

KINGSTON PLANNING BOARD

Public Meeting  
October 28, 2014

Mr. Wilson called the meeting to order at 6:53 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Richard Wilson, Chairman	Adam Pope
Ernie Landry	Stanley Shalett
Peter Coffin	Carol Croteau, Alternate

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

Absent: Glenn Coppelman, Mark Heitz, BOS rep., Rich St. Hilaire, alternate.

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

**Trendezza, LLC**  
**22 Marshall Road**  
**Tax Map R33 Lot 27**

Christian Smith, representing Trendezza, explained that he was at the meeting to review the conditions of approval with the Board. He stated that the comments from Dennis Quintal, the Town Engineer, had been addressed and he provided the Board with revised final plans. He reviewed Mr. Quintal's comments and pointed out the corrections on the appropriate pages. Mr. Quintal noted that the driveway permit expired December 16, 2014; Mr. Smith stated that they were aware of the expiration timeframe and extensions are normal course of order and they would request one if necessary; the lights and signage are permitted outside the DOT ROW. Mr. Smith continued that the house numbering had been addressed; errors had been corrected; notes were added to sheet A; replacement mylars were also submitted. Mr. Quintal confirmed the line of stations on the plan with Mr. Coffin. Mr. Greenwood stated that he had reviewed the plans and they were all set. Mr. Quintal reviewed the conditions of approval in relation to the new plans and he was all set with those submitted. Mr. Greenwood noted that the condo. docs. had been reviewed and approved by the Board and its attorney. Ms. Faulconer added that Attorney Loughlin liked certain aspects of the documents and it might include language the Board should require in the future.

The Board members, Dennis Quintal and Glenn Greenwood reviewed the conditions of approval with Mr. Smith pointing out how those conditions were met, either by notes on the plan or by State and local approvals.

Ms. Faulconer asked Mr. Smith to address questions that had been raised about surveyor's lines and the SELT property. Mr. Smith said that he was not sure whether

SELT owned the property yet; there were questions about a telephone pole being moved or a lot line being moved so as to not have the pole in the center of the land trusts' access; he added that the lot line (with the residential property) may need to be moved in the future but they would wind up getting more land. In the meantime, the SELT has access over the existing ROW; he stated that the ROW did not say exactly where it had to be on the property. He said he was not aware of any lot line issues for the properties; just the issue with the telephone pole in the ROW.

Mr. Quintal asked about inspections as the property developed and how they were being addressed financially. Mr. Smith pointed out a note on the plan (#7) that confirms that a bond will be in place for a pre-construction meeting and for inspections and construction inspections; a road construction bond is not required as it is a private road. (*Board note: Mr. Pope arrived at this time.*) Mr. Greenwood confirmed that accounts often begin at \$5000 and as it drops below \$1000, the developer re-establishes the account back up to \$5000.

Mr. Smith continued explaining that the lot line adjustment plan is okay, the surveyor is looking to address the telephone pole; if there are any changes required, the SELT lot will get smaller; any final solution won't affect this property and any changes to lot line will require going to the Planning Board. He stated that until the property is conveyed, the SELT has access through the Trendezza property. Mr. Quintal confirmed that all the permits have been received by the applicant.

The Board consensus was that all the conditions have been met and there are no further review requirements by the Board. Mr. Smith will bring in the required additional paper copies and recording fees this week.

**Joe Derhak, GM**  
**Kingston Coffee, LLC**  
**126 Route 125**  
**Tax Map R13 Lot 20**

Mr. Derhak confirmed that the freezer being installed can't be locked with someone inside; those types are no longer sold. Mr. Greenwood explained that this was an expedited site plan as it was a minor addition to the existing Dunkin' Donuts site; this action can occur at a public meeting; a public hearing is not required.

Mr. Derhak reviewed the submission with the Board and the sketch showing the specifics of the proposed location of the outside freezer storage. Mr. Greenwood reviewed the requirements of 904.3 C and determined that the applicant had met all the requirements; Mr. Wilson agreed adding that there were no comments from Department Heads. In response to Board member questions, Mr. Derhak confirmed that a 12 x 12 pad was being poured with the 7 x 7 freezer with an enclosure; it will be directly to the left of the grass curbed area. Mr. Pope asked if the impervious surface cover was an issue as the property is in the Aquifer Protection zone; upon review of the size of the property, it was determined that it was not an issue.

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

Mr. Coffin asked if the metal shed already has electricity; Mr. Derhak said it did. Mr. Coffin noted that any of the specifics would be part of the building permit process. Mr. Shalett asked how often it would be used with his concern being the possibility of impeding traffic. Mr. Derhak said that it shouldn't as if the site was busy, the staff wouldn't be accessing the freezer at that time.

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

### **Board Business**

**MM&S to approve the 9/23/14 minutes as written.** (Motion by Mr. Coffin, second by Mr. Landry) **Motion carries 5-0-1** with Mr. Pope abstaining.

#### **Correspondence:**

- Copy of Notice of Violation sent from the BOS to 107 New Boston Road.
- Watershed Conservation Plan meeting notice received
- Latinville NOD signed by the Chairman
- Kruger escrow release signed by the Chairman

### **Draft amendments**

#### **Commercial Zone I draft amendment:**

The Board reviewed the proposal to add the permitted use of "Continuing Care Retirement Community" to the zone. The discussion of adding of this use as one under a "commercial umbrella" instead of residential uses for the elderly.

**MM&S to move this CZ I amendment to a public hearing for the purposes of placing on the ballot.** (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

#### **Performance Guarantee Draft Amendment:**

The proposed draft for performance guarantees was reviewed. Mr. Pope noted that this was a regulation and therefore did not need to go on the ballot.

**MM&S to put it forward to public hearing at the Board's next hearing.** (Motion by Mr. Pope, second by Mr. Landry) **PUNA**

Mr. Greenwood is waiting for Attorney Loughlin's response.

Mr. Landry talked about past issues that had faced the Board and suggested tightening procedures and not accepting plans that were not totally complete; he would like the Board to have a new checklist put in place as the Board had just accepted the new site

plan and subdivision regulations; he would like the checklist to add items to be checked such as Aquifer studies, Stormwater mgmt., etc. Mr. Wilson said having a list that referred to the requirements would be a good idea. Mr. Landry said there have been simple things overlooked in the past, as an example, the stamp and signature of a Wetland Scientist; he explained that our ordinances say these are requirements for submittal and plans should not be accepted without them. He continued that the requirements say that the plans will be reviewed by the Circuit Rider, Town Engineer and the applicant will meet with the Technical Review Committee prior to submitting to the Board; he suggested that the Board shouldn't see it until the TRC reviews it. Mr. Greenwood noted that we don't have a "formal" TRC at this point. Mr. Pope said that the new regulations have it. Mr. Landry said that he doesn't want things overlooked and the Board should not accept an application unless it is complete. Mr. Pope liked the idea and said that the form might need to be part of the application; he said that the checklist would be guidance although there might be times that the Board might find that it is reasonable to accept a plan when something is missing but at least it would be noted as part of the application for the Board to decide. Mr. Greenwood stated that he thought that the new regulations will make these issues easier to deal with. Mr. Landry thinks the checklist process and TRC process will eliminate a lot of issues before they even get to the Board. Mr. Greenwood said that the Board would need to come up with a way to determine if something needed to go the TRC. Ms. Faulconer suggested that it be based on the number of lots being proposed or the acreage of the development. Mr. Quintal said that the requirement to meet with the TRC can be waived by the Board and that it applies to site plan and subdivision. Ms. Faulconer suggested that the TRC issue be reviewed with the BOS as it would require direction from them for the Department Heads.

**MM&S to adjourn at 8:12.** (Motion by Mr. Pope, second by Ms. Croteau) **PUNA**