

**Kingston Planning Board
Public Hearing
Minutes**

June 5, 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	Lynn Merrill
Peter Coffin, V. Chair	Peter Bakie
Carol Croteau	Ellen Faulconer, alternate/admin. assist.
Phil Coombs, BOS rep.	Robert Pellegrino, alternate
Chris Bashaw (arrived with meeting in progress)	

Members absent: Karen Layne, alternate

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

Mr. Coppelman reviewed the agenda and introduced the Board. He stated that Ms. Faulconer would be a voting member this evening until Mr. Bashaw joined the meeting.

Kingston Community Library Board of Trustees
Kingston Community Library
2 Library Lane
Kingston, NH 03848
Tax Map R33-21-2

Mr. Coppelman noted that Board members Ms. Faulconer and Ms. Croteau stepped down from the Board for this discussion as they are both Library trustees. He stated that this was not a typical hearing as there was no voting on the proposal; the public notice was read.

Ellie Alessio, chairperson of the trustees, explained that the Trustees were appearing before the Board as a courtesy to give an overview of the proposed solar panel array and was asking for any insight to make the project better than it was hoped to be. She introduced the other trustees who were present; she introduced the Library Director, Rebekka Mateyk, and James Hasselbeck representing Revision Energy. Ms. Faulconer added that there had already been one listening session for community input and with this meeting being televised it would get allow for another avenue to get information to the community as well as input from the Planning Board.

Ms. Mateyk reviewed the proposal for the ground-mounted solar array being placed on the grounds behind the library; there were two possible locations being reviewed. Mr. Hasselbeck said that design criteria being reviewed included available space, shading concerns, tree removal, distance to the electrical system in relation to community feedback; the array's total footprint

will be 4400 sq. ft. that includes the empty space between the solar panels; each row is roughly 55 to 60 feet wide and 10 feet “thick”. Ms. Mateyk said that there is a proposed location on the original plan for future parking that was also an area available for the solar array. Ms. Faulconer stated that the Trustees had not come to a decision on the final location; there was still discussion regarding keeping the parking location or moving it to another location on the property. She added that there had been concerns raised about the panels being too visible; she asked for any input for the proposed future parking and the location of the panels. Mr. Coppelman commented that if there was a probability for the need for extra parking, then moving the panels further back would be wiser so people didn’t have to hike around the system if the parking was located deeper into the lot; putting the panels further back for less visibility seems like a better option based on comments he had heard. Ms. Merrill agreed with these comments. Questions were asked about the size of the property; Mr. Pellegrino agreed that the ground placement would be the better option. Mr. Greenwood questioned the viability of moving the panels once they were placed; Mr. Hasselbeck stated that it was cost prohibitive. Mr. Hasselbeck said that there was no efficiency loss by moving the panels further back into the property; appropriate equipment would mitigate any loss. Mr. Hasselbeck stated that any discussions going on in Concord at the time about net metering would not impact this project; the state rebate and the utility interconnection has already been approved; the project is insulated from any changes in the net metering update. Ms. Merrill asked about the life span; Mr. Hasselbeck answered at least 40 years. She said that the library is a true community center and expects activity to expand and the array should be as far back on the property as possible to allow for any future expansion in the next 40 years; she wouldn’t want to see a similar solar set-up as that at the Brentwood fire station; this will be a gateway area to Kingston. Ms. Mateyk said that the Friends of the Library has wonderful gardeners and are planning to garden and screen around the solar array. The power/purchase agreement was briefly reviewed. Mr. Bakie suggested involving Mr. St. Hilaire in discussion regarding the site preparation. Ms. Alessio explained that the Trustees had met with the Board of Selectmen (BoS) at least twice to speak about a lot of these issues and there are impact fees allocated for the Library that is expected to be applied to this project to mitigate any potential costs; she added that up to March of this year, Mr. St. Hilaire was a Library Trustee and aware of the details of the proposal. She added that the Town authorized the Library Trustees and BoS to enter into a contract for the solar panels; the contract has gone to the Town Attorney for review; she said the details had not yet been finalized but the Trustees were trying to make it as efficient and concise as possible for the best interest of the community and for energy conservation going forward. Ms. Faulconer stated that the Board had been in discussions with Mr. St. Hilaire about clearing more trees which he felt was feasible; he is being kept totally involved as he is a big asset to the Town and will help make sure the site is prepared properly. Mr. Pellegrino asked about adding a wall; Ms. Mateyk said the plan would be more for using landscaping the array as a buffer. Mr. Hasselbeck said the any additional costs could only be determined once the final location was determined. Mr. Quintal suggested the northerly side for the array; Mr. Hasselbeck and Ms. Mateyk reviewed the possible location with Mr. Quintal; Mr. Hasselbeck agreed with the Town Engineer that the location was practical and beneficial to the proposal and would work better than the future parking area. Mr. Hasselbeck added that the State of NH had been very supportive of this project and awarded a grant for \$13,500 to the project through a very competitive grant process; he said that the hope is for this to be an educational and positive experience for the community.

Mr. Coppelman noted that Ms. Faulconer and Ms. Croteau re-joined the Board at this time.

Fabio Velasco-Desouze
East West Mechanical, Inc.
34 Church Street
Tax Map R30-10

Mr. Coppelman referred to the letter the Board received dated 3/21/18. The Board had asked the applicant to come in for clarification on the use. Mr. Velasco-Desouze explained that he was moving into Unit 4 and using it as a main office with stock of HVAC, refrigeration and AC parts; it was not a sales office; open Monday – Friday, 7:00 AM – 5:00 PM and only open to the public by appointment. Mr. Bakie said the Board questioned if items such as gasses and freon, was stored or reclaimed on site. Mr. Velasco-Desouze explained that in case of after-hour servicing, a truck could be dispatched from the site; it would depend on the technician called who might not necessary be from this location; fleet vehicles would be parked on the site starting with one cargo van under 10,000 lbs.; there could be more in the future; there are two parking spaces in the back of the building. Mr. Coombs stated that there had been complaints from abutters concerning people leaving late on the site; he questioned what was allowed. Mr. Greenwood said that the proposal conformed with uses at the plaza that had happened before except for the servicing aspect that could leave from the site in the middle of the night. The owner said that he is already using a unit for storage on the property; he stated that the technician usually keep the truck at night so leaving from the site would not be a normal occurrence; normally between 10 PM and 6 AM it would need to be a real emergency and would be no more than 2-3 times a week in the winter and 3 times a month in the summer. Mr. Velasco-Desouze stated that he currently has storage on site in a storage unit in the back which has been part of his lease since November of last year; he just hasn't used the office yet. He explained that most of the chemicals are stored in the truck; Freon stays in the truck; the truck stays on the property; during normal hours there will be one employee on the site. Mr. Coffin stated that the business fits in; it was the refrigerants that were the issue and the owner would have to comply with State and Federal regulations regarding handling refrigerants. The Board reviewed the current zoning of the site. Ms. Faulconer noted that there was nothing in the file limiting the activity on the site to "retail". Mr. Coffin said the proposal was consistent with the existing use of the plaza.

MM&S that no further review is required; accept that he will be mindful of good neighbor policies and his other comments per the minutes including that parking will be done as approved per the lease; chemicals are stored in vehicles. (Motion by Mr. Bakie, second by Ms. Merrill) **PUNA**

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. Pellegrino told the Board that he had received State subdivision and AoT (Alteration of Terrain) approval; bond costs for the road were given to Mr. Quintal; language had been given to the attorney but he thought it needed to be tweaked. Mr. Greenwood said that he had received the updated set of plans and had met with Attorney Kalman to review the warranty deed for the ROW (right-of-way) and appears to be correct however, the cul-de-sac land shows on the plan but there needs to be an easement prepared for the roadway.

Mr. Greenwood stated that in reviewing the ROW he noted an issue with Lot 9 which now does not have the road frontage on a town road which is a requirement; the frontage is just on the ROW which is not currently proposed to be built. There was discussion on road frontage requirements; the ordinance was read; Article 301-Buildings and Building Lots that included the requirement for a minimum of 200 feet on a public ROW to provide access to the lot; the public ROW is limited to class I-V roadways. Past meeting discussions of the ROW to Ms. Alessio's property was reviewed; Mr. Greenwood stated that he was not personally convinced that the lot is developable but he doesn't know that and the Board can't require Ms. Alessio to prove it can be developed. It was noted that the Town's attorney advised the Board to stick to its own regulations regarding requiring the ROW. Mr. Quintal suggested that moving the lot lines could accommodate the proposal as one lot had an additional 60 feet of frontage. Board members reviewed Mr. Quintal's suggestion on the plan that would provide frontage for all the lots and the 60 ft. ROW. Ms. Merrill stated that the ROW had an unintended consequence but the Town Engineer has a good solution and it will meet the requirement. Mr. Bakie confirmed that it only required moving the property lines. Mr. Quintal explained that everything stays the same; it is just moving the lot lines; it might make one lot a little awkward but there has already been a waiver for perpendicular lot lines. Mr. Coppelman re-iterated that the Board had been counseled to require the ROW as there was an abutting landowner requesting it. Ms. Merrill asked if this was the only issue now for this property. *<Board note: Mr. Bashaw arrived at 8:35; he would be the voting Board member from this point forward unless otherwise noted.>*

Ms. Faulconer noted that per the notice, there was a request regarding the prior plan and asking to waive the requirement of moving Mr. Ingall's driveway from Hunt Road to LeFevre Drive. The Board reviewed this proposal.

MM&S to allow the 6-6-16 driveway to remain on Hunt Road as the driveway is no longer needed to meet the Town's road requirements. (Motion by Ms. Merrill, second by Mr. Bakie)
PUNA

The Board confirmed that the outstanding issues at this point were approval of the language by the Town Attorney; re-alignment of the lot lines for required road frontage.

MM&S to continue to June 19, 2018. (Motion by Ms. Merrill, second by Ms. Croteau)
Discussion on the Motion: Mr. Pellegrino stated that he contacted the Army Corps of Engineers and they won't be contacting him; Mr. Bakie said he would definitely know anything prior to the meeting on the 19th; Mr. Greenwood will contact Mr. Lavelle regarding the deed for the Town's ownership of the cul-de-sac. Mr. Pellegrino asked what would happen if the reconfiguration created lots that weren't buildable; Mr. Quintal said that the configurations would need to be seen first; Mr. Pellegrino reviewed the possible changes with Mr. Quintal. Mr. Coppelman noted

that without changing the plan to include the proper road frontage, the Board couldn't approve the plan.

Vote on the motion: PUNA

Ducks on the Pond Realty, Inc.

80 Route 125

Tax Map R8, Lot 37-1

Mr. Coppelman explained that this was an expedited review. Michael Danis represented Ducks on the Pond for this application. He explained that there was a balcony in the current building that was not accessible as the other "half" of the building hadn't been built yet; the back of the "meetinghouse" does not face Rte. 125; the project will include a 5 x 10 landing with associated stairs; a small copy of the plan was submitted and distributed to the Board. Mr. Coppelman read comments from Conservation, Highway, Building, Health and BoS – there were no comments or issues. Mr. Greenwood explained that there is no documentation being recorded, a copy is kept in the Planning Board file; no jurisdiction is taken for an expedited review. The requirements for this type of review was reviewed; all of them were met.

MM&S to approve the proposed construction of the stair and landing as proposed in the submitted drawings reviewed at tonight's meeting for R8, Lot 37-1. (Motion by Ms. Merrill, second by Ms. Croteau) **PUNA**

Board Business

Correspondence:

- Planning Board handbook order – 10 copies will be ordered for the Board members requesting them and 1 copy for the office.
- American Thunder Fireworks – letter received regarding temporary storage. The letter, dated 5/30/18, stated that the hours of operation would be varied but only during daylight; two containers on the site had been removed previously, these would be replacing them. The letter from the Division of Fire Safety (DFS) approved temporary use that was limited to not more than 180 days pending approval of the local land use board; a plan needs to be submitted to DFS with the specifics as noted in the letter. An email from the Fire Chief confirmed that he approved of the plan.

MM&S to grant conditional approval for temporary use of no more than 180 days pending receipt of the plan submitted to, and approved by, the State Fire Marshall per the requirements of the Fire Marshall's letter (DF) of 5/15/2018. (Motion by Mr. Bakie, second by Mr. Coffin) **PUNA**

- Seacoast Learning Collaborative (SLC) – letter received re: lease of "old" high school – the letter had been sent out to the Board prior to the meeting; the Board members confirmed they had read the letter. Comments from the Chief of Police were read that included past issues and recommending a full site-plan review due to the burden that the proposal will place upon Town Services; Fire Chief comments included requiring a design professional to ensure compliance with Fire Code; stamped drawings in compliance with Fire Code; the State Fire Marshall is recommending his involvement with the process, review and inspection; the BoS draft minutes from June 4th relative to

this proposal was read. Mr. Bakie questioned if the SLC was a private entity; confirming that it was basically a business interest going into the school. Mr. Bashaw stated that due to his experience, the school does require a lot of Town services. Mr. Coppelman said that it was a private entity that provides educational services but it was not a school district or arm of a local government. Mr. Coombs said that he has heard that there were mold issues in the building and there would need to be a lot of renovation before kids go in. Mr. Bakie said that the roof was leaking, the heating systems were fully gone; all the water had been disconnected. Mr. Bashaw said that the last time they were in the school for training, there were areas where the boilers were that were flooded with 6-8 inches of water and it wasn't safe for training; there were breathing issues; he can't imagine the amount of money needed to bring it up to code. Ms. Faulconer stated that the word is that they do have funding to do \$2 million worth of renovations with a 15 year contract. Mr. Coombs questioned an applicant doing \$2 million worth of renovations without a site review. Ms. Croteau clarified that the Seminary wasn't involved with the project; Mr. Coffin said the letter wasn't clear as to the part of the property being discussed. He added that it appeared that the applicant was twisting themselves in knots to try to avoid saying it was a private school; he said a public school was exempt from review but this was not a public entity and therefore it was a change in use. Ms. Merrill said that due to a non-board position of hers, they have mentioned that there will be some tearing down some of the building that would impact the exterior; she said with those types of changes, they should also be going to the HDC. Ms. Merrill asked them if this would make this portion of the building taxable and the answer was "yes"; taxes would have to be paid to the Town since it was going from a public use to a private use. Mr. Coombs said that there would have to be a site plan for the Inspectors to be using for review and inspections. Ms. Merrill noted that this would not include the Swasey Gym for renovations. Ms. Faulconer said that SLC's attorney claims that this is not a change of use as it is education to education and therefore it is a "change of use" that initiates the ability for the Planning Board to have a site plan review and, per SLC's attorney, since there is no change of use, and no exterior changes to the building, it does not constitute the level for which the Board would need site plan review. Ms. Faulconer added that there had also been comments from the applicant and representatives that they wanted to be in by September and the requirement would cause a delay; she stated that there had been discussions with SRSD (Sanborn Regional School District) and SLC representatives beginning in April suggesting they contact the Planning Board regarding a possible review but it was not submitted until June. Mr. Bakie asked if the School Department had contacted anyone; Mr. Coombs suggested that it might have been the District that told them that they didn't need Planning Board review; Ms. Faulconer said that she had a conversation with the Superintendent advising they write a letter to the Planning Board asking if a review was required. Mr. Pellegrino questioned if the Board/Town could be held liable for any health issues if a review was not done. Mr. Coppelman stated that building permits would still have to deal with those issues. Ms. Merrill noted that the Charter School didn't have a site plan required; Mr. Greenwood answered that a Charter School is a branch of a public school. Mr. Coppelman said that this was not a branch of public school; it is a commercial, private enterprise. Ms. Faulconer noted that the SLC did not receive public funding for the operation of the school. Mr. Greenwood said that

the School District pays SLC if they have students who go there; Ms. Faulconer said that is tuition, not public funding for the operation of the school. Mr. Greenwood agreed. Impact fees would not be part of the process for interior work. Mr. Coppelman said the question was whether they needed further review. Mr. Bakie answered “absolutely”. Ms. Merrill stated that the Board’s policy is that if a new tenant comes in to a property and there is no site plan on file, the Board requires a site plan. Mr. Greenwood stated that the Board requires a site plan for non-residential activity; the Board doesn’t have a site plan; it would be inconsistent with the Town’s guidelines and how the Board does business to not have a site plan review. He added that the Board could negotiate on the extent of the site plan and can waive some of the requirements, as have been done in the past, but the Board’s responsibility for non-residential development is review. Ms. Merrill said there are lots of old plans on file at the school, when they were talking about additions to the school that should have the dimensions and engineering so it might minimize some of the cost but if they are doing this than they need to have a site plan just like anybody else. Mr. Coppelman confirmed that this was the consensus of the Board. Mr. Coombs suggested that at this point, it did not have to go to the Town Attorney; the Board agreed to not waste the money at this point as the Board was in agreement, based on their policies, to require site plan.

MM&S that Seacoast Learning Collaborative needs to provide a site plan to the Planning Board based on it being a non-residential use, per Town regulations and no previous site plan review by the Planning Board on file. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

- Webinar re: Junk and Junkyards
- Subdivision re: 9 Riverwood Rd.; explained by Mr. Quintal that this had previously been approved but not recorded as a subdivided lot; no Board action required.
- Danna Truslow letter re: bond requirements for AAAL
- Letter from DOT re: public hearings in the fall re: Rte. 125 project
- Previous letter sent in 2017 to Swings and Things regarding prohibited “feather” banners that are on the site again; by Board consensus: send enforcement action to BoS. Mr. Coffin suggested a town-wide review.
- Letter of complaint re: Mr. Mike’s non-compliance with site plan re: signs, propane location, deliveries; by Board consensus: send letter to Mr. Mike’s about the non-compliance issues.

Minutes: Review of May 1, 2018 minutes: amend p. 1, King’s Landing to add “public” before the word “notice”; correct any reference to Mr. Pelletier to Mr. Pellegrino.

MM&S to accept the 5/1/18 minutes as amended. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

<Board note: Mr. Quintal left at this time.>

Planner discussion:

Before beginning the Planner discussion, Ms. Merrill asked to adopt a procedure to better keep track of the amount of time Mr. Greenwood spent on each application.

MM&S to note the time at the beginning of the discussion for each application to aid in better charging the applicants. (Motion by Ms. Merrill, second by Ms. Croteau) Discussion: Mr. Pellegrino agreed with the process proposed by Ms. Merrill to charge the applicant appropriately.

Vote on the Motion: **PUNA**

Mr. Coppelman reminded the Board that the current services end at the end of June; it was his understanding that this position was not going out to bid as there was not enough time. Mr. Coombs agreed. Mr. Coppelman continued that the current planner has served the Town for over 30 years; no one has expressed wanting a different person in the position.

<Board note: Mr. Bashaw stated that he had missed a lot of the discussion; it is an important issue and would therefore be stepping down so another Board member could vote in his place. Mr. Coppelman stated that Ms. Faulconer would be back in replacing Mr. Bashaw at this point.>

Mr. Coombs stated that the BoS had discussed this and it was the consensus that it was the Planning Board's decision and as long as it worked within the PB budget, the BoS would support the PB decision regarding the Planner contract.

Mr. Pellegrino returned to the billing concern to state that he thinks the applicant should know the details of the bill to be able to keep track.

Mr. Bakie asked to move the discussion of the Board's procedures, on tonight's agenda, moved to another meeting night.

Ms. Faulconer reviewed the budget in respect to the planner's salary and associated hours that would include 2 days per week, 4 hours per day, and two evening meetings which would still leave approximately 15 hours to be used for other meetings such as CIP. The Board discussed possible language for a motion.

MM&S to establish a contract with Glenn Greenwood for planning services for a timeframe in the contract to begin 7/1/2018 through 3/31/19; the expenses for the first six months of the contract not to exceed \$17,020; hours to be established by the Planning Board. Discussion: Mr. Greenwood will provide a contract to the Board on Monday and send out to the Board to review for the June 19th hearing and then be given to the Board of Selectmen. **Vote** on the motion: **Motion carries 6-0-1** with Mr. Coombs abstaining. Mr. Coombs reiterated that if there was no budgetary impact, the BoS was all set with it.

The Board decided to table "Board procedure" to another meeting.

The Chairperson declared the meeting adjourned at 10:27.