

**Kingston Planning Board  
Public Hearing  
Minutes**

**February 6, 2018**

The Chairperson 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	Chris Bashaw
Peter Coffin, V. Chair	Peter Bakie
Carol Croteau	Lynne Merrill
Ernie Landry, alternate	Robert Pellegrino, alternate
Ellen Faulconer, alternate/admin. assist. (arrived with meeting in progress)	

Members absent: Mark Heitz, BOS (Board of Selectmen) rep.

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

**Hawk Ridge of South Kingston  
Bent Grass Circle  
Tax Map R3 Lot 4 Land Unit 4**

Mr. Coppelman explained that this was a continuation of a proposal to modify a previously approved site plan. He announced that the Board had received a request for a continuance from the attorney Charles Cleary which he read aloud; the applicant's engineer hadn't had time to address concerns received from the Town Engineer.

**MM&S to continue to March 6, 2018.** (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**  
(Passed Unanimously)

Mr. Coppelman explained that this would be the notice for the next hearing; the applicant will be notified of the date. He added that this would be the first item on the agenda; the meeting started at 6:45.

**Bresnahan Moving and Storage  
7 Marshall Road  
Tax Map R41 Lot 7-2**

Mr. Coppelman read the public notice for this hearing for a proposal to establish a storage facility consisting of 15 separate buildings that included a separate office building with living facilities and three entrances proposed with two on Rte. 125 and one of Rte. 107. He noted that this was the first time the Board will have seen the presentation. Plans were distributed. Mr. Zilch explained that the original hearing had been continued to allow for the TRC (Technical

Review Committee) to meet prior to this hearing; a hard copy of the minutes from the TRC meeting was attached to Mr. Greenwood's comments for this hearing. Mr. Coppelman explained the hearing process.

Charlie Zilch from SEC and associates introduced himself and Jim Hanley from Civil Design; he stated that he was here on behalf of the owner of the property, Christie Revocable Trust as well as the developer, Joseph Bresnahan. He referred to page 2 and went over the existing conditions plan: just under 17 acres, 187 feet of frontage on 107/Marshall Road and 1530 ft. on Rte. 125; zoned C-II, currently undeveloped. He reviewed the topography and the soils; there are several glacial kettle holes on site that includes wetlands and vernal pools; the delineation was done by Mike Seekamp; the flags are shown for the wetlands. Mr. Zilch said the property is also in the Aquifer; it is not in floodplain or shoreland protection. Mr. Zilch reviewed sheet 3 which is the site plan; he stated that the proposal is straight forward; he explained the plan including the office building with 24 hour living facility; the commercial use is allowed in the zone; the wetlands basically bisect the property. He reviewed both sections of the proposal, pointing out the buildings as proposed; he pointed out the three access points; he said there is minimal water and sewer needed for this type of use; the septic system is designed to support the office building. Mr. Zilch said this type of business has minimal/limited traffic; the planning is more about the grading of the site and getting the drainage going to where it needs to go.

Mr. Hanley reviewed sheet 4 which showed the grading and drainage plans; he reviewed the challenges as the buildings tend to be pretty long and that limits how the grading can be done; he continued that each building drains toward the access drives that are 24 feet in width; he gave a brief overview of the draining; there are three infiltration ponds on site. Mr. Hanley described the kettle holes at 15 feet deep; they have to meet DES water quality standards before any of the water gets to the kettle holes; access drives grades from Rte. 107 and bellies out between stations 4 and 400; all of the water grades to the east side and eventually to infiltration pond #3. He continued describing Phase 2 that has the 8 buildings; he described the elevations and water discharge that goes into infiltration pond #2. Mr. Hanley explained that they have to be mindful of water quality with this application because of the isolated pockets of wetlands and vernal pools. They have received Mr. Quintal's review and they are in the process of addressing that; they have received comments through the TRC, they have also had their DES review. He said they are trying to get their hands around all of the items and trying to address the details of them.

Mr. Coppelman asked about the State permits for the entrances on the two State roads. Mr. Zilch said they have submitted the application to DOT (Department of Transportation) for each one of the entrances which is in the process of being reviewed in Concord; they don't have anything back yet. Mr. Zilch said there are a couple of other State approvals that have been applied for: AoT (Alteration of Terrain), DES septic approval has been obtained for the one for the office building; working with Fish and Game regarding the buffers around the vernal pools and awaiting results from Natural Heritage. Mr. Zilch continued that they are currently working through items from review at the local level; he said it didn't look like there would be any major changes to the lay-out; he stated that they met all setbacks and site requirements for the project.

Mr. Coppelman asked if there was a landscape or buffering plan for the project; he said that it is a fairly significant commercial activity abutting a lot of residential area. Mr. Zilch said that the entire site is wooded and there is a natural buffer that exists now and they are not going to impact that; it will be retained as a buffer around the property. Mr. Zilch continued that landscaping in this type of business is minimal and just around the office building; it is hard to maintain landscaping around the storage units. Mr. Coppelman stated that his concern was more for the buffering against the residential areas; when adjustments are being made to the plan, the buffer line and what is contained within it should be noted; the Board will have to determine if any of the buffer would need to be supplemented.

Mr. Greenwood reviewed his comments that he had prepared for the Board. He described the TRC meeting; he noted that the challenges to the site were how it would be developed and maintain the integrity of the vernal pools; there are two conditional use permits (CUP) required, one is the result of the vernal pools because they have some storm water management activity that happens within the 100 ft. buffer and there is a portion of their driveway network between the two groupings of buildings that fall within that buffer so the Planning Board would have to approve those incursions into the wetland to go forward. Mr. Greenwood explained that the CUP requires the Conservation Commission (ConsCom) to provide input on the CUP's; the Chairman of the ConsCom was at the TRC and spoke about the Commissions' concerns about the vernal pool; he thinks there are some discussion items that will need further attention. Mr. Greenwood continued that the second CUP was because the property lies in the APZ (Aquifer Protection Zone) which says that if doing a use that is allowed in the zoning ordinance a CUP is still required. Mr. Coppelman asked if the applicant has made a formal request for the CUP's. Mr. Zilch said that they hadn't as they were waiting to get through the initial review process and then submit a formal letter with the request. Mr. Greenwood continued reviewing his comments: show required 4000 sq. ft. receiving area, plan exceeds maximum impervious coverage by 1% but he anticipates that they applicant can drop to the requirement. Mr. Zilch said that he thought they were allowed up to 50%; Mr. Greenwood said he would show Mr. Zilch after the meeting why the 35% takes precedence; Mr. Zilch agreed. Mr. Greenwood stated that a big topic of discussion at the TRC meeting from his standpoint, Mr. Quintal's standpoint, Chief of Police and Fire Department was the three access points; Mr. Greenwood said that he felt that three were too many but he thinks the Planning Board should do a site walk and see where the access points lie; he thinks it would be beneficial to do the site walk and then have a discussion about the access points; there are thoughts such as minimizing the number of access points or restricting entrance versus exit points. Mr. Greenwood asked, regarding the integrity of the vernal pools, if the Board might want Mike Cuomo to look at the plan; he said there was a lot of snow movement that would have to happen on the site for it to work in the winter; there was discussion at the TRC to see some additional areas for snow retention; elevation views of the buildings are needed. <Board note: Ms. Faulconer arrived at this time.> Mr. Greenwood reviewed requirements for parking in respect to the actual use needed for storage facilities suggesting the Board think about this during the site walk; he thinks the proposed 8 parking spaces are sufficient. Mr. Greenwood noted Lighting Ordinance requirements; it was suggested at the TRC that it would be helpful to see what the off-property lighting would be for the entryways; more information about this would be helpful; downward lighting packs and information for the

building should be shown on the plan. Mr. Coppelman suggested the applicant include cut-sheets for the fixtures to convince the Board that they are in compliance.

Mr. Quintal reviewed his comments; he noted that they were based on review of the regulations and information on the plans: notes state sheets required for recording, benchmarks, snow storage is insufficient and should not block the drainage or impact the BMP's (best management practices) of the basins, property lines monumented, the tree line is pretty much gone on the south side, pavement thickness needs to match Town's requirements, mitigation for large paved impervious surface, addition shade trees are recommended to help shade a lot of the paved area, Board should determine active and substantial development which should be noted on the plan, access points on Rte. 125 were frowned upon at the TRC with three access points seeming unjustified which is also his feeling as well, information needed for inverts on the catch basins, number each building for ease of reference, questioned any wetlands off-site that could impact the development, closest wetlands to the north and west should be shown, guardrails are required on the edge of the road where the side slope is steeper than 3:1 which is near the infiltration basin #3, placement of erosion control products should be shown on the plan, lighting plan should provide information to confirm zoning compliance, energy dissipation calculations and rip-rap dimensions for the culvert outlet should be provided, infiltration basins #2 and #3 are have different bottom elevations than that shown on the plan, basin #2 shows seasonal water table as different elevation than estimated by test pit, no test pit done near #3 – this needs to be done to verify water table, bottom of infiltration basin should be four feet above seasonal water table, plan needs to show bottom square footage of each basin, invert table and outlet structure detail don't match the plan, water quality volume information, volume and berm height should be shown, general construction sequence requirements should include inspections, note re: deviation notification should include notifying the Town. Mr. Quintal added that he didn't add anything about inspections during construction or bonding for construction but the Board should talk about this.

Mr. Coppelman noted that there was no provision for outside storage and asked for confirmation; Mr. Zilch said there was no outside storage; all storage was inside the buildings. Ms. Merrill asked about buffers, trees or fencing between the property and Rte. 125. Mr. Bresnahan answered yes there would be fencing; he noted a comment at the TRC meeting about general security measures to be implemented and they are working on that. He said there was a good distance, approximately 50 feet, between where his property begins and where Rte. 125's pavement begins so there is a decent natural buffer already; they can't clear to the ROW (right of way). Ms. Merrill noted that Chief Briggs was concerned with on-site lighting for security; she stated that if you can't see on the property from the streets than she is thinking that the applicant would not need as much lighting as discussed by the Chief as there is no ability to see into the site from Rte. 125. Mr. Bresnahan said they were taking these comments into consideration; the Police Chief was adamant in having enough lighting to discourage people. Ms. Merrill said there had to be consideration for the abutters to the property to not see an incredible amount of light, especially if not really needed. The applicant said they would look at the photometric plan and fixtures and light level. Ms. Merrill asked how the residential component fit with the zoning ordinance that does not allow for residential construction in the area. Mr. Greenwood confirmed that the other self-storage in the southern part of town did not have on-site living. Mr.

Greenwood was unsure of the answer to Ms. Merrill's question and will need to resolve prior to going much further. Ms. Merrill thinks it is a good idea but if it can't happen, the applicant should know as soon as possible. Mr. Coppelman added that if that was the case, the Board could not address it, it would need ZBA action.

Mr. Coppelman asked if the proposal would include locked-gate access. The applicant answered that it would be open by keypad access between 5 AM and 10 PM; the Fire Department is requesting a Knox Box; at all times, the site will have limited access. Mr. Pelletier asked if there will be a locked-gate access at every entrance, including Rte. 125 and if it was pertinent to have three different entrances. Mr. Hanley said yes, the intent is to have keypads at each of the three access locations; they are relying on the applicant for the need for the three entrances; Mr. Hanley said they are going through the process with DOT. Mr. Bashaw asked if someone pulls onto Rte. 125 and thinks they are getting in and can't, if there was ample room to maneuver a trailer and turn around or would they be backing onto Rte. 125. Mr. Zilch said there is a substantial shoulder along Rte. 125, 8 to 10 feet wide, so he imagines that a vehicle in that position could back-out without having to back out into the travel way. Mr. Bashaw suggested that was a generous assumption. Mr. Coppelman agreed with Mr. Bashaw. Mr. Coffin asked about accesses on the south and ability to get to the office. Mr. Quintal stated that if the gate was near the office then people could pull in and get on to Marshall Road without going down to the lights so it could be like a cut-through to avoid the intersection. Ms. Croteau asked if the entrances were going to be one-way or both exit and entrance; the answer was both. Mr. Coppelman said that one of the comments from Chief Briggs at the TRC was to restrict some of the accesses to one-way. Mr. Greenwood noted that the access ways are state permits so if the Town wants to say something about the process, the comments should be provided to DOT early. He said that the Town had some sort of MOU (Memorandum of Understanding) with the State regarding Rte. 125; it is unclear if it was formalized. Mr. Greenwood said the Board needed to determine the community vision and express it to DOT. Ms. Merrill asked the applicant to explain why the three accesses are important. Mr. Bresnahan said that when he bought the land he was first told there were seven entrances to the property so they had put quite a value on the land by selling it with so many entrances so monetarily it makes sense to make it more value for the land; once they found the vernal pools it divided the property right in half and it kind of makes it two separate properties so it is a long way to travel down a side road off Rte. 125 to get up to the northerly part of the project; the other accesses make it more beneficial. Mr. Coppelman noted that there is something that is going to be happening that could significantly change that area which would require a fully signalized intersection at this location which could affect how the access works. Mr. Bresnahan was aware of the possible proposal. Mr. Bakie stated he is familiar with the area and the distance from the two entrances proposed on Rte. 125 and if NHDOT finds it to be safe, he is asking why the Board is opposed to two entrances. Mr. Coppelman answered that the Board hadn't made that decision but whenever the Board looks at developing properties, it does have guidance on access management both in the Master Plan and site plan review for purposes of limiting access points onto main thoroughfares and tries to keep as much of it controlled as a minimum number of points and routing traffic internal to the property. Mr. Bakie thinks it is a good layout and not an issue. Ms. Merrill stated that she has noticed some of Mr. Bresnahan's properties have moving vans; Mr. Bresnahan said there would be no moving vans at this site although there might be one on site during the day.

Public comment: Mr. Albert Brian, 19 Marshall Road, asked about the pitch on the roof of the buildings; Mr. Hanley said there were pitches on the roof. Mr. Coppelman noted that a requirement is showing the elevation of the structures. Mr. Brian would like to see a rendering that included the pitches of the roofs, the coloring and other specifics of the buildings. He asked about the buffering. Mr. Brian said that he didn't want it to turn into a salvage yard like in Plaistow; he didn't want trucks and trailers. Mr. Coppelman said that the testimony is that there will be no outside storage including no trucks and that would be part of the requirement of the site plan. There was no further public comment.

The Board discussed scheduling the site walk and taking jurisdiction. Mr. Greenwood thought the Board could take jurisdiction at this point. Mr. Coppelman explained that invoking jurisdiction means that the submittal is complete enough and the 65 day time clock begins; the applicant can grant a decision upon reaching the 65 days or ask for a decision from the Board. Mr. Coffin stated that there was no lighting plan or landscaping submitted but that can be fixed.

**MM&S to accept jurisdiction on the plan dated 11/17/2017.** (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

There was discussion about conditions for the site walk; Mr. Zilch said that the center line was not marked but there are numerous wood trails that would help with locations. Mr. Bakie suggested parking at the library and walking over to the site.

**MM&S to meet at 8:00 AM on Saturday, Feb. 10<sup>th</sup> for a site walk.** (Motion by Mr. Coffin, second by Ms. Merrill) **PUNA**

Mr. Coppelman announced that this is a public event so abutters and interested parties can attend.

**MM&S to continue to March 20, 2018 at 6:45; new plans need to be submitted no later than March 6<sup>th</sup>.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

### **Review and Adoption of the Capital Improvement Plan (CIP)**

Mr. Coppelman explained the CIP and the process for creating it; he stated that the draft CIP was presented to the MBC (Municipal Budget Committee) last month; the adopted plan will be presented to the MBC in the fall; it is a planning tool for the MBC and BOS to help the Town spread out major costs to avoid taxation peaks and valleys. Mr. Pellegrino began expressing his opinion regarding financial issues found in the CIP. Mr. Greenwood explained the Planning Board role in developing the CIP which is to collect information regarding recommendations in the plan. Ms. Merrill noted that the Planning Board is not the venue in which to discuss specific financial information and opinions. Ms. Faulconer suggested questions regarding budget concerns should be done during the Budget Committee hearing process or at Deliberative Session but was not under the purview of the Planning Board. Ms. Merrill said that the CIP has pick-up trucks in two locations which appeared redundant. Mr. Coffin agreed that it should be

appropriate. Mr. Greenwood noted that Ms. Merrill's name was added to the document prior to tonight's hand-out. Mr. Coppelman explained that the CIP is just a guiding document.

**MM&S to adopt the 2018-2023 CIP program with the vehicle amendment in Buildings and Grounds.** (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

### **Amendment of Planning Board By-laws**

Mr. Coppelman explained that the Board had previously reviewed language to add to the by-laws regarding the preservation of tapes.

**MM&S to accept as written.** (Motion by Mr. Coffin, second by Ms. Croteau)

Discussion on the motion: Mr. Bashaw mentioned that part of the spirit of the discussion was not to take away from something that comes up during the course of the acceptance of the minutes and someone makes a motion to preserve the tapes it would not forego the process of being able to do that. Mr. Pellegrino stated that the minutes are what the court uses so it is a legal document so the Board's interpretation of the minutes, even if the tapes are still available, they are not acceptable in court and would like the Board to realize that. Ms. Croteau noted that if something needs to be added or changes to the minutes, this can be done during the approval process. Mr. Coffin said that we currently have an informal policy and request by email; to confirm that it was received, they should also request a reply. Mr. Coppelman explained that the email possibility was meant to make it easy for someone to make the request; he agreed that the person making the request should follow-up. Mr. Bashaw agreed noting that people have to take some personal responsibility when making requests. Mr. Quintal asked if the tapes were going to be kept forever or just until the tape could be made as there was no end date. Mr. Bashaw said it would depend on the request; Mr. Bashaw believed the State RSA (Revised Statute Annotated) requires that they be maintained until a copy could be made; the Board has also made motions for certain tapes to be kept indefinitely; to comply with the State law, as long as a reasonable time was allowed with reasonable access, a request to destroy the tapes after that timeframe should be brought up to the Board to make a decision. Mr. Quintal said the looking at it as an official of other Towns and the language doesn't seem to be enough; a copy isn't provided, the Board just provides the tape to be able to be copied. Ms. Faulconer said that she would hate to restrict the timeframe for someone to copy a tape, so putting 30 days is too restrictive; the Board could make a determination when the request is made; if the person doesn't come in during that timeframe, she could contact them to see if they still wanted to copy the tape with perhaps a 90 day extension; they should have the opportunity. Mr. Quintal suggested that this is too much work for the person in the office. Ms. Faulconer said that requesting the tape is unusual circumstance. Mr. Quintal said that someone taking over after Ms. Faulconer is likely to not be as efficient; it should specify the limit of time that they need so it is already in black and white. Mr. Bashaw said that there may be some ambiguity in the RSA. Mr. Quintal said that whoever is making the request should specify the time needed to copy it as it minimizes the extra effort required by the Board and office staff want to add restrictions at this point without further information. Ms. Merrill asked about storage of the tapes; Ms. Faulconer said the requested tapes are given to the Town Clerk, she is not sure where they are stored or if there is a problem

with storing them. Mr. Pellegrino suggested getting a digital recorder so they can be kept forever and review them years later to see what was said; he continued that with a three to four hour meeting there is no way Ms. Faulconer can put the minutes in word for word but with a question on what happened three or four years prior as with his plan and fire road access, the Board could go back and hear word for word what happened. Ms. Faulconer said that while she understood Mr. Pellegrino's point, this was not the recommendation for what Towns should do regarding accepting minutes. She said the Board should do its due diligence to make sure the minutes are accurate and make changes as needed prior to accepting them, but the recommendation is not to keep recordings of minutes. She said the Town has been to court and judges don't want to listen to tapes, they use the official minutes. Mr. Coppelman agreed that the accepted minutes are the official record. Ms. Faulconer said if there is something specific that is not in the minutes, the Board member should make a motion to add something in the minutes and if the rest of the Board agrees to add it then it is reflected. Mr. Coffin said it is a lot easier to remember the minutes after one month and have the Board members make the effort to read the minutes and amend as needed. Ms. Faulconer added that sometimes the tape doesn't catch a comment so it is no problem to add something; it is not a big problem.

Mr. Coppelman returned to the wording from the last review stating that the Board could act on it, change in the future or amend now; he suggested the most efficient way was to act on the wording. Mr. Bashaw agreed to move forward on the vote for the current wording and get further information regarding limitations prior to adopting any. New by-law pages were provided to the Board.

### **Vote on the motion: PUNA**

### **Board Business**

#### **Correspondence:**

- Invoice from RCCD for review of test pits – signed by the Chair
- Invoice from Danna Truslow for AAAL project – signed by the Chair
- Escrow account releases: R35-5, R40-15, 16, 17, R8-40 – signed by the Chair
- Review of letter previously received by Kings Landing re: concerns; Mr. Quintal suggested waiting until spring and a storm event to see if there is erosion or needed culvert repairs. Mr. Greenwood said that a review of how things are after a year is a good thing; it was noted that there is no escrow for this project.
- Ms. Faulconer reviewed Mr. St. Hilaire's concerns regarding inspections, pre-construction meetings and other issues regarding development of approved sites. Mr. Quintal discussed storm water management concerns. Mr. Pellegrino asked about HOA (Homeowner Association) responsibilities. Ms. Merrill said that sometimes sites are not complete before an HOA comes in and there could be no one left to complete the project. She suggested the need to have bonds on private roads to protect the Town's citizens. There were concerns about items being built correctly, certificates of occupancy, meeting codes, building permits, compliance, condo. associations. Ms. Merrill noted that a developer can always abandon a development. Mr. Pelletier noted that some developer's just change their company name; Mr. Bashaw said that without a bond there is no motivation. The Board agreed, by consensus, to re-instate the subcommittee (Mr.



Greenwood, Mr. St. Hilaire, Mr. Quintal with the assistance of Ms. Faulconer). Ms. Faulconer will set-up the first meeting.

- Wetlands Bureau application notification for Lefavre Drive
- Letter and associated information from Mr. Costos dated 1/2/18 that had been sent to the BOS and the Planning Board was read by the Board; each Board member had been provided their own copy to review. Mr. Coppelman asked for any Board comments. Mr. Bashaw confirmed that there had been no site plan on file; he said he understood what Mr. Costos was doing on the site which was a lot cleaner and nicer but they had told the Board that they had no intention of going through the process; he added that they couldn't decide to not go through the process and still do whatever they wanted. Ms. Faulconer stated that she had suggested to Mr. Costos that he could ask the Board to do a minimum site plan that would only involve the area where he was proposing the expansion as an alternative but that decision would be up to the Board; during the discussion, Mr. Costos did not seem interested in this possibility. Mr. Bashaw stated that he was open to solutions but it was not the Board's job to chase them down for it; they could come in and discuss possible solutions and be involved in any part of the process, the Board has been flexible in wanting to better situations. Mr. Pellegrino asked if the Board was simply trying to have them come in with a site plan showing where the pole is for the Board to approve. Mr. Coppelman said the issue is more than the pole, it is the additional activity that he is using the site for; while the pole goes along with it, the issue is the activity level. Mr. Bakie asked what the site had been used for; Mr. Coppelman said that there was a Subaru business that had been storing cars there. Ms. Faulconer noted that that had not been approved and did get a letter from the Town that it was not approved for the site. Mr. Coppelman said the proposed use was for Mr. Costos to store construction equipment for his business. Mr. Coffin added that Mr. Kinney told him he could do that. Mr. Quintal said that Mr. Kinney has stored his equipment on site for years; he added that the thing about a site plan gives the Board a basis to go by and know what is allowed and not allowed on the site; determine that a few vehicles are okay but if there are piles of dirt and all of a sudden hot top and other things that might not be reasonable, where does the Town draw the line. Mr. Coppelman explained that there were many things in Town that existed before site plan was required and can continue as they were but when there are changes to the site or expansions to the use on those sites, the Planning Board has the practice of asking for, and requiring, a site plan; he continued that sometimes it is a limited site plan but it would depend on the site in a case by case basis as sometimes it could be a site with a lot of environmental sensitivity which might require more information in relation to the protection of the resource. Mr. Bakie said that on 11/6/17, Mr. Costos asked to have power in the area, he asked if it was done already; Mr. Coppelman stated that the power was not currently on yet. Mr. Pellegrino explained that the Town had to sign off before Unitil came out for the hook-up. Mr. Pellegrino suggested the possibility of a rough site plan showing the intent of the use on the site and it would be up to the Board to decide to approve; he added that Mr. Costos would at least need to come in with a site plan, he can't just do things as he wants; he stated that it is not "Costos-town", it is Kingston and there are rules and regulations that all need to abide by so he should at least come in. Mr. Coppelman said that the Board needs to determine, as it appeared by this and previous discussion, that a review is required by the Planning

Board and the extent of the review. Mr. Coffin said a problem with doing a partial site review is that the property lines delineate the plot and there is no delineation or plot showing the location being used or designating it as a separate entity from the rest of the lot; the rest of the site shouldn't be ignored as a separate parcel. Mr. Coffin said that it wasn't common practice to just allow a site plan to be a separate portion and say that it only had to be for 200 square feet on the lot. Ms. Merrill asked about a partial site plan and whether it got recorded or put in the file. Mr. Greenwood said it would depend on what was required; in order for it to be a recordable instrument it needs to be stamped by a licensed land surveyor and be of a size and material capable of being recorded; if not recorded, it is still a formal document and would be in the PB file and property folder; Mr. Greenwood added it is still a formal agreement with the Town. Mr. Bashaw asked if it was within the Board's authority to say at least bring a drawing of the entire lot and show the activity within that lot; he stated that the Board was told that Mr. Costos is trying to clean up the entire lot so is the Board able to accept some type of limited site plan with the entire lot shown, the specifics of the expanded use and notes saying that the entire will be cleaned up and that would be all that was approved unless someone wanted to come in with a fuller expansion. Mr. Bashaw questioned the Board's authority to restrict without setting a bad precedent of doing whatever you want with as little as possible. Ms. Merrill added that there is always some benefit in mediating a bad situation and achieving something better. Mr. Bashaw asked to what extent it is appropriate; Mr. Coppelman noted that the Board is talking about its regulations so there is some flexibility. Mr. Bakie asked if there was anything regarding review in the folder; Mr. Greenwood answered no. Mr. Pellegrino asked if the Board needed a full engineered site plan or if something more cost effective could be done. Mr. Coppelman said that the Board could request a lesser amount of information and a less formal application if they chose to do it. Mr. Pellegrino noted that this would be a compromise to Mr. Costos, it would be advantageous to Mr. Costos to come in to speak with the Board rather than being stubborn. Mr. Coffin said that the Board could offer this possibility again; Ms. Faulconer clarified that she did not offer this as a possibility she suggested that if Mr. Costos was adamant about not doing a full site plan, he request the Board to accept a plan that showed the boundaries with the detail being the section that he was moving into. Mr. Pellegrino thought that it would be a good idea for him to come in to speak with the Board to determine the level of review required. Mr. Bashaw clarified that this meeting would not be a meeting to grant an approval, it would be a meeting to discuss the possibilities. Ms. Faulconer noted that when a specific use for a specific parcel was being reviewed, public and abutter notice needed to be done; she asked Mr. Greenwood if there was a different possibility or would the Board want Mr. Greenwood to speak with Mr. Costos with direction from them which would not require any money be spent for the notice. Mr. Greenwood did not have an alternative to the posting. Ms. Merrill stated that with a change of use of the property, abutters should know what was going on next to them; if the Board is suggesting meeting with Mr. Costos, the Board should require the notification and give him an idea of what the Board would be looking for; she continued that Mr. Costos originally came to the Board in November as a place to store his vehicles for plowing and snow removal for the winter and we are now in February; Ms. Faulconer stated that she believes the vehicles are on the site; Mr. Bashaw said Mr. Costos needed

the lighting for security. Ms. Merrill added that with noise and the lighting, the abutters should be notified. Ms. Faulconer said that the drawing originally provided to the Board appeared to show the activity already located within the setback to the abutting property; she clarified that she is not saying that abutters shouldn't be notified she is saying that if the Board has options that can be discussed through Mr. Greenwood then it does not require notification but if the Board wants to meet with Mr. Costos it requires notification. Mr. Coffin said speaking with Mr. Greenwood does allow him to give Board direction but there will be the need to have some type of site plan approved. Mr. Coffin noted that an expedited site plan requires there be a site plan on file. Ms. Faulconer suggested she contact Mr. Costos to let him know that the Board is willing to speak with him about his proposal but he would need to pay for abutter notification and legal notice; he can then make his own determination as to whether he will want to re-apply with the documentation that would be required by the Board; she can find out if this is an option that he would like to pursue. Mr. Greenwood confirmed that the Board was not changing their mind about needing a site review; Mr. Coppelman said the question might be what the level of the review might be; Mr. Coffin said it might come down to the level of engineering required. Mr. Coppelman stated that his opinion is that he needs a full site plan review; this Board has the practice on older sites, with either a change of use or expansion of use, that it is the time to bring sites into compliance with the Town's process for site plan review and to establish a baseline for the site; he added that it also provides a forum for abutters and provides for future development of the parcel because ultimately it will become something else; this provides the baseline. Mr. Bakie confirmed that should something else go to the site it would need a site plan review; he thinks Mr. Costos should come in and speak with the Board so the Board can make an educated decision. Mr. Bashaw said there is a process to be followed. Mr. Coppelman said that it seems like the Board is back to the suggestion to contact Mr. Costos and offer him the opportunity to come speak with the Board about his plans but this would require notification of abutters and legal notification which would have some costs involved but certainly less cost of doing a fully engineered plan prior to speaking with the Board. Mr. Pellegrino said it was a compromise. Mr. Coppelman said that at that discussion, the Board would make the determination of what was needed at that point.

**MM&S to have Ms. Faulconer call Mr. Costos and offer him the ability to come to meet with the Board to discuss his plans for the site; he would need to notify abutters and pay for the public notice.** (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

- Copy of Town and City

**Acceptance of Minutes:** Mr. Coppelman noted a correction for the January 2, 2018 minutes on page 1 which should say 6 members instead of 5 members voting.

**MM&S to accept the January 2, 2018 minutes as amended.** (Motion by Mr. Coffin, second by Ms. Croteau) **Motion passed 5-0-1** with Ms. Merrill abstaining.

Kings Landing application for the March hearing was noted.

Mr. Coffin reviewed the proposed warrant noting a correction for Article 3 which had correct information but should have CI after Commercial Zone. Ms. Faulconer will try to get this added.

**MM&S to adjourn at 9:22 PM.** (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**