S to accept the minutes of April 15, 2014, June 3, 2014, and June 12, 2014 as presented and the minutes of June 17, 2014 as amended. (Motion by Mr. Heitz, second by Mr. Coppelman) **Motion carries 5-0-2** with Mr. Pope and Mr. Heitz abstaining.

Project Review:

Mr. Wilson distributed draft proposals for updated Site Plan regulations, Subdivision regulations, Accessory Apartments Ordinance and associated changes for Rural Residential zone, and Building Heights updates.

The meeting previously scheduled for July 22nd has been cancelled; the Board can review the draft proposals instead and meet again on August 5th for review of the proposals.

The Board confirmed that the Commercial Agriculture use will be added to the proposed project list for the upcoming year. Mr. Coppelman will see if there is anything available for the Board to review; Ms. Faulconer has a draft ordinance that she will forward to Mr. Coppelman for his review.

Ms. Faulconer will check into tax exemption question for greenhouses; see if the materials used make a difference. Ms. Croteau believes there cannot be a cement pad used.

Committee updates: Mr. Coffin reviewed the ZBA appeal of an HDC decision; the decision was upheld.

Plan Review:

- Saddle Up/aka Pondview – added to the August public hearing agenda.
- Bartley subdivision – added to the August public hearing agenda.
- Dr. Shuman’s proposal can also be added to the August public hearing agenda if a completed application is received no later than July 21st.

Cell Tower review:

Mr. Coffin reviewed the deadlines for reviewing completeness determination for Tower review. Mr. Greenwood suggested reviewing past issues (3-4 months) of Town and City as there is information regarding Tower co-location review submitted by Tucker, Donahue and Ciandella that might be informational for the Board. Ms. Faulconer confirmed that the Board’s previous discussion regarding notification from the Inspectors and Selectmen’s office personnel was reviewed with them.

MM&S to adjourn at 8:30. (Motion by Mr. Shalett, second by Mr. Pope) **PUNA**