

**Kingston Planning Board
Public Hearing
November 17, 2015**

The Chairman called the meeting to order at 6:50 PM. There were no challenges to the legality of the hearing.

Members in attendance:

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

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Ellen Faulconer, Admin. Asst.; Virginia Morse, HDC Chairperson.

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

Mr. Wilson noted that Mr. Landry would be a voting member this evening.

Marvin LaFontaine
9A Woodland Drive
Tax Map R31-16 and 16-1

The Board reviewed the boundary line adjustment plan submitted by the applicant. Mr. LaFontaine explained that he is selling the house and reducing the lot size to sell it faster and adding the additional land to the existing larger parcel.

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

MM&S to approve the Lot Line Adjustment as proposed. (Motion by Mr. Coffin, second by Mr. Pope) **PUNA**

All-American Assisted Living
4 East Way
Tax Map R34-71B

Mr. Shalett stepped down from the Board for this application.

Mr. Wilson explained that this was a design review for a proposal on 4 East Way, AKA the Amy Alberts' property. He continued that a design review is a non-binding review adding that the proposal is not a permitted use in the zone.

George Chadwick of Bedford Design passed out a representation of the proposal for the Board; he reviewed the site proposal: 11.2 acres, 58 units of assisted living which would include 112 beds; 13 units in Memory Care leaving 45 for assisted living. The project would be 500 feet

back from Main Street. He stated that they had met with the HDC for their thoughts on the project and commented that they felt the project was well-received by that Board. He noted the concerns raised by the HDC at that meeting including the entrance and asking for a more residential feel; another concern was that all the financial impacts to the Town needed to be addressed such as emergency calls.

Mr. Chadwick continued that one item of concern with the project was the parking requirements for elderly housing/assisted living or the requirements in the elderly housing ordinance. He noted that based on the current requirements for spaces per unit, employees and overflow parking, there would be a requirement for 163 spaces; they are proposing to provide 76 spaces with one parking space per unit and one per employee. Mr. Chadwick explained that they expect that the parking lot will be ½ full at 76 spaces; he said that the average age is 70+ and typically the residents don't drive; the facility provides transportation. He would like feedback from the Board on this issue. He reviewed septic and well; he stated that there is a minor wetland impact toward the rear of the project.

Steve Humphries, architect from EGA, described the building: two stories totaling 58,000 sq. ft. with 29,000 on the first floor; non-combustible materials, designed to look more like a home; common areas were pointed out as were residence areas, the memory care wing; there are four stairwells, only one elevator; the second floor is basically all assisted living apartments. Mr. Humphries showed a representation of the main entry and the outside of the building explaining that it will have hip roofs with asphalt shingles, porches and trellises, the one elevator is in the center of the building.

Ben Wells spoke about the developers of the project, areas where they had built similar facilities in the region; there was a new facility being built in Londonderry and the Board was invited to visit a facility; they are the operators as well as the developers. He stated that the average age of the residents was closer to 82/83 with more of the residents being less of an active adult and more of the type needing additional assistance. He explained that there is a key-pad secured memory unit. Mr. Wells discussed the on-site care and rehabilitation personnel who come to the facility. Ray Diogardi reviewed the operational aspects; he stated that there is no medical component to the type of care, it is not a nursing home; it is a social model not medical care.

Mr. Coffin questioned the room set-up; the applicant answered it is a two bedroom suite model with only 4 studio apartments in the building; it was explained that a suite could house a husband and wife, friends or just another person to provide companionship.

Mr. Coffin reviewed the parking concerns. He said that while a lot of the residents may not be driving, visitor parking can be a problem especially during a shift change as 18 employees per shift would actually need 36 spaces during the shift change. He stated that he would think that only 76 spaces would be a problem. The applicant stated that they stagger the shift changes so everyone is not all coming in at the same time. The applicant did confirm that there are parking issues when there is an event and does cause a parking strain.

Mr. Wilson stated that this proposal, if and when submitted, would need to go to the Technical Review Committee. He also confirmed that there would be 18-22 employees on each shift for 24 hours.

Mr. Wilson noted that the proposal looks like it is setback a little from where the Hannaford's was proposed.

Mr. Wilson read the Fire Department and HDC comments; Ms. Morse spoke about concerns with the application process. There was discussion about the steps involved with the multiple Boards: HDC, ZBA, and Planning Board. It was clarified that the applicant needed to apply to the HDC; they would have to deny as this proposal was not an allowed use in the zone; they would need to apply to the ZBA for relief; if the relief was granted, then they would have to go back to the HDC and then the Planning Board. Mr. Wilson said that the Planning Board needed to accept the plan prior to the applicant going to the Technical Review Committee.

Mr. Wilson asked for any abutters' comments.

James Ahern, 3 Third St., was here on his son's behalf who lived on East Way and could not attend the hearing. He expressed concerns that any part of East Way would be used for access to the site. The applicant stated that there was no access proposed from that road at this time.

Scott Ouellette, 189 Main Street, thought that the project could probably be done. He suggested the applicant consider buffering and neighboring properties; he said that buffering will be important and there should be fencing and trees. Mr. Ouellette added that the service entrance in the back should be buffered. He reviewed the landscaping and suggested that due to the large mature trees in the area, they should have larger-type trees such as maples and elms to blend in. Mr. Ouellette said that since this project is in the HDC, it should be built appropriate to that zone and they should consider gable ends instead of hip roof ends, extend the porch. He suggested they look at the Exeter Inn, the dorms at the academies, or the Grand Hotels at the Seacoast for architectural ideas. He said that while agreeing with the concept of less is more for the parking, the real needs for parking need to be addressed.

Stanley Shalett, 3 East Way, said that this proposal seemed to be a good idea following along the historical lines of the district by having a medical aspect as did Josiah Bartlett; he suggested that there might be a garden for the residents and that it should look more historic, possibly by adding some stonework. Mr. Shalett was concerned with the driveway proposal suggesting the applicant propose an alternative plan; he expressed concern with the wetlands. Mr. Shalett stated that it was better than a grocery store.

Ms. Faulconer asked the applicant to explain their anticipated impact to the wetlands. Mr. Chadwick said that they hadn't actually mapped it yet. Mr. Diogardi said that they will look at providing additional spaces for overflow/event parking on the site. There was discussion about adding the use to the permitted use in the zone. Mr. Pope said he was "on the fence" about that possibility; Mr. Landry stated that this might be a good project for the site but maybe not anywhere else in the Historic District. The applicant will get back to the Board if they are interested in that possibility.

Eversource Energy
14 Mill Road
Tax Map R11 Lot 11

Nick Golon from TF Moran represented Eversource Energy and explained the existing project. He stated that this proposal was for a 2900 sq. ft. expansion adding that this was a fairly small expansion and they tried to limit the disturbance. He referenced a plan he handed out showing the “purple” area as the expansion into the wetland buffer. Mr. Golon said that they need three approvals: amended site plan, conditional use permit for the wetland buffer impact, and waiver to the 50 ft. buffer requirement to 45 feet for a distance of 10 feet. He described the tree cutting needed for that area.

Mr. Wilson read the Conservation Commission’s comments regarding a site walk to view the area of the proposed wetland impact. Mr. Golon said that he sent photos to the Conservation Commission chair to try to explain the impact to her. Mr. Wilson said that the Board should schedule a site walk. Mr. Greenwood said that he didn’t think there was a need for a site walk based on the proposal but the Conservation Commission has asked to see the impact. Mr. Coffin said that the submissions couldn’t really show the actual changes to the buffer and it would be better to see them on-site. Mr. Wilson suggested setting up the site walk so as not to delay the review. The Board discussed possible dates and notice requirements.

MM&S to have a site walk on Saturday, November 28th at 8:00 AM. (Motion by Peter Coffin, second by Carol Croteau) **PUNA**

Mr. Golon explained that the Electric Safety codes and good business practice is the reason they need the spacing that will impact the buffer noting that 5 ft. to 8 ft. of the buffer is being impacted. He reviewed the project including the distribution lines and distance requirements.

Abutter comments:

Jody Lane, 18 Mill Road, stated that the project had already thinned out a lot of trees and now it is lit up like a Christmas tree; he said that previously you wouldn’t have known anything was there; he agreed with the Board having the site walk. He said that the house at 16 Mill Road should have been demolished as it was an attractive nuisance. Mr. Wilson suggested he contact the Board of Selectmen for that issue. Mr. Golon agreed that it should have been done by this time but it is expected to come down within the next two weeks. Mr. Golon stated that he thought the light issue on the property was actually the Unitil substation under construction but will let them know the concerns.

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

MM&S to continue to December 15th at 6:45. (Motion by Mr. Pope, second by Mr. Landry)
PUNA

John Ingalls, Jr.
78 Hunt Road
Tax Map R6 Lots 14-1, 14-2

Mr. Pellegrino appeared before the Board, representing Mr. Ingalls for this lot line adjustment. Mr. Wilson read department comments: Conservation Commission noted that both lots on the plan are labeled with the same number, 14-2; this should be changed; Highway's comments asked that the plan show any drainage from the road on the plan and check for any easements. Mr. Wilson suggested that the plan have a note added regarding drainage and easements from the originally approved plan.

Mr. Coffin asked if the LLA changed the amount of buildable area on the lot; Mr. Pellegrino said it did not explaining that Lot 14-1 was going from 3.67 acres to 2.93 acres. Mr. Greenwood clarified that the property is not in the Aquifer; he said that the date on the plan is 2004 and there should be a current revision date in the revision block. Mr. Pope asked why the adjustment was proposed. Mr. Pellegrino explained that the house being built is about to be sold and Paul Nichols needs to have more of a buildable area for lot 14-2, due to the cul-de-sac; it was being done in preparation for Phase 2 of the development.

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

MM&S to conditionally approve the plan with three amendments: correct the numbering for lot 14-1, add a current revision date in the revision block of the plan, add a note confirming the drainage and easements are the same as on the recorded plan (include the recorded plan number). (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

Regulation Updates Hearing

The Board reviewed the proposed changes: 905.6 (A); 905.14 (E)(2); 905.14 (C), add #35; 905.14 (J). Mr. Wilson noted that the changes had previously been reviewed by the Board and voted to move forward to public hearing. Mr. Pope asked if these changes were able to be waived by the Board if appropriate. Mr. Greenwood explained that they were regulation changes and therefore able to be waived.

MM&S to approve the changes as proposed. (Motion by Mr. Pope, second by Mr. Coffin)
PUNA

Board Business

Correspondence:

- Bump and Grind site was discussed; letter to be sent that site is not in compliance; trucks for sale not in the right area on the property – paved surface, etc.
- 2 Marshall Road – letter asking that a bonded auto dealer use as a business office only; there will be absolutely no cars for sale or displayed for sale on the property. Board

approved without further review as just being used as office space; no vehicle sales or sales display on the site.

- RPC legislative forum notice
- Civil Construction invoice approved
- Letter from business at 17 Rte. 125, unit 4 – office space in the front, paint cans (about 40) stored in the rear. The Planning Board requires no further review for this activity.
- 5 Rte. 125 – Little Old Lady Auto – a letter from inspectors regarding activity on the site; the Board received information that there is an unapproved commercial activity. A letter will be sent to the property owner that the site is not in compliance per information from the Inspectors' visits regarding a car-detailing business.
- 111 Rte. 125 – ECSI; send memo to BOS letting them know the Planning Board has not been contacted per their instructions.
- Memories – Mr. Greenwood will get the review to the Board.
- Copy of letter sent from BOS re: cars for sale on Lancaster/State ROW property.
- Budget reviewed
- Printer update: Ms. Faulconer provided the Board with the information they requested including number of copies, age. The Board needed to decide the issue as the Budget meeting was this week and any changes should be made for the meeting. She was given a quote of \$5000 for a black and white printer that would scan in color, although not copy in color. The Board agreed that rather than get a new color desktop printer and then a new black and white copier/printer; they would get the one color copier/printer. Ms. Faulconer was instructed to ask the Selectmen to purchase in this year's existing budget.
- The Board's current procedure regarding destroying tapes once the minutes are accepted will be added to the By-laws and Procedures; post for acceptance at a public hearing.
- Bond list reviewed
- Ms. Faulconer to review Trendezza property status regarding items such as occupancy, taxes, LLA status and report back to the Board
- Town and City magazine received
- Demolition Ordinance proposal was distributed and reviewed by Mr. Landry. He explained the proposal noting the historic building inventory previously done and the documentation of significant historical properties. He said that they would be asking to photographically document the property if it was being demolished. It was suggested that this could process could simply be part of the existing process as a step to the Building Demolition permit and not need to be an ordinance. Mr. Wilson said that he was in favor of the proposal but he didn't think it needed to be an ordinance agreeing that it just be added to the permit process. Mr. Pope said he agreed with portions of the proposal and did not have a problem with the concept. Mr. Greenwood expressed concerns with the timing involved with the review and individual property rights. Mr. Wilson agreed that it should be more up to the property owner and not an ordinance. Mr. Greenwood suggested that the cultural survey should be updated and photograph the houses through that process. There was discussion regarding the 30 day review process. Mr. Coffin said that he thought that was reasonable and okay to alert people to the procedure; he stated that nothing historical should be torn down very, very quickly. Mr. Shalett said there are a lot of reasons while someone would want to demolish their own building such as expense. Ms. Croteau was "on the fence" about the proposal. Mr. Wilson suggested that

Mr. Landry speak with the Board of Selectmen about adding to the existing process or come back to speak with the Board.

- Letter from Peter Coffin regarding issues at Landscaper's Depot. (Mr. Coffin stepped down from the Board for this discussion). Mr. Wilson reviewed the information including a letter written/sent by the BOS in August, 2008 giving Mr. Greer 14 days to comply; he noted that it had been over 7 years with no response. Mr. Coffin stated that Selectmen Broderick had been to the site; a police report was done regarding "no trespassing" signs being placed. Mr. Coffin stated that he had met with the BOS on Monday. Mr. Coffin said that he has pictures; he referenced a site walk when Depot Energy had applied for full truck parking and a conditional approval that the 50 foot buffer be observed and that a vegetated buffer be created. He said that some trees had been planted but they died shortly after. He re-iterated that there was to be no activity in the buffer zone and currently scrap metal is stored there along with waste oil with materials that keep plants from growing all within the buffer. Mr. Coffin stated that Mr. Greer is not adhering to the conditional approval. Mr. Coffin said he is asking that the Planning Board ask the Board of Selectmen for enforcement of the site plan. Mr. Wilson asked him to be specific for the Board. Mr. Coffin verbally provided a list for the Board: no activity of any kind within the 50 foot buffer, 27 trees shown on the site plan be planted and maintained, dead trees be replaced, the surface within the 50 foot buffer be allowed to maintain a vegetated buffer.

MM&S to approve the October 6, 2015 minutes as written. (Motion by Mr. Coffin, second by Ms. Croteau) **Motion carries 3-0-3** with Mr. Pope, Mr. Landry and Mr. Wilson abstaining.

MM&S to approve the October 20, 2015 minutes as written. (Motion by Mr. Landry, second by Mr. Coffin) **Motion carries 5-0-1** with Mr. Pope abstaining.

Plan Review

Granite Fields – Mr. Greenwood stated that the plan was fixed and suitable to be on the agenda. The Board agreed they were okay to go to public hearing.

Design Review – Rte. 125 – added to the December public hearing.

MM&S to adjourn at 9:30. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**