

**Kingston Planning Board  
Public Hearing  
Minutes**

**May 16, 2017**

The Chairman called the meeting to order at 6:45 PM. There were no challenges to the legality of the meeting.

Members in attendance:

|  |                         |
|--|-------------------------|
| Glenn Coppelman, Chair                           | Carol Croteau           |
| Peter Coffin, V. Chair                           | Peter Bakie             |
| Lynne Merrill (arrived with meeting in progress) | Ernie Landry, alternate |

Members absent: Mark Heitz, BOS rep., Chris Bashaw, Ellen Faulconer, alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer

Mr. Coppelman announced that Mr. Landry would be a voting member this evening unless the other Board members arrived.

**William S. Bartlett, III**  
**76 Ball Road**  
**Tax Map R24, Lot 8**

Mr. Coppelman read the notice for the proposed two-lot subdivision.

<Board note: Ms. Merrill arrived at this time.> Ms. Merrill stated that she would be recusing herself from this hearing; she remained in the audience.

Mr. Coppelman noted that Mr. Quintal and Mr. Greenwood had prepared comments for this hearing; plans were distributed; there were a couple of waiver requests. He suggested that an overview be given to the Board. He explained the public comment process.

Mr. Bartlett explained that he was going to split the lot in two and build another house on the other lot; he wants to build a handicap-accessible ranch house; he stated that he hoped the plans spoke for themselves adding that the test pits have been done with everything approved. He plans to put a silt fence up between the house and the river; this does not show on the plan. He added that he would like to move the well into the buffer zone to get it a little bit further away from the brook; it shows about 40 feet away on the plan but he would like to get it further which wouldn't affect the 75 foot radius regarding the leach field.

Mr. Coppelman reminded the Board that at some point, they would have to decide if the plan was complete enough to accept for jurisdiction. Mr. Greenwood stated that he and Mr. Quintal had very similar comments. He said that there needed to be an error of closure note added to the

plan; proposed impervious coverage of each lot needs to be noted; any abutting buildings or driveways within 100 ft. of the subject parcel must be shown on the plan or a note that none exist; note re: all access ways, etc. will be constructed per Town requirements; plan note that it will comply with Kingston fire regulations and the water supply for fire protection must be noted; plan should indicate the Selectmen's approved address for the new lot. Mr. Greenwood explained that those notes are basically "bookkeeping" requirements that need to be added to the plan. Mr. Bartlett noted that there was a dry hydrant but it was not on the plan as it is not used that much since it is dry and not enough water to actually use it. Mr. Greenwood explained that it is up to the Fire Department to confirm that they are comfortable with the fire suppression being proposed and there needs to be a note added to the plan to that effect. Mr. Greenwood referred to the two waiver requests and asked the applicant to talk to them a bit as he was at a bit of a loss regarding the one talking about contiguous upland in making the determination that it met the Town's ordinance. Mr. Greenwood also wanted to make sure the Road Agent was comfortable with the way the proposed roadway easement is presented; he suggested that this would need to come from the Road Agent; he added that the Board might want to hold a site walk for the proposed subdivision. Mr. Greenwood referred to the second waiver request regarding the test pits; the Town has a regulation that RCCD witness the test pits but the small waste water systems ordinance in the Selectmen's portion of the zoning book says that test pits will be witnessed by the Health Officer. Mr. Greenwood stated that he has never counseled anyone to use the Health Officer as the subdivision regulations are clear that they be witnessed by RCCD. The applicant has asked for a waiver of this so the Board needs to discuss. Mr. Coppelman asked if this is something that has been handled differently when a subdivision comes to the Planning Board instead of an individual lot. Mr. Greenwood answered that he anticipates that this was why there seems to be a difference; RCCD looks at all the various wetland, shoreland, or aquifer issues that are in play for a septic system and the Board would get a letter from them about meeting all of those Town standards; he does not know what will be received from the Health Officer along those lines so it would be a bit of a discrepancy in the process. Mr. Coppelman said that anything that has come to this Board for subdivision has always had RCCD as the test pit witness-er. Mr. Bartlett said that Peter Broderick was on the site and thought it was okay to do the holes since it was only for two lots.

Mr. Bartlett referred to "dry, contiguous" and asked if it was a new requirement; Mr. Greenwood said it had been amended recently. Mr. Bartlett quoted "Peter" as saying that when the easement was given on the land and the Town wouldn't make it difficult for him to subdivide, that was before this changed so at that time, it would have been okay. Mr. Coffin said the changes made by the Town made it less restrictive than the original language; nothing permitted now made it tougher than what could have been done at the time of the easement.

Mr. Coppelman read the waiver requests into the record: request to waive the subdivision regulations Title III, section 905.6 (A) Lots; the letter was read regarding the request specific to the requirements for 60,000 sq. ft. of dry, contiguous land/buildable area; the attached recorded agreement regarding the easement was attached, dated August 8, 2011. Mr. Bakie asked what the square footage total would be if the easement area was added in; he confirmed that the applicant still owned the land, it was just an easement. Mr. Greenwood said that issues were being confused; the Town has now stated that the land in the setback areas could be used to meet

the minimum qualification; the problem with the lot is whether the bisecting of the lot by the stream allows it to be considered contiguous. Mr. Bartlett answered that where the road went across made it contiguous as there is enough land beside the road to connect the two together. Mr. Greenwood said that was the issue the Board needed to address with the waiver request. Mr. Greenwood said the issue was the contiguousness to get to the 60,000 square feet. Mr. Greenwood said the lot is bisected by the stream except where it gets down toward the road; Mr. Coppelman said it goes into a culvert. Mr. Bartlett said the culvert is all dry land where the shaded area is. Mr. Greenwood said that in the culvert there is land that is not the wetland area. Ms. Croteau noted the area of the easement and the culvert. Mr. Greenwood said that the property ends up having two large areas of upland land; it is whether or not or where they connect and whether it serves to meet the definition of contiguous. He clarified that he was referring to the two areas on both sides of the stream; the streambed creates wetland areas that are therefore not upland areas; on both sides of the stream there are two large sections of upland area. Mr. Greenwood stated when both sides are added together they far exceed the 60,000 square foot requirement. Mr. Coppelman said that it was noted by Mr. Bakie that the connection is down where the culvert is, in the easement area, although the fact that it is in the easement area is not an issue; the concern is the connecting point which is a width of 30 feet from the road edge; Ms. Croteau stated that this was a lot more than a previous review that had been denied by the Board.

Mr. Quintal said this was similar to his comment #3 as to whether this was acceptable but he was looking at it from the point of view and gotten a dredge and fill and got it approved, that would technically connect the two parcels; this is similar but just got it near the front and could still be considered a wetland crossing connecting the two together; he can still utilize both sides without disturbing the wetlands. Mr. Quintal said this was a unique case as it is actually the Town ROW but still the applicant's property and from that point of view, it is contiguous. Mr. Coffin said the previous property's review was the small amount of connecting strip that was the shoulder of the road that was also narrow and sloped. Mr. Quintal said that since the applicant owns the property, it is still usable land and in essence, a permitted wetland crossing connecting one side to the other. Mr. Greenwood said that the Board needs to be cognizant that this has been an issue dealt with the Board for a long time while the Board is acting on specific, reasonable reasons; he stated that those reasons should be stated in the vote on the waiver request. Mr. Bakie said it is due to the unique situation. Mr. Greenwood said that while reviewing it, the Board, while gunshy about a similar-appearing previous decision can recognize that it is a different situation and not the same problem; there are definite differences between the two. Mr. Greenwood said there is a list of several things to update the plan but enough to invoke jurisdiction.

**MM&S to invoke jurisdiction on plans submitted by Mr. Bartlett.** (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA** Acceptance of jurisdiction was explained by Mr. Coppelman.

Mr. Landry asked if a waiver was required based on the discussion. Mr. Greenwood said that if the Board was comfortable that the bridge, i.e. the "wetland crossing", met the requirements than it met the requirements. Mr. Coppelman said a waiver request had been submitted by the applicant and should be dealt with in some way.

By consensus of the Board, the waiver is not required as it meets the current requirements; the connection between the upland areas is sufficient the way it is and negates the need for the waiver. Mr. Coppelman stated that the note about this waiver should be removed from the plan.

The second waiver request, dated March 7, was read re: Title III, 905.14 (A) 2(e) regarding test pits being logged by RCCD; the letter was read aloud by Mr. Coppelman. Mr. Coppelman stated that anything previously brought to the Board for subdivision had been reviewed by RCCD. Mr. Bakie asked if he had been told that RCCD didn't need to do the test pits. Mr. Bartlett explained that he set up an appointment with Mr. Broderick to witness the test pits and upon Mr. Broderick arriving to witness them; when he arrived it was determined that he couldn't witness the pits but rather than go through the expense and time to have RCCD come out; he would just witness the test pits and ask for a waiver and hopefully, he would be all set. Mr. Bartlett said that worse case, he could get RCCD to come out and witness the test pits but he would rather not. Mr. Quintal said he looked at the plan, the test pits have been done quite a bit away from the wetlands; in most cases it is good to have the test pits witnessed in proximity to wetlands; this case is unique as there is quite a slop distance from the test pits to the edge of wetlands; in determining seasonal water table and the texture of the soil, it is probable that the soil scientist from RCCD is more educated along those lines than the Town Health Officer however in a case like this it is upland soil and mapped as a decent type of soil with an area for a septic system to go; it is unique in this way. Mr. Quintal would not object to the waiver based on these items. Mr. Greenwood said it is brutally clear in the subdivision regulations who is supposed to witness the test pits but if there is a Town Official on site saying that they will do it, it is very confusing and who could blame the applicant for listening to the Health Officer representing the Town at that point; he said this amazed him but he understood the problem it created when this occurred. Mr. Coppelman stated that the test pits should have been done by RCCD even though the guidance by the Health Officer at the time the test pits were done indicated that the Town could witness them. Mr. Quintal looks at it for what advantage it would be for the Planning Board to require him to hire a machine and dig holes to look at the same material; if he thought there might be something else that a soil scientist would need to look at that might change the design and approval process then he would speak up and advise the Board but he doesn't see that here which is why it is a unique circumstance. Mr. Greenwood noted that Mr. Quintal was a septic designer and soil scientist. Mr. Coffin said his fallback position was to accept the advice of the professionals and recommend that the waiver is approved.

**MM&S to grant the waiver as read on the advice of the Town's engineer to allow the witnessing of the test pits by the Health Officer in lieu of RCCD in this instance based on the reasons indicated in the discussion. The motion clarified that this was not a blanket statement for future test pit witnessing, but just for this unique occasion.** (Motion by Mr. Coffin, second by Mr. Bakie)

Discussion on the motions: Ms. Croteau wanted it made very clear that this was not establishing a new procedure; the waiver was due to specific, unique circumstances. Mr. Coppelman agreed with this as the applicant had based actions due to Health Officer guidance, Mr. Quintal's comments about not yielding a different result based on the soils and therefore is comfortable under these circumstances.

## **Vote on the Motion: PUNA**

Mr. Coppelman reviewed the request to waive the \$5000 engineering fee to \$500. Mr. Greenwood said his review was done; Mr. Quintal recommended accepting this with the condition that if any further reviews/expenses were incurred, they would have to add to it, just in case it went over. The applicant agreed. Mr. Coppelman explained that if there were any outstanding fees, these would need to be paid before the signing and recording of the mylar.

**MM&S to accept a reduced engineering deposit in the amount of \$500 for this application with the understanding that if the review work of the application exceeds this amount the applicant will be notified to fulfill that additional obligation.** (Motion by Ms. Croteau, second by Mr. Coffin) **PUNA**

Mr. Coppelman said there was an application for subdivision that had gone to NHDES. Town Department comments: none from Fire, Building, Health; Highway commented that they had no problem with the proposal.

Dennis Quintal read his comments: wetlands setback issue, Table A – he questions whether the wetland scientist can explain why all or a portion of the resource does not function as a wildlife habitat which would be “3” points or for nutrient removal, “2” points, or other functional values which would result in a larger wetland buffer setback. He continued that typically when reviewing other submittals, there is a list of the functional values submitted which include the accepted associated functional value or have an explanation as to why it doesn’t apply to the specific wetland that determines the distance based on these points. He would need the wetland scientist to address this. He continued: according to the contour lines provided, there should be additional areas marked as greater than 15% as there are contour lines being separated by 13 feet or less, indicate a steep slope; he said he still feels it meets the requirement for usable area but it should be clear on the plan. #3 – he had questioned the “bridge” area but this has already been discussed. Waiver #1 has already been discussed. Waiver #2 has already been discussed. #6 – driveway entrance – goes along with item #9, fire protection. Mr. Quintal continued with #7: error of closure needs to be on the plan; 905.14 (C) 9 – add slope designation, a drafting issue easily resolved; #10 – info. re: abutters; #11 – monuments requirements; #12 – subdivision approvals required. He added that he didn’t see the test pit data which should be submitted for review; that should have been included in the package. He ended by saying there was more drafting-type items that could be easily addressed and re-submitted for review.

Mr. Coppelman asked for any public comment. Claire Jameson, 85 Ball Road, asked about the timeline and construction, whether there would be any blasting. Mr. Bartlett said no blasting; they would start building within the next few months.

Mr. Coffin asked Mr. Quintal about the wetlands values/setbacks and what they would be with the items he mentioned. Mr. Quintal said it would add to the buffer setback and reduce the area and make the building area away from the wetland. He said it is important to see that before granting final approval. Mr. Coppelman confirmed that the Board had reviewed the location of the house on the new lot; it is proposed 50 feet from the wetlands/brook and if the additional

point values are required per Mr. Quintal's review then the house location could be moved and wouldn't be a "show-stopper". Mr. Quintal said it is important to see what the setback is on the lot to see how it is affected; the information may not impact the plan but the information is important. Mr. Coffin asked if the "typical" house location would be shown on the updated plans. The applicant said yes.

Mr. Coppelman stated that there was additional work required for the plan. Mr. Bartlett is aware of the required changes. Mr. Quintal said Mr. Bartlett's engineer could always contact him directly. Mr. Bartlett can have the changes done within a couple of weeks. Mr. Greenwood said the plans needed to be received one week before the next hearing, June 20<sup>th</sup>; it would have to be to the office by June 13<sup>th</sup>. Mr. Bartlett will have the test pit information provided to the Board.

**MM&S to continue to 6:45 on June 20<sup>th</sup>.** (Motion by Mr. Bakie, second by Mr. Coffin) **PUNA**

<Board note: Lynne Merrill re-joined the Board at this time.>

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

Mr. Quintal stated that he had not received any new plans prior to tonight's hearing; if there were new plans, he would like to get a copy for review. Mr. Chadwick said that there were no new plans at this point. Mr. Coppelman explained that this was a continuation of a previous hearing; he reviewed the application. Mr. Chadwick introduced Pat Panceoko, representing Assisted Living. Mr. Chadwick said they reviewed the previous hearing's comments from the town engineer, the planner and the gal that reviewed the hydrologic study that was prepared as well as town departments and the Conservation Commission. He said they re-grouped after the meeting to determine how to proceed; the client directed him to try to quantify the issues to come up with a list to be able to address the issues and move on; he said there were a lot of comments thrown out at the last meeting. He said he understood that the Conservation Commission was an advisory board to the Planning Board so her comments were offered as her comments. He said that he went back to look at the project and tried to reduce the amount of buffer impact, at the Board's suggestion; he stated that he had plans to show the Board tonight which were not final designs so had not been submitted to everyone so as not to waste everyone's time. He wanted it determined whether the plan was able to be accepted for jurisdiction; at the last meeting the Board told them that there were technical issues still to be addressed; he felt there was a difference between technical issues and checklist items that are necessary per State statute to get the time clock started. He would like to get the plan accepted to get the time clock started; he added that the applicant is more than willing to give extensions to the Board within the time clock. He offered to have Attorney Panceoko go through the legal aspects or they could proceed to how the Board felt about acceptance. Mr. Coppelman explained that the Board felt there were some outstanding significant checklist items. Mr. Coffin said the most significant was the fact that the plan submitted required ownership of the adjacent property that was still in limbo so it

wasn't a technical issue, it raised the question whether the plan could be executed at all as presented; Mr. Coffin suggested that Mr. Greenwood and Mr. Quintal go through the checklist to see if it has been met; Mr. Coffin said the Board requires a hydrogeologic study that is not completed; Mr. Chadwick apologized for that. He said he wished that he brought the regulations with him to go through the checklist of items required for submittal. Mr. Greenwood said that his advice at the initial hearing was that it was complete enough for his perspective however the Board was very concerned about the fact that the plan showed property being used in a substantial way that was under no agreement with the Town and there was no Aquifer study which is a zoning requirement so the Board did not agree with it being complete enough for jurisdiction; he thinks there has been significant movement concerning the abutting property with good-faith being made by the applicant to acquire the land but was not easy as expected. Mr. Greenwood continued that an email he received from Danna Truslow yesterday (Monday) that some of the information she requested last month finally came to her on Friday but there was still outstanding information not yet received. Mr. Greenwood said the Board has to feel comfortable with their declaration of completeness; he clarified that he did not try to guide the Board differently because he agreed that the property ownership was a threshold issue for the Board; they received a plan that provided no avenue regarding the possession of the land other than the applicant was extending a well radius over it and encumber the use of the land even though there wasn't any intention to purchase it; a lot of discussion has since happened since this issue began in November.

Mr. Coppelman asked about the outstanding items for the hydro study; asking if, because it is in process, Mr. Greenwood is comfortable with that. Mr. Greenwood said that he was not going to discount Ms. Truslow's need to be able to see the information she has requested before she can give guidance to the Board on the issue. Mr. Greenwood reviewed that originally no hydro study had been submitted; the applicant stating that they weren't going to do one until directed by the Board to do it; Mr. Greenwood stated that it is a zoning issue and therefore the Board can't provide any relief to the requirement. These two major threshold issues are still not resolved but a lot of work has gone into them.

Attorney Panceoko stated that she sent a letter to the Board dated May 1; it was confirmed that the Board received it which had been sent electronically to the Board members. Mr. Coppelman offered to read it; Attorney Panceoko said it wasn't necessary. She explained statute procedures regarding invoking jurisdiction; she said that the checklist did not include a hydrogeologic study or real estate title review. She reviewed the statute regarding this issue. She said the client is frustrated at this point; she said they are willing to continue to move forward and grant extensions to the 65 day time frame to continue working toward resolution. Attorney Panceoko reviewed the process of communicating and dealing with the State and NHDOT. She stated that the applicant does have a signed agreement with the Town to buy an easement and then to purchase the parcel once the reversionary interest issue is resolved; the easement has to also be subordinated. Attorney Panceoko received a call from the State regarding new developments that required a letter from the Town as the Conservation Commission contacted the State about keeping the parcel. She was taken aback by this information and needs the cooperation of the Town as they have a signed agreement; she is prepared to continue moving forward. Mr. Coppelman said that it was the Board of the Selectmen who have the authority to deal with a

Town parcel. She re-iterated Mr. Chadwick's comments about reviewing to accept for jurisdiction and move forward. Mr. Coffin said the Board had been trying to work with the applicant to avoid significant delays while working and moving forward but if the applicant was willing to take the risk if the land deal didn't go through with conditional approvals and then having to start over rather than continuing the process, then he didn't have a problem with both advisors saying the requirements were met. He said if the hydro information wasn't provided on a timely basis, an extension would need to be done due to the applicant causing the delay. Based on this, he is fine with accepting for jurisdiction with the stipulation that any approval would be a conditional approval with the applicant taking the risk of not being able to meet the conditions within the appropriate timeframe.

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

Mr. Coppelman explained that should the information necessary for a decision not be available within the 65 day window, the applicant would need to grant a continuance past that timeframe or force the Board into a decision; he said as long as the process was moving forward, the applicant would grant extensions which have been done many times in the past and is not unusual.

Vote on the motion: **PUNA**

Attorney Panceoko thanked the Board re-iterating that they do accept the risk and adding that she thinks it will just be a matter of time before the issue is resolved.

Mr. Chadwick said in order to proceed, he needed direction from the Board as to whether a conditional use permit will or will not be granted for the buffer impact. He reviewed comments from the previous hearing about moving the building; the current plan's buffer impact is 26,665 square feet; this is area of grading, building, anything within the wetland buffer. The second plan that he is proposing has a buffer impact of 14,965 sq. feet; he reviewed the proposed changes made to reduce the amount of buffer impact. Mr. Chadwick explained that this plan was reviewed with the HDC; as long as the building was being moved back from Main Street, it would be acceptable to them. He wants some sort of directive from the Board in order to proceed with analyzing the drainage and getting the final plans corrected; an opinion from the Board as to whether he is moving in the correct direction is being asked for by the applicant. Mr. Chadwick noted that the well is on the Town property still with the new proposal; with the septic and well requirements, he couldn't get all of the systems on the property owned by the applicant. Mr. Chadwick pointed out the buffer impact on the redesign that included grading and some structures; part of the building, grading and the two patios were in the wetland buffer. Mr. Coffin questioned the ability to include mitigation; he asked about that. Mr. Chadwick said those items had not been done yet pending input from the Board. He would like to hear from Mr. Quintal about the types of items he might be thinking of for the project. Mr. Quintal liked the change but suggested looking at an area that might be able to have a retaining wall to have less of an impact to minimize the grading within the buffer – he pointed out areas on the proposed plan being reviewed by Mr. Chadwick that could be adjusted. Mr. Greenwood was happy to hear that they were willing to make this change as it was clear that the Conservation



Commission was not going to respond to the Planning Board in a favorable way and the Zoning Ordinance requires that the Planning Board accept comment from the ConsCom when granting any work in the buffer.

Mr. Coppelman asked for public comment for items addressed so far. Scott Ouellette, 189 Main Street, said he liked what was done with moving the building; he doesn't see a big difference for the abutters; Mr. Ouellette asked that when the landscaping plan is being worked, there might be some more evergreen/rhododendrons around the outside of the parking area but otherwise does not see an issue with the plan.

Virginia Morse, HDC Chair, confirmed that they met with Mr. Chadwick and approved the stone columns that come into the facility and reviewed this proposal; they unanimously like the idea of moving it back rather than moving it closer to Main Street and there would be no need to come back to the HDC for moving it back further; the parking lot change is minimal; she agreed with Mr. Ouellette's suggestion of adding appropriate landscaping to make it just fine. She stated that it was positively received by the HDC. Mr. Coppelman reviewed the revised parking, asking the distance to Main Street. Mr. Chadwick did not have the exact figure but was still several hundred feet away.

Mr. Chadwick showed the Board an alternate plan with the building closer to Main Street; this plan was not received well by the HDC.

Stanley Shalett, 3 East Way, expressed concern of the impact to his property as the relocation of the building made it closer to his property; he asked how far back it would be moved. Mr. Chadwick said about 100 feet or so. The proposed plan was reviewed with Mr. Shalett. Mr. Shalett preferred the building being moved closer to Main Street. Mr. Coppelman reviewed concerns that would be raised by the HDC and starting over with the proposal. Mr. Shalett said his main concern was them putting up a noise barrier and proposed that this be required. The 400 feet to his house would have  $\frac{3}{4}$  of it treed but the wetland area was open. Mr. Coppelman said that as an abutter, Mr. Shalett was asking for some consideration in buffering; he suggested that Mr. Chadwick look at this; Mr. Chadwick agreed. Mr. Shalett said that with the timber of the site cut down, he did hear more traffic noise from Rte. 125; Mr. Coffin suggested that the building itself might cut down on some of the road traffic noises. Noise and noise barriers were discussed. Ms. Croteau asked about delivery trucks, whether they would be around back or if the delivery was on the side of the building. Mr. Chadwick said the deliveries would be to the back dock/door during the daytime hours; there would not be big 18-wheelers delivering anything; he believes the landscape plan has plantings all around that area to help reduce the noise but he will confirm that. Mr. Chadwick talked about the emergency, back-up generator; the mechanical engineers put together a plan for him that says at the southern-most property line closest to Mr. Shalett's house is 52 decibels; a home air-conditioning unit is 60 decibels. Mr. Chadwick confirmed that they do run this once a week for a short time as a maintenance requirement during daylight hours.

Ms. Croteau referred back to a previous discussion by the Conservation Commission regarding a project with the Boy Scouts on the property; she questioned whether the owners' would have any

objections to having the Boy Scouts continue the trail projects on the site. Mr. Chadwick said he would go back to talk with them about this. Ms. Merrill stated that in the past, trails had been cut in on this location behind Bakie School for nature walks and educational and ecological studies.

Mr. Chadwick said there were a few items that he needed some additional direction before re-designing: 904.13 (B)1, off –street parking requirements – 136 spaces are required, they are proposing 96 paved and 40 additional grassed spaces with grass pavers-type of support under them as a structural base. The location on the plan was pointed out for the Board. This area was for overflow parking. Mr. Coffin said this had been discussed previously with Mr. Quintal in agreement and the consensus of the Board seemed to be in favor of the overflow parking for events and holidays not the day to day operation. Mr. Greenwood said it would be difficult to grant a waiver without seeing the plan and how the number of parking spaces is displayed; he said it is okay to indicate that the Board is welcome to considerate it but should see a submitted plan. Mr. Chadwick showed where they would be on the draft plan and said he wouldn't change them on a submitted plan. Mr. Bakie said we are looking at a plan and they aren't being moved. Mr. Greenwood said if not moved, then that could be the vote.

**MM&S that on the condition that the spaces remain as shown on the preliminary plan, accept the number of 96 paved parking spaces and 40 grassed parking spots.** (Motion by Ms. Merrill, second by Mr. Bakie) **PUNA**

Mr. Chadwick spoke about the second waiver requested and whether it was required; 405.5 (A) School Impact Fee. Mr. Coppelman said it was discussed; Mr. Greenwood agreed saying that it was not required and a waiver was not requested.

Mr. Chadwick said the next waiver might need to be addressed at the next hearing; it has to do with pervious pavement. He reviewed the Town Engineer's concerns; water treatment and infiltration; more information can be supplied to the Board if open-minded to talk about it otherwise he will design the plan accordingly. Mr. Greenwood said that this was something Ms. Truslow was also going to look at per the hydrogeologic study so he would prefer hearing from her with respect to that. Mr. Chadwick expressed his belief that neither Ms. Truslow nor Mr. Quintal was in favor of their proposal. Mr. Quintal said that his comment was based on his experience with the Board over the past number of years and the philosophy to have parking areas on pavement to protect the aquifer; the Board could always look at the technology. Mr. Quintal reviewed stormwater management, catch basins, contaminants and the protection of the aquifer; treatment options and best management practices and the philosophy of the State of NH for stormwater management; Kingston has a concern about the protection of the aquifer. A proposal that hasn't been done before or reviewed before needs to be thoroughly reviewed and information is very important. Mr. Bakie said that the Town is trying to protect the water so the Board would be willing to listen to new information but there is not enough knowledge of the product at this point; the ultimate goal is to protect the water. Mr. Coppelman added that, his knowledge of the product is that it only works if it is maintained properly and therefore the plan should come with a maintenance program so it can continue working once it is installed. Mr. Chadwick continued discussing the product and what happens if it does fail. Swale differences were discussed. Ms. Merrill asked about the cost of pervious pavement. Mr. Chadwick said they

are treating the pervious pavement as regular pavement when calculating impervious surface; they are proposing as it reduced the size of the drainage basins, buffer impact and associated issues.

Mr. Chadwick reviewed two conditional use permits that were required; one had to do with the use in the aquifer protection district; the other was the buffer impact. He said he knew that the buffer impact couldn't be discussed without the actual plan; he asked if it was possible to talk about a conditional permit for the use as this was a threshold item. Mr. Coppelman said there are standards to be met in talking about a conditional use permit in the Town's regs. and the Board needs to address each item; this is on p. 201-8; letter "g" "conditional uses"; he read the requirements and prohibited uses. The use was discussed by the Board; the Board consensus was that it fit under item number 1. Mr. Coppelman read that all five of the conditions needed to be met; he read the conditions. Mr. Greenwood said that generally the applicant submits a report addressing these conditions with answers to each of these statements. Mr. Chadwick said this can be done another time; it is not on the plan. Ms. Merrill said that she would be comfortable doing this next month with memories refreshed and a better idea. Mr. Coppelman agreed that otherwise everyone would have to sit and watch him go through all of the paperwork. Mr. Chadwick said there was better use of everyone's time.

Mr. Chadwick said they replied to Ms. Truslow's request for information on the 12<sup>th</sup> due to their dilemma about whether the project would be moving forward so he held ATC from preparing the responses and providing the information. The rest of the information still pending to Ms. Truslow will be sent to her from Mr. Chadwick shortly.

Mr. Chadwick wanted to quantify some of the remaining issues. He said that Mr. Quintal had a memo with 6-8 items left; remaining included:

- Wetland buffer of 65 feet – needed to be revised to show 65 ft. on the west side of the brook as well – he will do that.
- Dumpster near propane tank: the Fire Dept. will do a review of that issue and make comment.
- Sheet 12 – porous pavement which will be talked about later.
- Sheet 8 – note regarding the site line to be forever maintained will be added
- Sheet 9, number 16 – nitrate setback – need to have comments from Ms. Truslow; RCCD sent a letter about the septic
- Reviewed memo from Glenn – hydro. study; impervious coverage; fire and police regarding access – the Fire Department had issues with the curbing; interior landscaping needs to be finalized per regulations; conditional use permit still pending; CUP for aquifer – still pending; fire suppression measures are okay; easement and Town property still pending; review of hydro study still pending.

Mr. Chadwick asked if there was anything that he missed; his client is looking to proceed. Mr. Quintal asked about AoT (Alteration of Terrain) approval; Mr. Chadwick said they had it but it has to be amended due to the new plan; the subsurface approval is pending. Mr. Chadwick said that he will touch base with the Police and Fire departments prior to the next meeting as there are a couple of items; the client does not want to install a fence along Rte. 125; a light at the utility

pole is on the plan; there were questions about emergency procedures that had been addressed; HDC has been addressed.

Mr. Chadwick said the last item is the response regarding Ms. Truslow's comments-Mr. Chadwick gave ATC's reply to Ms. Truslow to the Board. Mr. Chadwick did have a copy of the HDC approval of the columns and handed a copy to Mr. Coppelman; Ms. Morse sends the approvals to the applicant and the Board of Selectmen. The paperwork given said it is 6 feet tall which is incorrect as the approval given was for a square pillar that measured 2'8" on a side and is 4 feet tall, not 6 feet tall. Ms. Morse will send a corrected copy to the Planning Board.

Ms. Merrill said that it appears there is a lot of agreement but need new plans to be submitted and reviewed; there is the aquifer protection issue to be addressed and the conditional use for that; the buffer impact and the pervious pavement. Mr. Coppelman agreed that those were the big items but the Board still needed to review at buffering issues, screening, parking areas, residence issues. Mr. Chadwick is trying to push this forward quickly. Mr. Coppelman said a lot will depend on the progress made from issues raised tonight. Mr. Chadwick said he was willing to add some buffering for Mr. Shalett and others that were raised at the November meeting. He appreciates the progress made this evening. Mr. Bakie asked if there needs to be a notation of taking jurisdiction; Mr. Greenwood explained that the Board took jurisdiction of the plan that was last before the Board as there was no other plan submitted at this point.

Mr. Shalett re-iterated his request for noise reduction landscaping.

Mr. Coppelman said that revised plans need to be submitted the week before the hearing to allow for department comment; Mr. Chadwick said they would be in before that date.

**MM&S to continue this hearing to June 20<sup>th</sup> at 6:45 (second on the agenda).** (Motion by Ms. Croteau, second by Mr. Coffin) **PUNA**

### **Board Business**

**Preservation Consultant for the HR Chapter:** Mr. Landry updated the Board on the process of hiring the consultant; they need to meet with her prior to making a recommendation to the Board to then bring to the Board of Selectmen.

There is no critical correspondence for this evening to review.

**MM&S to accept the minutes of April 18, 2017 as written.** (Motion by Mr. Coffin, second by Mr. Coppelman) **PUNA**

-Mr. Greenwood asked people to look at page 109-1, Commercial Zone C-II – question about a parcel of land just south of the library; he said the asterisk shown is important as it reflects three permitted uses in C-III that are allowed on the rural-residential lots; the uses are supermarkets and grocery stores, banks and multi-store retail business complexes; the gentleman wants to do a hot dog stand on the site. He said that this description falls under the next use in the commercial

zone and that does not have an asterisk which means it is not a C-II activity permitted on that property which is otherwise rural-residential. Mr. Greenwood wants to direct this gentleman, it is zoned rural residential so it doesn't have the other uses of C-II but could do a site plan for an activity that would be allowed in the rural-residential zone. There will be a building that will be a shed for his equipment with an overhang for the "cart"; there would be an interior kitchen but the public would not be allowed inside the building; there would be a mandatory bathroom. Mr. Greenwood reviewed the rural residential zone permitted uses and this would not be a permitted use in the rural residential zone. He said that this would be a use that isn't granted the permission for the C-II uses for this lot but is not permitted in rural residential. Ms. Merrill said that these would be additional uses to those allowed in rural residential; these lots would still have any rural-residential use apply to them. Mr. Greenwood said that a food establishment is not one of the allowed uses. Ms. Merrill said that since the use is not one of the one asterisked for the C-II zone, the Board would need to go back to the permitted uses in rural residential. Mr. Coffin said that it was not a permitted use in rural residential so it would need to go to the ZBA. Mr. Greenwood said that rural residential says that if it is not permitted, it is a variance, not a special exception. Mr. Greenwood said that he wants to go for a special exception but Mr. Greenwood does not see the avenue to get there by special exception; it is an ordinance requirement so would need a variance. Mr. Coppelman said that if the ordinance doesn't direct an applicant to the ZBA for a special exception than it can't be done that way; even if getting a variance from the ZBA, an applicant would need to come back to the Planning Board for site plan review. Ms. Croteau asked about why these were done this way; Ms. Merrill said it was due to proximity. There was continuing discussion about the history around this amendment; possibly amending the allowed uses on these lots or moving them into the C-II zone. Ms. Croteau asked if it was in consideration of the existing residential homes. Mr. Greenwood stated that he had the guidance he needed to speak with the person interested in the lot.

-Ms. Merrill met with the Selectmen about the audio-video equipment; Selectmen Broderick is the contact with Comcast and he will look into and get ideas on prices; they appeared to be in favor for not only the Planning Board but other land use boards; use by the Selectmen was not mentioned by the Selectmen. Ms. Merrill continued that they said it would probably not be funded this year; Mr. Bakie asked about the videographer and getting somebody full-time do it; Ms. Merrill questioned whether raising the money might be acceptable. Mr. Coppelman said it was unfortunate that the television of town meetings was sporadic. Mr. Bakie stated that he got a lot of positive feedback for having the meetings televised.

-Mr. Coffin spoke about creating areas where apartments might be built; Mr. Greenwood said that the Town did pass locations where workforce housing could be created; Mr. Coffin said he was talking specifically about apartments. He said the Board might want to address at another meeting. He questioned whether the Town was in compliance with multi-family apartment buildings. Mr. Greenwood said that in Commercial District I, there is a conditional use permit with the purpose to allow multi-family dwellings as a conditional use in appropriate locations in Kingston and that is the C-I district. Ms. Merrill asked, due to the assisted living application, does the Planning Board give approvals with the condition that they are purchasing a property or do they have to have ownership of the property. Mr. Coppelman said that the Planning Board

requires that there is approval by the land owner, a condition of sale that they would activate once they have approval from the Town.

Mr. Coppelman declared the meeting adjourned at 9:55 PM.

Minutes done from recording,  
Ellen Faulconer