

KINGSTON PLANNING BOARD

JUNE 20, 2023

PUBLIC HEARING/MEETING

MINUTES

Ms. Merrill called the meeting to order at **6:45 PM**; there were no challenges to the legality of the meeting.

MEMBERS PRESENT:

Lynne Merrill, Chair Peter Bakie
Robin Duguay, Vice Chair Peter Coffin
Chris Bashaw, BOS Representative

ABSENT: Steve Padfield, Rob Tersolo

ALSO PRESENT:

Glenn Greenwood, Town Planner
Robin Carter, Land Use Admin.

Ms. Merrill declared a quorum present and introduced the Planning Board ("PB" or "Board").

PUBLIC HEARING(s) (in these minutes)

| | |
|---|-------|
| Housing Support, Inc., 186 Main St., R34-21 | Pg. 1 |
| Unitil Energy Systems, 24 Towle Rd., R12-26 | Pg. 2 |
| CJ&J Leasing, 83 Rte. 125, R10-9 | Pg. 4 |

Request for a continuation to July 18, 2023:

Housing Support Inc.

186 Main Street

Map R34 Lot 21

Ms. Merrill read the legal notice.

Purpose:

This is a site plan review application for the total renovation of the existing structure to create four (4) one (1) bedroom housing units, including a small addition at the rear. Also, the extension of the right-side driveway to accommodate one handicapped parking space and three extra parking spaces at the rear.

Ms. Merrill explained that applicant is in negotiations with the neighbors, and they have not reached a resolution; and that this is the reason for their request for an extension.

Motion made by Mr. Coffin that at the request of the applicant, Housing Support, Inc., Map R34 Lot 21, the Planning Board public hearing will be continued to July 18, 2023 at 6:45 PM at the Kingston Town Hall. If the applicant has new plans, they must be submitted in writing to the Planning Board office by Thursday, July 6, 2023 at noon. Seconded by, Mr. Bashaw. A vote was taken, all were in favor, the motion passed. (5-0-0)

Ms. Merrill explained the hearing process. The applicant will present their materials. After the Board will get comments from the departments, Town Engineer, Town Planner, followed by questions from the Board. Then public comment, then back to the Board and then the Board will make any decisions that need to be made.

Unitil Energy Systems

Property owner: 24 Towle Road Realty Trust

24 Towle Road

Map R12 Lot 26

<Board note: This hearing began at 6:50 PM.>

Ms. Merrill read the legal notice for this application.

Purpose:

The applicant will be discussing the proposed site access design for an anticipated Site Plan review for a proposed Solar Field with associated access and stormwater management improvements.

Ms. Merrill mentioned that members of the Board, other commissions in Town went on a site walk at the proposed Unitil Solar Field site at 24 Towle Rd. on June 17, 2023. One of the things they looked at was the access for where Towle Rd. might be better located for access to bring the panels and equipment into the site.

Applicant: Nicholas Golon, P.E., Civil Department Manager, Principal for TF Moran and Jacob Dusling, P.E. Sr. Engineer for Unitil Energy Systems presented on behalf of Unitil. James Hasselbeck, Chief Operating Officer for Revision Energy and Solar Power was also present. Mr. Hasselbeck disclosed that he is a resident of Kingston.

Mr. Golon explained that they were there tonight to talk about the access to the site. Mr. Golon referred to his handout dated June 8, 2023 regarding Site Plan Review – Proposed Unitil Solar Field and a site access design exhibit. He also referred to an enlarged copy of the exhibits that displayed the site access plan. Mr. Golon provided an over of the access design plan.

- Potential intersection improvements at Towle/Mill Road. Given the existing conditions, the project team agreed to evaluate construction of a relocated connection point for Towle Road to Mill Road. They prepared a preliminary Intersection Improvement Plan with the understanding that Unitil would be responsible for the construction associated with the new connection point, and Kingston Department of Public Works (DPW) would remove the existing curb cut at Mill Road as well as coordinate as appropriate with the abutters for the full scope of work.
- Mr. Golon described the current road conditions of Towle Road and summarized the responsibilities of DPW and Unitil, and the necessary coordination with the DPW and Board of Selectmen (BOS).

- Access from Towle Road to the project site beyond the limits of the Class V portion of Towle Road was observed to be in poor condition. They want to make sure the access provided from this point is appropriate.
 - o 20-foot-wide gravel access driveway consistent with NPA requirements.
 - o Depth of selects (gravels) to be 12-inches.
 - o Centerline grading
 - o Gentle slope

Mr. Golon said that they met with the BOS (June 12, 2023), and BOS approved the site access design subject to Planning Board approval. He said that they wanted to present the proposal on the design for the site access before doing the full site plan review to make sure it was satisfactory to the Town.

Department comment(s):

Ms. Merrill read the department comment from the fire department.

Fire Department:

- Year-round access to site. And Knox box for any gate and building.

Town Planner comment(s):

Mr. Greenwood commented that the new site access proposal was developed in cooperation with Mr. Coombs, the Director of Public Works. In addition, the OBS at their June 12th meeting voted to endorse this new access configuration contingent upon a successful site plan review process.

Board comment(s):

Mr. Coffin asked about plowing responsibilities. The applicant said Unitil would plow from the class V road on and into their site. Mr. Bakie brought up if a gate was needed, mainly because if the road is improved would that cause more traffic down the road and more people accessing the Unitil site. Mr. Bashaw commented that the access road would be built to an approved standard, and he is not aware of any other road that the Town restricts access to once it is approved.

Ms. Duguay asked if abutters to the proposed road modifications have been noticed. Mr. Golon said that DPW would be responsible for noticing the abutters if there will be any changes to the road.

Ms. Merrill opened the floor for public comment at 6:58 PM.

Public comment(s):

Melissa Parry, 50 Frye Road, Danville

- She said she owns 22 acres in Kingston and 1 acre in Danville directly behind 24 Towle Road.
- Ms. Parry's concern was that she wanted to make sure that the access from Town roads thru to Old Frye Rd. are not blocked off. She uses the trails back there.

Mr. Golon referred to the map exhibit he brought and said that from a certain point on there will be an unobstructed area than can be used.

Ms. Merrill closed public comment at 7:00 PM.

The Board discussed with the applicant their plan on bringing the full site plan review to the Board. **Unitil would have to submit their site plan application by June 29, 2023 to meet the noticing requirements to be on the July 18, 2023 Panning Board Public Hearing agenda.** Mr. Bashaw mentioned that the applicant has received approval from the BOS as they proposed it for the road conditions. The DPW Director has gone over the road proposal with the applicant and the BOS has approved the proposal based on the DPW Director's comfort level with what was proposed. Ms. Merrill asked the Board if they have any issues with the road as proposed. None were raised by the Board.

Mr. Golon said that this proposal has been sent to the DES and it has been provided to the other applicable Town boards (i.e., Conservation Commission). He mentioned Unitil will be required to get a AOT permit, and they have prepared a full package of impacts associated with the project.

Mr. Coffin brought up that this is public utility and not a retail business and questioned if this was a permitted use in the rural residential zone. Mr. Greenwood said it was established before when the first utility was permitted there-the transmission lines. Mr. Golon said that there is the Peaslee substation and the Unitil Kingston substation out there. Mr. Coffin said that there is the aquifer protection zone out there and is there any requirements for that. Ms. Duguay said that at the site walk it was brought up about metals possibly leaching into the groundwater. Mr. Hasselbeck said that the panels they use that metals would not be a concern. They wouldn't do anything to impact the groundwater.

<Board note: This hearing ended at 7:15 PM.>

CJ&J Leasing

Property owner: Greg and Scott Demetri

83 Rt 125

Map R10 Lot 9

<Board note: This hearing began at 7:16 PM.>

Ms. Merrill read the legal notice for this application.

Purpose:

Design Review application to construct a refrigerator trailer storage facility, inclusive of an office building and repair shop and paved storage.

Applicant: Cindy Theriault, P.E., Senior Civil Engineer for Wilcox & Barton, Inc. introduced herself and noted that she was there on behalf of CJ&J Leasing.

Ms. Theriault explained that CJ&J Leasing is a business that leases refrigerated trailers. This location is at the corner of Rte. 125 and West Shore Road. The property currently consists of a vacant residence and is approximately 12 acres.

180 She said that CJ&J purchased the property to move their existing facility in Haverhill, MA
181 to this location.

- 182 - It is commercial zone III.
- 183 - The proposed use is to put a new building on the property that is a high
184 efficiency solar panel ready building. There will be 10 garage bays and
185 approximately 3,000 sq. ft. of office space.
- 186 - 8-10 employees
- 187 - Hours of operation will be around 7am – 6pm
- 188 - There will be paved surface for inventory of the trailers that are not currently
189 leased.
- 190 - They anticipate traffic will be 10-25 trips a day based on current practice.
- 191 - They have reached out to the DOT to do a traffic study for them.
- 192 - Ms. Theriault referred to a site plan diagram and pointed out the various
193 features of the site.
 - 194 o 18,000 sq. ft. building with 10 bays with 3,000 sq. ft. of office space.
 - 195 o They will also have an on-site fueling facility that will be designed and
196 permitted through the state.
 - 197 o Green area shown is proposed to be either graded or untouched.
 - 198 o Gray area is the pavement.
 - 199 o 18 proposed parking spaces.
 - 200 o They will have to apply for an Alteration of Terrain permit (AOT)
201 because there is more than 1,000 sq. ft. As part of the AOT process
202 they had to reach out to the NH Heritage Bureau and received
203 comments from the NH Fish and Game.
 - 204 o They did a vernal pool study in early May, 2023, and it came back
205 after the application was submitted to the Planning Board. It did show
206 that there was a vernal pool on the property.

207
208 Mr. Greenwood spoke and mentioned this would be for preliminary review, but this is a
209 design review, and nothing is binding, this is just information.

- 210
211 o Ms. Theriault mentioned that Gove Environmental did a Wetlands
212 Delineation – Functions and Values study. As a result of this they
213 backed the pavement off and added retaining walls to catch the
214 grade, added steep slopes to keep out of the 100 ft. buffer of the
215 wetland area that has the vernal pool in it.
- 216 o Total impervious area is 58.4 %, open space is 41.6 %.

217 Mr. Greenwood commented the property is not in the aquifer protection zone. Ms.
218 Theriault went on to explain:

- 219 o Grading and drainage – on West Shore Pk. Rd. there will be a cut to
220 make the level area for the building and heading north there is a
221 proposed fill area in order to make the paving area between 5 and
222 6% slope the entire way.
- 223 o Proposed stormwater for the upper eastern side.
- 224 o Proposed 3 underground cisterns.
- 225 o Septic and well will be private. Septic will be under pavement.

- There will be a dumpster on the site outside the 10-bay building.
- There will be a loading dock. The loading dock goes to a covered shed. This is where the fuel tanks and storage would go. Fuel tanks are diesel fuel tanks for the trucks. Proposal is for three (3) 2,000 gallons tanks.
- Maintenance bays are for trailers.
- Proposal is also for a recycle wastewater tank, wash water tank so nothing gets into the ground.
- The proposal shows stormwater boxes, and they will be adjusted to the pavement. The proposal is to keep the pavement off of/away from the 100-foot buffer.
- The trailers are not attached to the cabin trucks.

Mr. Greenwood mentioned that on the plan it shows a 75-foot protective well radius, and that the Town requires 100 feet.

Mr. Bakie brought up that it was mentioned on a previous application for an abutting property on the north side of the property there may be deeded ROW that comes off route 125 that goes behind this property. There is a big piece of conservation property that the deeded ROW goes to. **This needs to be researched further and if there is a ROW to the conservation land and it applies to this property it should be included.**

Mr. Greenwood mentioned that unit are leasable vehicles and there is a standard about used vehicles, recreation vehicles, and trailers. This facility would be within 1,000 feet of another business that leases vehicles and there is a Town ordinance on this. Ms. Merrill mentioned that other applicants have come before the Board and because they were vehicle related (i.e., car sales) in nature were denied because of this ordinance. Ordinance referred to was Article 110, Commercial Zone II, 110.2.K. and 110.8. The Board discussed the interpretation of the Ordinance. Ms. Merrill read article 110.8 and commented that possibly a fence would satisfy screening the facility from the access roads.

Mr. Coffin noted that the plan shows a 20-foot buffer, and the Town ordinance calls for a 50-foot buffer from the residential properties that abut this property. This is referenced in Article 904.6. the General Standards section.

Town Planner comment(s):

Mr. Greenwood explained that this is a design review, and any discussion is not binding on either the applicant or the Town.

- He commented that the plan set indicates an 18,000 square foot facility for maintenance and office space.
- The PB needs to make a decision if the leasing of these refrigerated trailers means that if there is a car dealership closer than 1,000 sq. feet and if this is the case, in accordance with the Town's ordinance this proposal must be denied. Mr.

Greenwood noted that this is something that we discussed earlier and should talk to Town counsel about.

- The 75-foot protective radius shown on the plan should be 100 feet to meet the Town's requirements.
- He discussed the 35-foot wetland buffer and if the applicant submits a site plan review application, the Board may want to have a 3rd party review the report.
- Is there any potential for emergency response necessary for the units proposed to be stored on the Northeast corner of the site? These three rows in the corner have no access behind the first row and this is not the case anywhere else on the site.
- The driveway permit will need to be approved by both the Town and the NH DOT.
- How is the site expected to be screened? A debris yard is indicated in the very front of the facility, and this seems like a bad visual decision for a business on NH Route 125.
- How many employees will be on the site daily?
- What are the proposed days and hours of operation?
- What is the anticipated noise level for the site?
- How many daily trips are generated by the site?
- No exterior lighting is displayed on the plan.

Department comment(s):

Fire Department:

- Comply with NFPA for fuel dispensing facilities and repair garages.
- Knox box -access for any gate or buildings.
- NFPA 72 fire alarm system installed.
- Town of Kingston Fire Protection Regulations. Note: 1008.2 and 1008.3.
- Cistern noted on drawing to comply with Fire Protection Regulations 1008.3.

Police Department:

- Would like to see a traffic study done. How is it going to impact Rte. 125. Has concern about the noise level.

Public Works:

- No details are provided on the fueling facility to include design, construction, spill plan, etc.
- A "Subsurface Infiltration Gallery" is noted but no description. Is this the chamber system noted or will there be one at each catch basin?
- What were the planning considerations for the rainfall?
- There is nothing to retain the runoff on site shown on the plans such as curbing on the perimeter.
- The snow storage area indicated places it on the edge of the parking lot with p 14'-16' of elevation drop and no curbing. Given that fueling operations are proposed, this has the potential to create a hazardous runoff situation.
- An annual inspection/maintenance schedule for the storm system is needed-currently leaves too much undefined.
- Has any traffic study been completed? This seems like the protentional for a large volume of traffic.
- A lighting plan is referenced but not provided.

Ms. Merrill opened the floor for public comment at 7:56 PM.

Josh Webber, 85 Route 125 –

- Mr. Webber had concerns about the trucks coming down Rte. 125 and slowing down and the backup of traffic and the risk of accidents.
- He questioned and had concerns on how this facility would look from his yard.
- He had concerns about how it would impact them in regard to the noises of it being a repair facility and noises from the trucks.
- Mr. Webber brought up that they have a nice view from their yard now and would like a buffer, so they don't see the trucks.

Email from Dana Akers, 16 Reinfuss Lane -

Ms. Merrill read the email received from Mr. Akers to the Planning Board dated June 16, 2023.

Ms. Merrill closed public comment at 8:02 PM.

Mr. Bashaw explained to the public that they do emphasize with them; however, the Board only has certain things they purview over. It comes down to what properties are zoned for and they follow the regulations. We can't tell people what people can and cannot do on their property as long as it conforms with the ordinances which the Town has voted on and allow. The Board has a set of standards they have to follow.

The Board informed the applicant if they plan on submitting a full site plan application the deadline for the August 15th public hearing is July 13, 2023 by noon. Ms. Merrill noted that abutters would get renoticed because it would be a new application for a new public hearing.

Ms. Thibault asked if she should contact the Conservation Commission because of the vernal pool. Ms. Thibault will contact them to find out what they need to do if anything.

<Board note: This hearing ended at 8:09 PM.>

BOARD BUSINESS

Approval of the May 16, 2023 Minutes:

The Board had the following changes – line 115, spell out “SF” to show “single family”. Line 117 change “funs” to “runs”. Line 389 change “attract” to “track”.

Motion made by Mr. Coffin to accept the 05/02/2023 minutes as amended. Seconded by, Mr. Bashaw. A vote was taken, all were in favor, the motion passed.(5-0-0)

Correspondence:

Invoice Rockingham Planning Commission (RPC) for 2023 dues. The invoice is for \$6,353. This amount is based on the p/p population in the Town.

363 **Motion** made by Mr. Coffin **that we continue our long-time membership with the**
364 **Rockingham Planning Commission and approve this invoice. Seconded** by, Ms.
365 Duguay. **A vote was taken, all were in favor, the motion passed.(5-0-0)**

366
367 **Housing Development, Inc.-186 Main Street property**

368 Mr. Greenwood said a question was brought to him in regard to the Town regulations and
369 is it permissible to rent individual bedrooms in a residential duplex type property for people
370 that are unrelated in the HD1 district. He asked the Board for permission to speak with
371 Town Counsel about the HD1 district and the language regarding "Residences" as noted
372 in Article 102.5:A.1.a.-Discription and Permitted Uses.

373
374 Mr. Bashaw noted that the attorney for the abutters and the attorney for the applicant
375 could come to an agreement, but the Town may not be able to approve it because it may
376 not meet the Town requirements.

377
378 The Board gave Mr. Greenwood permission to talk with Town Counsel on this matter. Mr.
379 Greenwood will contact Susan Ayers from the Selectmen's office and ask her to add this
380 to the BOS agenda for Monday, June 26, 2023 to seek their approval.

381
382 **Town of Kingston Aquifer Protection Map**

383 Mr. Coffin brought up the online aquifer protection map on the Town website and how
384 helpful it is.

385
386 **ADJOURNMENT**

387 **Motion** made by Ms. Duguay **to adjourn the meeting at 8:19 PM.**

388
389 ****Next Public Hearing/Meeting is scheduled for Tuesday, July 18, 2023.** Subject to
390 change.**
391