

**Kingston Planning Board
Public Hearing
Minutes**

April 3, 2018

The Chairperson called the meeting to order at 6:50 PM. There were no challenges to the legality of the meeting.

Members in attendance:

Glenn Coppelman, Chair
Peter Coffin, V. Chair
Carol Croteau
Peter Coombs, BOS rep.

Chris Bashaw
Peter Bakie
Robert Pellegrino, alternate
Ellen Faulconer, alternate/admin. assist.

Members absent: Lynne Merrill

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

Mr. Coppelman introduced the Board. He stated that Ms. Faulconer would be a voting member this evening due to Ms. Merrill's absence.

Jennifer Lynn Rogers-Ward
Kelly Ward
1 Meeks Road
Tax Map R13 Lot 7

Charles Zilch and Kelly Ward were present for this hearing. Mr. Zilch stated that he felt that the issues had been addressed; the CUP (Conditional Use Permit) was approved in February; jurisdiction had been accepted; the waiver for the internal landscaping requirement was still requested and after that the only thing left was final approval.

Mr. Coppelman noted that there had been a site walk on the property that the Board could review as part of the hearing. He reviewed department comments; there were no comments from Building, Fire and Health. Mr. Quintal reviewed his comments dated March 28, 2018 that included: additional vegetation shown on the north side of the entrance; he recommended it be pulled back to no impede the line of sight. His comments also included the requirements of Article 907, Performance Guarantee Requirements to certify the proposed construction and stormwater requirements are fulfilled during and after construction; he added that a pre-construction meeting is a good idea to determine the sequence of events and make sure everyone is on the same page for inspections and permits. He noted that all previous comments have been addressed. There was discussion about the inspections and level at which Mr. Quintal is involved; Mr. Greenwood answered that the more sophisticated the plan, the more Mr. Quintal is involved. Mr. Quintal explained that the cost estimate would be generated at the pre-

construction meeting; money would be put aside to address review of items such as Stormwater Management. Mr. Greenwood added that the substantial improvement for the site would be that within the first 24 months after approval that the building would be constructed; that would be the point to establish vesting. He added that traffic generation was not an issue based on the information received by the Board. He confirmed that he supported the landscaping waiver request.

Mr. Zilch addressed Mr. Greenwood's comments by first commenting that the security fence is tight to the parking area and would not be seen from Rte. 125 as it is behind the building and established tree growth. There was concern expressed that the only fencing visible is on Meeks Road and a chain link fence was not the best option for the residents to pass by; Mr. Ward said that he would like to be putting something more substantial near the entrance and would prefer a solid wood fence rather than a chain link fence; the chain link fence would be more in the wooded area; he said he might need something a little taller than 6 feet if there were issues with people climbing over the fence. There was continued discussion regarding the fencing and the type of vegetation/trees being added. Mr. Coffin said, at the site walk, the discussion was for arborvitae, not just evergreens. Mr. Zilch pointed out the trees and elevations. Mr. Coffin said that there appeared to be broken trees and bittersweet vines; he suggested the 50 ft. buffer needs a visual screen. Mr. Zilch suggested sliding the whole screen near the north that Mr. Quintal pointed out regarding sight line; another 10 feet would be gained for the buffer and it will be arborvitae or spruce. Mr. Coffin said that spruce grows fast; he recommended that arborvitae be specified to establish a dense screen as it grows in more compact and dense. Mr. Zilch said that he would call out arborvitae on the plan. Mr. Greenwood reviewed regulations pertinent to fences.

Mr. Zilch reviewed the lighting; at the entrances it will be just door lighting that will be shielded downward; the front walkway lighting will be manually controlled; the lighting for the lower parking lot will either be on timers or motion sensors; the lighting is specified on the plan and it is all dark-sky compliant; the fixture details are included.

Ms. Croteau asked about the roofline, which was discussed on the site walk. Mr. Ward confirmed that the roof will not be flat; it will either be arched or pitched in one direction. Mr. Zilch noted that building elevations were shown on sheet 7; he will add a note that there will not be a "flat roof". Mr. Coffin asked for something showing the detail of the siding; he was more interested in the east side of the building as it is more visible for the neighbors and the public.

Public Comment: David Joy of 9 Meeks Road, stated that he has been strenuously opposed to this project for over 3 ½ years when it was first proposed adding that it is an industrial use in a residential area. He asked about the waiver request. Mr. Coppelman explained that it is a request for a waiver of a regulation concerning internal parking regulations. Mr. Bashaw explained that regulations cover all proposals but sometimes the guidelines aren't practical for a specific proposal; he explained that for this waiver, the required vegetation was more intended for a large parking area and conformance with the requirement would actually make the parking lot area bigger. Mr. Joy continued that while strongly opposed, he was pleased with the Board members, Town Engineer and Planner who have done a very good review and caught the issues

to make it better; he continued that he still felt it was harmful to the area. The setting for the bay doors were noted; Mr. Bakie explained that the doors do face the back of the property, opposite from Rte. 125. Mr. Coffin reviewed the specifics of the plan for Mr. Joy. Mr. Joy expressed his concern with the “no through trucking” aspect of Meeks Road; the applicant will be posting a “left turn only” sign on the site. Mr. Bakie reviewed the minutes of the site walk when this was discussed; Ms. Faulconer provided a copy to Mr. Joy. Mr. Bashaw stated that the owner will have usual suppliers and he can work with them to use proper entrance and exits and have appropriate signage to help with this. Mr. Joy said that the applicant did make assurances about this. Mr. Coppelman noted that the sign is part of the package and the approved plan. Ms. Faulconer added that if Meeks Road is posted as “no through trucking” then the Police can be part of the enforcement if needed. Mr. Coffin noted it can be a hefty fine. Mr. Bashaw added that it would be more important for the applicant to be a good neighbor by making sure deliveries are using appropriate exits. Mr. Joy stated that he was grateful for the mitigation to make it a better development; if the applicant adheres to the proper conduct, he will hope for the best; he will hope for a good neighbor and he will be one, too. He added that he thought the Board has listened well and he appreciated the review. There was no other public comment.

Mr. Zilch read the requested waiver for the interior landscaping, 904.14. He stated that they have bolstered the plan with additional landscaping around the external parking instead of the internal. Mr. Bakie added that this would allow the money to be put toward the perimeter buffering zone.

MM&S to approve the waiver request for 904.14(B)10(a) (internal landscaping). (Motion by Mr. Bakie, second by Mr. Bashaw) **PUNA**

Mr. Coppelman reminded the applicant that the waiver needs to be noted on the final plan. There were no other comments by Mr. Greenwood. Mr. Quintal noted that any additional comments could be discussed at the pre-construction meeting. Mr. Coffin stated that there had been concerns about materials being used on-site specific to the Aquifer issues but no notes were required as the concerns had been addressed during the review and there were no issues or stipulations regarding materials storage. Mr. Bakie noted that all the work is being done inside the building and the associated equipment takes care of any concerns. Mr. Coffin said that there were no notes needed regarding material safety. Mr. Bakie said the Fire Department would address any issues with that. Mr. Coppelman returned to the details of substantive improvement adding that Mr. Greenwood suggested the construction of the building within the next 24 months would constitute active and substantial improvement. Mr. Ward stated that he wanted to get the project done ASAP; Mr. Coppelman explained that the improvement vests the project and gives the applicant a protective timeframe. There was discussion of different timing possibilities including being tied to a building permit. Ms. Faulconer suggested rather than being tied to granting of a building permit, grant more time if that is the Board’s concern. Mr. Ward said he was comfortable with three years. The Board, by consensus, agreed with the building being done within three years was a reasonable condition for substantive improvement. Mr. Coffin asked if Mr. Ward had brought pictures from the company doing the building as Ms. Merrill had requested at the site walk. Mr. Ward answered that he was still waiting and would forward to Mr. Zilch to forward to the Board.

Mr. Coppelman reviewed the pending items:

- Requirement of a pre-construction meeting with a performance bond established at that time.
- Substantive improvement occurs with the building being completed within three years from approval of the plan.
- Applicant asking for flexibility of the materials for fencing.
- It will be noted that it will be a “pitched” roof
- Approved waivers to be noted on the plan
- Vegetation moving on the North side away from the road and designated as arborvitae.
- Timers for security lights
- Timers or motions sensors for security, parking lights

The Board decided not to review the site walk minutes during the application.

MM&S to approve with the following conditions:

- **pre-construction meeting with a performance bond established at that time.**
- **Substantive improvement occurs with the building being completed within three years from approval of the plan.**
- **“pitched” roof to be noted**
- **Vegetated buffer shifted for line of sight; provide a visual buffer designated as arborvitae.**
- **Plan to show security lighting on timers or motion sensors.**
- **Waivers to be noted on the plan**

(Motion by Mr. Bashaw, second by Mr. Coffin.)

Discussion on the motion: The Board determined that the issue of the fence material and size is a non-issue so it was left out of the motion. Ms. Faulconer stated that she had been impressed by how willing the applicant had been to address abutter issues; if he continued the development of the site and his business in the same manner, he would definitely be considered a good neighbor. Mr. Coppelman agreed with Ms. Faulconer about the applicant working well; he added that he did believe that the use was industrial than commercial but he can't go against another Board's decision but because of this he would be abstaining.

Vote on the motion: **Motion carries 6-0-1** with Mr. Coppelman abstaining.

Mr. Coppelman announced that the plan was approved and the mylar needs to come back to the Board within 90 days.

Robert Pellegrino

LeFevre Drive

Tax Map R6-13, R6-14-2 and 6

<Board note: Mr. Pellegrino recused from the Board and was in the applicant's seat.>

Mr. Coppelman read the legal notice. Jim Lavalley and Robert Pellegrino appeared before the Board. Mr. Lavalley stated that he read Mr. Greenwood's comments and believed that some may have been resolved. Mr. Lavalley noted that they have the AoT (Alteration of Terrain) permit; the other permits, Dredge and Fill and Subdivision, should be in soon. Mr. Pellegrino announced that he is not asking for the waiver for the ROW; he's not fighting with the Board anymore about that or the minutes. He apologized to the Board and Ms. Faulconer. Mr. Lavalley said that there was a request for the lot designations as letters instead of numbers; the numbers they have match the assessor's numbering of the lots. Mr. Pellegrino reviewed the numbering of the lots. Mr. Coffin said that he thinks it is late to require changing the lot numbers. Ms. Faulconer explained that it is the Police Chief, not the assessor that determines the address but agrees it is late in the process to require the change. Mr. Coffin suggested the Board accept the numbers as shown on the plan as it should have been required in the beginning of the process.

MM&S to accept the lot numbering as shown on the current plan. (Motion by Mr. Coffin, second by Mr. Bakie) **Motion passes 6-0-1** with Ms. Faulconer abstaining.

Mr. Lavalley noted that the 15% slope waivers were granted at the last meeting; the current plan notes "waivers requested"; the plan will be amended to say "granted"; it was also noted that two lots share one driveway. Ms. Faulconer asked if there was a request for a waiver for a vernal pool. Mr. Pellegrino answered that he just needed a final location for lot 2; by extending the road they are about 50 feet away from the vernal pool.

Mr. Greenwood reviewed his comments; he wanted to confirm that the Board was comfortable with everything portrayed on the plan; he wanted the Board to confirm that the ROW and cul-de-sac representation is what the Board has agreed to. Mr. Coppelman said that it shows best on pages A2 and B1.

Mr. Quintal said that the note says it is a future ROW and the note needs to say "ROW" not a "future ROW"; the cul-de-sac is built as originally designed. Ms. Faulconer noted that the Town needed to see the easement language and have the Town Attorney review it. Mr. Quintal said that Sheet 2 should say ROW and the intent. Ms. Faulconer said that Attorney Kalman would need to review the easement language concerning the roadway around the cul-de-sac.

Mr. Greenwood continued that he didn't amend his third comments about the waivers; the plan indicated that the measurements were in the lots but this plan does not have that information; it is necessary to carry the work already done forward for lots 6, 7, 8 and 9; the calculations need to be on the sheet. Mr. Coppelman noted that the information added to the plan would help to support the waivers. Mr. Greenwood reminded the Board that substantial improvement requirements needed to be established; usually the roadway constitutes it. Road construction bond requirements were discussed; Wetlands Conservation Ordinance and approving access points near vernal pools was reviewed. He noted that the Board needs to go on record that the 50 foot buffers are appropriate because of the way they are being developed.

Mr. Greenwood said that the requirement of the 100 ft. well radius should be shown; currently it only shows 75 feet; the bottom lots are close to the 4000 sq. ft. receiving areas; there are a couple

of instances that cross boundaries and that needs to be shown on the plan; “future” is spelled incorrectly.

Mr. Pellegrino asked if he could build the road and then bond what was left over to be completed. Mr. Quintal said that a construction sequence spreadsheet would be put together and when it came time for a building permit, the % of completion would be reviewed and then come up with a bond amount. The timing of requirements was reviewed. Mr. Pellegrino suggested that the full well radius can go onto another lot. Mr. Greenwood said that is possible with an easement required unless the area is unbuildable. Mr. Lavalley agreed that the well radius could cross into a wetland or have cross easements. It was agreed that the required radius needed to be put on the plan. Mr. Quintal reviewed the requirements of 1301.6(B)2.

Mr. Quintal reviewed his comments on the plan he received on 3/26/18 that were dated 3/14/18. He added that some of his previous comments were not addressed; he reviewed his comments dated 3/29/18. Previous comments that were not addressed included the Storm Drainage Analysis to see if the Sub Catchment area 3S impacts the existing drainage on LeFevre Drive; need to confirm whether the additional water impacts the swales; scale on sheets B1 and 2 need to be corrected; test pit data for 109 and 110 need to be provided; a note should be added to the plan addressing proper disposal of stumps on the project. Mr. Quintal reviewed his 19 new comments that included several drafting issues, well radius issues that he explained requires, by State law, that 75 feet be totally on the lot, pre-construction meeting requirements note needs to be on the plan. Mr. Quintal stated that he had spoken with Paul Nichols who agreed with the drafting issues and needing to know about drainage with the existing roadway. Mr. Lavalley confirmed that Mr. Nichols will re-do the plan and can do the changes. Mr. Lavalley discussed the profile for proposed and existing grades; Mr. Quintal said that no labels were shown. Mr. Coffin expressed concern with backflow from the cul-de-sac to LeFevre Drive. Mr. Quintal said that he had questions around Station 250; the water flows back to LeFevre Drive and it may impact existing drainage; he doesn't know the original limitations. He suggested that Mr. Nichols would probably answer those questions. Mr. Pellegrino said that it might be just a sloping issue. Mr. Quintal said that it needed to be answered. Mr. Pellegrino said that it looks like an easy fix. Mr. Coppelman said there was an issue with the vernal pool and asked for clarification regarding 202.6, section “A” regarding easements and ROW. He said this is a sketch about moving the driveway and they need the definite location of lots 2's driveway which should be as far away from the vernal pool as possible. Mr. Greenwood said that he wants the Board to discuss this; he added that the Board can approve what the plan shows but the standard is a 100 foot buffer and nothing goes in it. Mr. Quintal said that a new line that goes up to the proposed driveway and new house shows 70 feet to the road ROW and 70 ft. to the proposed driveway; the house is well over 100 ft. away. Mr. Pellegrino said that is 88 ft. total. Mr. Lavalley said that the plan shows the driveways going by the vernal pool; the one on Lot 2 remains on this plan; the one on Lot 12 will change a bit. Mr. Coffin said the Board has been dealing with another development and vernal pool buffer requirements. Ms. Faulconer asked about DES review of the vernal pool and their determination. Mr. Pellegrino said that he expected to get that information shortly. Mr. Pellegrino asked for a conditional approval. Ms. Faulconer suggested continuing to the next public hearing, in two weeks, to allow the applicant to address Mr. Quintal's comments, get the easement language reviewed by the Town attorney

and let the State address the citing regarding the vernal pool. Mr. Pellegrino agreed; Mr. Lavalley with work the Town's attorney regarding easement language and have Mr. Nichols amend the plan as discussed.

MM&S to continue to the April 17, 2018 agenda; the Board's hearing starts at 6:30.
(Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

Board Business

Correspondence:

- Circuit Rider contract – final payment. Approved for payment.
- Letter received from Renewable Energy – continued to later in the meeting while Mr. Greenwood reviewed the ordinance.
- Letter and BOP (Business Occupancy Permit) was received for 34 Church Street re: card making and scrapbooking.

MM&S that no further Planning Board review is required based on information in letter received by the Board. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

- Board returned to letter from Renewable Energy; biodiesel process regarding conversion of restaurant waste oil was reviewed; the possibility of asking the applicant to come in to speak with the Board was discussed and then withdrawn as it was determined that it is not a permitted use in the zone. This determination was done by Board consensus; there was not opposition.
- Chas Pearson, representing Camp Lincoln/YMCA, wants to put all the approved information on two sheets instead of 4 sheets; the Board okayed; Ms. Faulconer will ask for the required multiple copies.
- Letter dated 3/20/18 re: Etiquette Academy; no overnight kenneling of animals, Monday through Saturday 8:00 AM to 5:00 PM, 2 employees, 2600 sq. ft. of indoor training.

MM&S that per the information in the letter, no further Planning Board review is required. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

- Letter and BOP received from Kingston Candy for 167 Main Street; weekdays 8-6, shorter hours on the weekends, 1-2 employees.

MM&S that per the information in the letter, no further Planning Board review is required. (Motion by Mr. Bashaw, second by Ms. Faulconer) **PUNA** Mr. Coppelman told the applicants, who were present in the audience, that they needed to contact the HDC

- Letter from RPC re: dues.
- Contract for consulting from AAAL for Danna Truslow; signed.
- Letter from Larry Lord, RCCD for work on 4 Marshall Road and recommendation to have Danna Truslow review
- Contract for Danna Truslow for 4 Marshall Road; Board did not approve as there is no application before the Board at this time; Ms. Truslow and Mr. Lord will be notified.
- PO for Ms. Croteau and Mr. Coffin to attend Spring Planning and Zoning Conference.

Minutes:

Review of 2/20/18 minutes: corrections – p. 4: add “<Glenn Greenwood left the” before “meeting at this time.> on p. 4, last paragraph; p. 6 add “granted” between previously and waiver

– first paragraph, 8 lines up from the bottom; same paragraph, last line, add “subdivision” after “North Road” and before “was”; p. 6, second paragraph, line 4, add “building” after “reviewed” and before “footprints”; p. 6, second paragraph, 5 lines up from the bottom, change “needing” to “need”; p. 10, first paragraph, 8 lines up from the bottom, change 2018 to 2017; p. 11, second paragraph, change Alesion to Alessio; p. 11, last paragraph, first line, add “not” after “was” and before “maligned”.

MM&S to accept the 2/20/2018 minutes as amended. (Motion by Mr. Coffin, second by Ms. Faulconer) **Motion carries 6-0-1** with Mr. Coombs abstaining.

Review of 2/10/18 minutes: Add language proposed by Mr. Bashaw: “Mr. Bashaw asked Mr. Magnusson, who was in attendance at the meeting, if the State botanist felt that the wild flower patch was naturally occurring or if the flowers could have been planted there. Mr. Magnusson indicated that it’s very possible the flowers could have arrived there from all the wild flower planting that his father did. I also asked if the State put up the signs designating the restrictions in that area. He stated that he is the one who put up those signs and has been maintaining that area.” This will be placed between current items 5 and 6.

MM&S to accept the 2/10/18 minutes as amended. (Motion by Mr. Coffin, second by Mr. Bashaw) **Motion carries 4-0-3** with Mr. Coombs, Ms. Faulconer and Mr. Bashaw abstaining.

MM&S to accept the 3/6/18 minutes as written. (Motion by Mr. Coffin, second by Mr. Bashaw) **Motion carries 6-0-1** with Mr. Coombs abstaining.

MM&S to accept the 3/11/18 minutes as written. (Motion by Mr. Bashaw, second by Mr. Bakie) **Motion carries 4-0-3** with Mr. Coombs, Ms. Faulconer and Mr. Coppelman abstaining.

Circuit Rider Contract: The Board decided to move this for discussion at a later date.

Ms. Croteau noted that the updated ordinances aren’t on-line yet and there is an incorrect link.
ACTION ITEM: Ms. Faulconer will speak with the BOS staff re: updating ordinances on the Town’s web site.

ACTION ITEM: Ms. Faulconer will speak with the BOS staff re: Article 202-1 and 205-1 having incorrect link.

Mr. Coppelman reviewed the Agricultural Listening Session; due to its success, another session for Agritourism will be scheduled.

MM&S to adjourn at 10:30. (Motion by Mr. Bashaw, second by Mr. Coppelman) **PUNA**