

**Kingston Planning Board
Public Hearing
Minutes**

June 27, 2017

The Acting Chairman called the meeting to order at 6:47 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Peter Coffin, V. Chair (Acting Chair)
Chris Bashaw
Ernie Landry, Alternate
Ellen Faulconer, Alternate (Admin. Asst)

Peter Bakie
Lynne Merrill
Robert Pellegrino, Alternate

Members absent: Carol Croteau, Mark Heitz, BoS rep., Glenn Coppelman

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

Mr. Coffin announced that Ms. Faulconer would be a voting member replacing Mr. Coppelman and Mr. Landry would be a voting member replacing Ms. Croteau for tonight's hearing.

**All American Assisted Living
(Main Street)
4 East Way
Kingston, NH 03848
Tax Map R34 Lot 71B**

Mr. Coffin explained that this was a continuation from last week to review a possible list of conditions of approval that the Board requested to be prepared by Mr. Greenwood based on the last meeting's discussion. Mr. Coffin stated that there were comments received by email regarding the draft proposal.

Ms. Faulconer stated that she had some questions specific to the plans; she asked if the lighting plan had been reviewed as the current three page plan with the plan set was dated May 24 and May 25, 2017. Mr. Greenwood said the lighting plan had been reviewed; Mr. Chadwick said this was a mistake on the dates on the plan which should reference September 2016. That will be amended when the full, revised plan set is submitted after any amendments based on this hearing. Ms. Faulconer noted that sheet 3 has a signature block for the land surveyor but there is no stamp nor signature; she asked if that was required on that sheet or if the block itself was in error. Mr. Chadwick agreed that it should be stamped and was erroneously omitted and it would be corrected for the final plan set and the mylar.

The Board reviewed the draft proposal; items 1 and 2 were fine as written.

Item 3 was specific to the Long-Range Maintenance plan; the sentence was amended to have the year shown at 2017 not 217 with the phrase “and revised 6/21/17” to be added after the 5/22/2107 date.

Item 4: Mr. Greenwood spoke with Ms. Truslow to clarify her recommendations. Ms. Truslow recommended not doing both of her alternatives as it is better to do the downgradient post septic system installation; she recommended monitoring the 1 up-gradient well and the 3 down-gradient wells to insure the nitrate concentration complies with the requirements for the Town’s Aquifer Protection District. Her recommendation is that this occurs twice a year for 5 years. Mr. Greenwood said if a problem is seen than adjustments will need to be made to the system because if the system is not servicing the nitrate pollution properly, it will affect the property owner’s groundwater first and this would not be in their best interest. Mr. Chadwick agreed with Ms. Truslow’s recommendations. Ms. Truslow also recommended the applicant propose their schedule to manage the system and put this in writing; the applicant should inform the Town’s consultant how they will meet the requirements in the first bullet in her recommendations.

Mr. Greenwood reviewed the 5 recommendations from Ms. Truslow’s letter dated (incorrectly) as April 17, 2017 but received June 14, 2017; page 3 and 4 of the letter.

- Bullet 1 remains unchanged: “The AdvanTex septic system and leachfield layout proposed for the AAAL project should result in nitrate-N concentrations below the 10 mg/L based on the modeling estimates provided.”
- Bullet 2 was amended: “***AAAL will provide an acceptable protocol for regular septic system maintenance at least annually*** over the life of the system to assure proper overall and denitrification system operation.”
- Bullet 3 was amended to clarify that: “***The applicant will monitor one (1) up-gradient well and three (3) down-gradient wells*** for at least five (5) years ***to insure that nitrate concentrations comply with the Town’s Aquifer Protection District Ordinance.***”
- Bullet 4 remains unchanged: “The results of maintenance and testing should be forwarded to the Kingston Planning Board and Kingston Health Department.”
- Bullet 5 remains unchanged: “As per the Aquifer Protection District requirements, wells that will not be used for long-term groundwater monitoring should be properly abandoned as per the standards outlines in NH Code of Administrative Rules WE-604.”

These items will be included in the conditions of approval – for item #4 in the proposed draft.

The Board continued reviewing the draft conditions of approval (Notice of Decision) document in conjunction with previously received comments from board members and the Town Engineer.

Item 5 was fine as proposed; Item 6 was also okay as written.

Item 7: Discussion: Mr. Greenwood confirmed that the “Bentley Commons” policy was attached in Danna Truslow’s report; the phrase “most current” will be added” after “follow the protocols outlined in the” and before “Bentley Commons policy”.

Item #8 regarding deliveries will be eliminated as there is already a note on the plan with delivery restriction to utilize Rte. 125 and not Main Street.

The first paragraph of the conditions of approval (Notice of Decision) will be changed to reflect the actual date of approval of June 27, 2017 instead of June 20. The last sentence of the first paragraph will be amended to: ***“The conditions for this approval are based upon a plan with the final revision date of June 21, 2017 and are as follows:”***

It was decided to not add the requirement for the licensed land surveyor signature and stamp to sheet 3 as a condition of approval as it was already a requirement to get that sheet recorded at the registry.

The Board reviewed the plan set to confirm sheets 1 and 3 for recording. The notes the Fire Department needed were already on Sheet 1 which included specific information relative to evacuations, a possible repeater requirement, any future propane tanks needing a fire review/study. Mr. Chadwick stated that sheet 1 originally had 34 notes; there are now 37 notes on the revised plan. The correct dates of the Conditional Use Permits approvals were added (6/20/17); the landscape waiver date of 6/20/17 was added as were the State permits information. The Long-Term Maintenance plan, revised 6/21/17, will also be recorded at the Registry.

Item #10 regarding Sign Ordinance compliance will be amended to include ***“comply with the approval granted by the Historic District Commission.”***

Mr. Chadwick spoke about receiving information from the State about their consideration of the reversal/removal of the reverter clause adding that the Selectmen spoke about it at the meeting held the night before this hearing. They are continuing on with that option.

The Board reviewed the Notice of Decision (conditions of approval), with an additional amendment to clarify that reports be forwarded to the Selectmen in item #3 and added #8 regarding the HDC's approval of the signage, one more time prior to the vote:

“The Kingston Planning Board, at their June 27, 2017 public hearing and after substantive public consideration, granted a conditional approval for an assisted living facility to be located on Main Street and approved for 58 units and 112 beds. The conditions for this approval are based upon a plan with a final revision date of 6/21/17 are as follows:

- 1. All final State permits to be noted on the final plan.***
- 2. All conditional use permits and all waivers granted by the Planning Board shall be added as notes to the final plan with the dates that each were granted included in the note.***
- 3. The Long-Range Maintenance plan dated 5/22/2017 and revised 6/21/2017 (Stormwater Management Plan) shall be filed with the Board of Selectmen and recorded with the Rockingham County Registry of Deeds. Inspections shall be done twice a year and the reports will be forwarded to the Board of Selectmen.***

4. In the Truslow letter received by the Planning Board on June 14, 2017 (but dated incorrectly as April 2017) the Town's consulting geohydrologist recommends the following mandatory actions to insure the future integrity of the Aquifer Protection District:

- ***“The AdvanTex septic system and leachfield layout proposed for the AAAL project should result in nitrate-N concentrations below the 10 mg/L based on the modeling estimates provided.”***
- ***All American Assisted Living (AAAL) will provide an acceptable protocol for regular septic system maintenance at least annually over the life of the system to assure proper overall and denitrification system operation.”***
- ***“The applicant will monitor one (1) up-gradient well and three (3) down-gradient wells for at least five (5) years to insure that nitrate concentrations comply with the Town's Aquifer Protection District Ordinance.”***
- ***“The results of maintenance and testing should be forwarded to the Kingston Planning Board and Kingston Health Department.”***
- ***“As per the Aquifer Protection District requirements, wells that will not be used for long-term groundwater monitoring should be properly abandoned as per the standards outlines in NH Code of Administrative Rules WE-604.”***

5. The final plan will show the location of erosion control placed within the buffer to the wetland along the back of the proposed building. This erosion control line shall serve as the limit of proposed work on the site.

6. The applicant will provide the Planning Board with a copy of the agreement between the applicant and the Town for the easement allowing the placement of the project well and protective well radius on Town-owned land.

7. A note shall be added to the plan stating the applicant will follow the protocols outlined in the most current Bentley Commons policy for disposal of controlled drugs and medications.

8. Add to Note #10 on the Plan Set: Signs will comply with the Certificate of Approval as granted by the Historic District Commission.”

Mr. Coffin asked for any additional comments/changes. There were no additional comments; the above language was approved by the Board by consensus.

MM&S to approve the plan as revised and dated 6/21/2017 with the conditions as noted on the Notice of Decision as revised and approved per the Board's discussion on June 27, 2017; the expiration deadline for meeting those conditions will be 180 days from this approval. (Motion by Mr. Bashaw, second by Ms. Merrill) PUNA

Board Business

Correspondence:

- Memo received re: ZBA hearing
- Wetland Permit application received – 23 Hooke Ave; no action required from the Board.
- Law Lecture Series dates announced
- Stormwater Management Workshop – June 28, 2017
- SFC Engineering Invoice – approved to pay

- Letter from John Michael Coon re: possible commercial use at Kingston Plaza; no further review required per letter received regarding use; would need a BOP and sign permit.
- Stormwater Mgmt. info – sent to Board members by email.
- Letter from BOS to Carriage Towne Plaza re: sign violations

MM&S to approve the May 16, 2017 minutes as written. (Motion by Mr. Coffin, second by Mr. Bashaw) **Motion carries 5-0-1** with Mr. Bakie abstaining.

MM&S to adjourn at 8:10 PM. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**