

1 KINGSTON PLANNING BOARD

2 MARCH 7, 2023

3 PUBLIC HEARING/MEETING

4 MINUTES

5 Ms. Merrill called the meeting to order at **6:35 PM**; there were no challenges to the legality
6 of the meeting.

7
8 **MEMBERS PRESENT:**

9 Lynne Merrill, Chair

Peter Coffin

10 Glenn Coppelman, Vice Chair

Robin Duguay

11 Chris Bashaw, BOS Representative

Steve Padfield

12 Peter Bakie

13
14 **ALSO PRESENT:**

15 Glenn Greenwood, Town Planner

16 Dennis Quintal, Town Engineer

17 Robin Carter, Land Use Admin.

18
19 Ms. Merrill introduced the Planning Board ("PB" or "Board").

20
21 **RECOGNITION TO GLENN COPPELMAN:** Ms. Merrill opened the meeting with a
22 special presentation to Mr. Coppelman, Vice Chair of the Planning Board. *Mr. Coppelman*
23 *has decided not to run for Planning Board this year.* Mr. Coppelman has served on the
24 Board for 38 years and has performed his duties as a member, Vice Chair and numerous
25 years as Chair. Ms. Merrill explained Mr. Coppelman has brought over 700 meetings
26 worth of experience to the Board and he has a wealth of knowledge in zoning and
27 planning board procedure. The Board gave Mr. Coppelman a Certificate of Appreciation,
28 in addition, the Board and special friends of the Board raised a donation to give to SELT
29 in the honor of Mr. Coppelman. Mr. Coppelman expressed his thanks to all that
30 contributed.

31
32 Ms. Merrill acknowledged Ellen Faulconer who was in the audience and thanked her for
33 coming tonight. Ms. Faulconer was the administrative assistant for the Planning Board for
34 many years and worked very closely with Mr. Coppelman when he was Chair.

35
36 **CONTINUED PUBLIC HEARING (from 02/21/2023)**

37
38 **Deschenes Living Trust**

39 75 Exeter Road

40 **Map R36 Lot 2-1**

41
42 **SUBDIVISION APPLICATION**

43 <Board note: This hearing began at 6:40 PM.>

44
45 Ms. Merrill explained that this was the second hearing for this applicant.

James O'Neil, LLS, Land Surveyor of Hancock Associates of 34 Chelmsford Street, Chelmsford presented on behalf of the **applicant, Deschenes Living Trust**. Mr. O'Neil mentioned he received a letter from Dennis Quintal the Town Engineer, dated March 6, 2023. Mr. O'Neil provided a letter to the Board dated, February 26, 2023, responding to comments referenced in a letter from Mr. Quintal dated February 8, 2023.

- Cistern and Fire Pond locations: #2 Section II.T & Section Z.B.7 - Show the distance from the proposed building area to the nearest fire pond or cistern. #10 Article 905.6.E – Provide a distance from the dwelling to an NHFC hydrant or acceptance by the Kinston Fire Department. Mr. O'Neil mentioned that he was able to find out this information and has provided it in his letter to the Board dated March 2, 2023, and they are noted on the revised plan. The nearest Cistern is approximately 1,000 from the edge of the locus property on Deer Run. There is a fire pond at the intersection of Pheasant Run which is about 2,200 feet from the locus at Deer Run. This is also about 2,500 feet from the frontage on Exeter Road in Kingston. Mr. O'Neil noted that the maximum distance allowed is 3,000 feet. There may be one more added to the plan.
- Test pits: #4 Section VIII.A.10; #5 Section XVI.A.1 & XVI.4; #6 Section IX.C – have been done, they are 50 feet apart. They have been separated to show for scaling purposes.
- Concrete or Granite 4"x4" bounds: #7 Section X.B.4 – Mr. O'Neil said there is a granite monument at the town line on the edge that is called for but was not found. When they go back out to set the monument, they will look for it again, if they can't find it because the water is high, they will set something there that is appropriate and if it is under water they may not be able to set a granite monument, but will set something that can be permanent. The southern end is under water. Mr. O'Neil mentioned that the nearest markings are on a stonewall that is running through there. He explained to set something in there may be beyond their approach because a granite post would take up most of that.
- Mylars: #24. They will be providing Mylars.
- Waiver: #14 Article 905.14.C.19 – Site Specific soil mapping waiver has been added to the plan.
- Bound Certification: #26: They will be doing the Bound Certification when they set the boundaries.

Mr. O'Neil said he believes they have met all conditions.

Dennis Quintal, **Town Engineer** comments:

- Waiver has been added to the plan.
- Conditions of approval could be 1) Set granite bounds, 2) Bound Certification must be provided, 3) A Mylar should be provided to both Towns to sign and a note on the plan.

Glenn Greenwood, **Town Planner** comments: Mr. Greenwood said the applicant has addressed all of the issues from the previous meeting. Mr. Greenwood added that he did

talk with the Fire Chief to make sure he was comfortable with the fire suppression for the lot, and the Fire Chief was satisfied.

<Ms. Duguay arrived at 6:45 PM.>

Ms. Merrill asked if there were any other comments. There were none.

Motion made by Mr. Coffin to accept the plans submitted as revised on March 7, 2023 with the conditions of approval, setting concrete or granite bounds; Bound Certification and Mylar to be provided. Seconded by, Mr. Coppelman. A vote was taken, all were in favor, the motion passed.

<Board note: This hearing ended at 6:47 PM.>

BOARD BUSINESS

Approval of the February 7, 2023 Minutes:

Line 121, add the word "not" before the word opposed.

Line 220, change "has" to "doesn't have" a distance number system...

Motion made by Mr. Coppelman to accept the 02/07/2023 minutes as amended. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed.

Correspondence:

- 1. Engineering Report from Dennis Quintal dated February 16, 2023 re: Fieldstone Industrial Park Tax Map R2, Lot 13 and Bond Reduction Worksheet:** This is a bond release request.

Mr. Quintal provided an overview of his report:

- At the request of the property owner, John Wilder, Mr. Quintal visited the property to review work completed to date on the access driveway and site development.
- Mr. Quintal explained that the entrance, the road is well done and according to plan except for the pitch line, the righthand side going in is all ledge. There is more of a ditch than a swale. The water runs through the ditch very well and it doesn't need to be grassed. He said he doesn't think there is an issue, but this is an easement for Comcast to their tower and Comcast people made a little bit of an issue about it. Mr. Quintal further explained that Mr. Wilder's engineer has talked to the Comcast people and believes they have accepted what is there for a grading situation even though it didn't match the original plan it's still functioning well.
- The 1st building is in and pretty much done.
- Building two has a foundation in and cut to grade.

- Building three has a retaining wall that is being built near the wetlands. There is a silt fence to protect the wetlands. There are a few areas they need to adjust so it is pumped properly for the springtime, and they will be taking care of that. Where the 3rd building is going to go it is leveled off and ready for excavation for that foundation. The small detention pond at the end is in place and graded off. It needs to have topsoil and seed added.

Mr. Wilder asked Mr. Quintal to review the Bond and evaluate the Bond release for this project.

- Mr. Quintal explained that there is some money left for roads and sediment control that needs to be maintained. Some money left for the drainpipe that has to go out of the detention basin and hydroseeding and fertilizing this area.
- Percentage for contingency of 5% is appropriate which calculates to \$13,565.25.
- The previously released Bond amount was \$46,190.80.
- The current release amount is \$31,073.45.

Motion made by Mr. Coppelman to approve the Bond release amount of \$31,073.45 as recommended by Mr. Quintal. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed.

2. Letter from Steven Pollack, 5 Rockrimmon Road, dated March 6, 2023 regarding the lights at the new fire station.

Ms. Merrill explained that Mr. Pollack lives across the street from the fire station. She read Mr. Pollack's letter. Ms. Merrill also read the letter from Susan Ayers, Administrative Assistant, Kingston Selectboard to Mr. Pollack dated December 2, 2022.

Board discussion:

Ms. Merrill asked the Board if this was a Planning Board issue. Mr. Coffin commented that this is a Select Board issue. Mr. Bashaw said that the Select Board did review this and made sure everything was built in accordance with the ordinances. Mr. Bashaw mentioned that the Fire Chief took some measures to address the issues that were within his control and that the Fire Chief has safety issues within a municipal building that he has to adhere to for the safety of the responding fire fighters that go to the building to handle calls. He added that everything is in compliance with the Town's lighting ordinance. Mr. Coffin brought up that the only issue he sees is whether or not an onsite evaluation was conducted to make sure the shielded lights are shielded so that the light source filament or light source is not visible to the property across the street. This could be alleviated somewhat with the correct shielding and the ordinance does require that. Mr. Bashaw mentioned that the Board could recommend that the Code Enforcement Officer go and take a look at the lights. Mr. Bashaw commented that he doesn't believe this is a Planning Board issue, unless it is found to be in violation of the ordinance. Mr. Bashaw said he can take this back to the BOS and share that the PB's recommendation

is this is not a PB issue, but the Town may want to ensure that somebody has verified that the lighting complies with that portion of the requirement.

Ms. Merrill asked the Fire Chief, Graham Pellerin, who was in the audience, does he know how many nighttime fire truck calls we had over the past year. Mr. Pellerin mentioned that there are 80% ambulance calls and 20% fire calls. He estimated there were approximately 100 fire truck calls, and most calls are from 6 AM-6 PM and didn't have the exact number of nighttime fire truck calls. Mr. Pellerin said they have taken steps to address Mr. Pollack's concerns. They have the ambulance use the driveway on the other side of the building, so it is less intrusive to Mr. Pollack. Mr. Pellerin said he doesn't know what else they can do to satisfy him. Mr. Bashaw explained that although this isn't the BOS responsibility they tried to come up with solutions and offered to purchase light blocking shades to help.

[AI.1 03.07.2023 – Ms. Carter forward a copy of the letter from Mr. Pollack to Ms. Ayers for the BOS.]

[AI.2 03.07.2023 – Planning Board to send a response to letter to Mr. Pollack.]

Motion made by Mr. Coppelman to forward Mr. Pollack's letter dated, March 6, 2023, to the Board of Selectman for evaluation to ensure that the lighting meets the lighting ordinance requirements. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed.

3. The Board received a **letter from Susan Prescott, Chair, Historic District Commission**, dated March 1, 2023, re: 186 Main Street, Housing Support Inc. application. This letter was not discussed tonight and was provided to discuss at a future hearing.

BOARD BUSINESS CONT.:

Impact Fees as they related to Accessory Dwelling Units (ADU):

Ms. Merrill asked Mr. Greenwood, that when the impact fee schedule was established, what determined how much each type of development would pay because each of the dwelling types could have the same impact to the Town, i.e., the same amount of people could live in a single-family house as a town house. Mr. Greenwood explained that the Town hired someone to do impact fee calculation. He said that the result in the impact fee is a different assessed valuation for each building type and that is taken into consideration when the impact fee is set. Ms. Faulconer spoke from the audience and shared that there is correspondence outlining the details of the impact fee schedule study in our Planning Board files.

Mr. Greenwood brought up that the purpose of tonight's discussion is for the impact fee and making it clearer to ADU applicants and not for any assessment purposes.

Mr. Coffin said that when they initially did the impact study ADU's were originally limited to a one bedroom unit, now they can be a two bedroom unit and now they count as workforce housing. He suggested that the ADU impact fee be included in the ADU application and the fee schedule.

Mr. Greenwood explained that apparently people have been surprised when they go to apply for the building permit for the ADU and did not realize there was an impact fee. The request for the BOS is, can we include this information in the ADU application materials showing that they will be responsible for an impact fee.

Mr. Greenwood referred to the impact fee schedule and said it is from 2013 and we should look into an update for this information. The person that did it in the past no longer does it, so we'd have to find someone else that does this type of work. Mr. Coppelman reiterated that the impact fee schedule hasn't changed since it was adopted in 2013. Mr. Greenwood replied, correct.

Ms. Merrill asked if this information should be on the zoning ordinance as well as the application. The impact fee information is not in the ADU or building ordinance, it is its own ordinance.

Mr. Bashaw said that the goal is to have the impact fee schedule be given out with the ADU application so they are made aware of it upfront.

The current impact fee for an ADU is \$2,157.50.

Ms. Carter spoke and offered to draft a revised ADU application to include reference to the impact fees and then bring it back to the Board for review. She explained that the Board is not being asked to change the impact fees, we are being asked to make the current ADU impact fee clearer to applicants.

[AI.3 03.07.203 – Ms. Carter to revise the Conditional Use ADU application to include information Impact fee information.]

Ms. Merrill did ask Mr. Greenwood if he could begin to look into finding a professional who does do impact fee studies. **[AI.4 03.07.2023]**

Board discussed the engineering review fee that should be charged for ADU applications:

Ms. Carter explained that right now the ADU Conditional Use Application mentioned on the application fee schedule is \$5,000 for the engineering review cost. From her understanding this fee has been discussed by the Board in the past and there has been a question about if it should be this amount. Ms. Merrill mentioned they could request a waiver for the fee. Mr. Greenwood spoke and said that in no time has the expense accrued for Dennis Quintal (Town Engineer) or himself (as Town Planner) ever been that

high for an ADU review. The Board discussed what would be a reasonable amount. They agreed that the fee should be changed to \$1,000.

Motion made by Mr. Bashaw to change the ADU engineering review cost from \$5,000 to \$1,000. Seconded by, Ms. Duguay. A vote was taken, all were in favor, the motion passed.

[AI.3 03.07.203 – Ms. Carter to revise the Conditional Use ADU Application fee schedule to reflect the engineering review fee of \$1,000.]

Interested Planning Board member candidate: Mr. Bashaw commented that there is a member in the audience that heard the Town is looking for help from volunteers for unfilled positions on various boards. Mr. Bashaw explained he doesn't think it is appropriate to do a candidates night, but recognized Rob Tersolo in the audience, who has an interest in being on the Planning Board. Mr. Tersolo introduced himself and said he wanted to sit in tonight's meeting, and that it was brought up to him that there is a position open on the Planning Board. He mentioned to the Board that he is interested and put out the notice that he is doing a write-in campaign.

March 21, 2023 Public Hearing: The Chair and Vice Chair of the Planning Board will not be present at the March 21, 2023 PB public hearing. The Board nominated Mr. Coffin to be Acting Chair of the next Planning Board hearing on March 21, 2023.

ADJOURNMENT

Motion made by Mr. Coffin to adjourn at 7:35 PM. Seconded by, Ms. Duguay. A vote was taken, all were in favor, the motion passed.

****Next Public Meeting is scheduled for Tuesday, March 21, 2023. Subject to change.****