

## **Kingston Planning Board**

**February 19, 2019**

### **Public Hearing**

### **Minutes**

Mr. Coppelman called the hearing to order at 6:45 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair  
Peter Coffin, Vice Chair  
Lynne Merrill  
Phil Coombs, BOS rep.

Chris Bashaw  
Peter Bakie  
Ellen Faulconer, alternate and Admin. Asst.  
Steve Padfield, alternate  
Robert Pellegrino, alternate

Members absent: none

Also present: Glenn Greenwood, Town Planner; Dennis Quintal, Town Engineer

Mr. Coppelman introduced the Board; he announced that Ms. Faulconer would be a voting member this evening. He announced that the meeting was being broadcast. Mr. Coppelman noted that several items had been distributed including the Town Engineer and Planner comment sheets.

**Bluestone Investment Group, LLC**  
**4 Marshall Road**  
**Kingston, NH 03848**  
**Tax Map R33-21**

Mr. Coppelman read the public notice; he explained that this application had gone through several stages and there is a modified plan presented for review this evening. Barry Geier introduced himself and the applicant, Sal Ragonese; he reviewed the proposal that included the site being 17.9 acres in the RR zone with 32 market rate age-restricted units being proposed. He continued that there will be 112 parking spaces with 32 being interior spaces (garaged); 32 exterior spaces to the garage and 48 marked spaces through-out the development which meets the 3 parking spaces per unit plus guest parking requirement. Septic systems, community water system and cisterns were described; a trail system is proposed to connect to Kings Landing going to Library Lane; 7.2 acres in common space. Mr. Geier stated that updated design plans and the landscape plan have been submitted. He confirmed that they had met with the Technical Review Committee; they have submitted for the NHDOT (New Hampshire Dept. of Transportation) permit and the NHAoT (Alteration of Terrain) permit and they are currently pending. He added that they are still working on the hydrogeologic study so that it not available yet.

The Town Engineer stated that he had deleted comments that had already been addresses; he reviewed his comments dated 2/18/19, that included:

#7 – monumentation detail

#17 – test pits in bioretention areas

#23 – site distance concerns  
#32 – construction sequence concern  
#34 – hydrostudy not received/reviewed  
#37 – Performance guarantee requirements  
#38 – recording of stormwater management  
#39 – bench marks  
#40 – signature block correction  
#41 – correction re: HISS  
#42 – recording note  
#43 – legend  
#44 – well access and parking correction  
#45 – walking trail outside of parking space  
#46 – water lines to building 2 and 3  
#47 – water line into garage/building 6  
#48 – nitrate setbacks/pipe  
#49 – roof drain/gutters detail  
#50 – peak rate run-off issue  
#51 – outlet pipe needs to be 18 inches  
#52 – Infiltration basin orifice  
#53 – merging of driveways  
#54 – parking scheme can be better

Mr. Quintal noted that the plans are done well and there are easy corrections; the area has sandy, uniform material. Ms. Merrill questioned proper line of sight for the driveway and the areas for the plantings. Mr. Quintal said that this was discussed at the TRC meeting and is sure that the applicant is working on that for a buffer behind the building. Mr. Geier referred the Board to the landscape plan and believes the plantings can be moved and still provide the line of site distance. Mr. Coffin asked if Mr. Greenwood would be reviewing the TRC discussion for the Board. Mr. Greenwood answered that there are notes from the TRC; he will complete and email to the Board. There was discussion regarding the possibility of invoking jurisdiction on the plan and the Board not having the hydrogeologic study nor having it reviewed by the Board's professional.

**MM&S to authorize the hydrogeologic study to be reviewed by the Board's hydrogeologist, Danna Truslow, when it comes in to the Board.** (Motion by Ms. Faulconer, second by Mr. Coffin) **PUNA**

Mr. Greenwood noted that a Conditional Use Permit is required but the hydro study would be needed first; it was noted that Market Rate requires pedestrian facilities and there are walking paths and residents will walk on the cul-de-sac itself; there are no sidewalks proposed which will need to be a discussion point for the Board. He thinks that the parking complies and is a good design that is not visually unattractive but he noted that Mr. Quintal makes a good point that parking could be difficult so it needs discussion by the Board. Mr. Greenwood said that lighting was discussed at the TRC; the fixture details should be added into the plan and be dark sky compliant. Mr. Coppelman stated that the location should be added in; Mr. Greenwood agreed. Mr. Greenwood said the lighting at the entrance needs to be finalized; Mr. Geier suggested using existing Unitil lighting; this will be looked into by Mr. Geier. Chief Briggs suggested that there was not enough lighting along the road and the entrance; the cul-de-sac was fairly well lit. The Board needs to discuss this issue. Mr. Geier agreed to put one on the other side of the cul-de-sac near the "Stop" sign; he added that it was not a commercial project so they

don't want it to look like a commercial area. Mr. Coppelman said that there should be a note re: Dark Sky compliance requirements adding that even if contracted out to Unitil, they would still have to comply with the requirement; they can have down-shielded lighting. Mr. Greenwood spoke to concerns raised by Chief Briggs at the TRC concerning street signage; Mr. Geier said that there will be a "stop" sign placed at the "exit of the loop"; it is a two-way "loop". Mr. Greenwood noted that there was not an entry-way treatment with lighting and plantings adding that Mr. Geier said that he just hadn't added it yet but it will come forward with the next updated plan. It was noted that Homeowner Docs. need to be reviewed but they have not been finalized yet. Mr. Greenwood said that there is a proposed pump house but the applicant may merge this with Kings Landing so the pump house may "go away"; he stated that the NH Driveway permit is required and the applicant is working on this. He said that Chief Briggs suggested an access/decel lane but NHDOT was not requiring it; Mr. Geier said that they are still talking with NHDOT but they don't see the need for a decel lane. Mr. Greenwood said that cistern changes were discussed at the TRC; they decided to leave it. He pointed out that the southern part of the cul-de-sac goes right up to the buffer and may need some monumentation during development. Mr. Geier said that they could put up a construction fence.

Mr. Greenwood stated that the current plan was a huge improvement over the first plan but without the hydrogeologic study, he would not advise accepting for jurisdiction. He added that the Fire Department (FD) was satisfied with the proposed cistern; he said both the PD and FD desired directional signage re: unit numbers such as low profile directional signs to clarify the numbers of the units. Mr. Geier said that small, mounted signs were common with these types of developments; he stated that there would be a Knox box at the kiosk for emergency keys. Mr. Quintal stated that, at the TRC, it was decided that the road name as proposed would need to be changed as North Kingston "Court" would be in conflict with the "court" house. Mr. Greenwood stated that Chief Briggs instructed the applicant to give him their top 3 name choices and they would see what "flies".

Mr. Coffin suggested postponing jurisdiction in order to get the hydro. study and have the concerns with NHDOT and the entrance addressed. Mr. Coppelman noted that the Board consensus was to not take the plan under jurisdiction. Ms. Merrill stated that street lighting usually is located at places where streets intersect; she doesn't see additional lighting as an issue and would keep it in-line with the rest of the community. There was a brief discussion of lighting and pedestrian traffic, lower pole lighting or lamp posts at the end of driveways. Mr. Geier said that usually having a lot of light intrusion is a residential neighborhood was not wanted adding that lights at the end of driveways would be up to the property owners unless the Board wanted to require it. Mr. Greenwood said that it was a very flat site. Mr. Coffin looked at page D-2 to see the proposed lights; he said that when it came to lighting, "less is more" and is better for the residents. Ms. Faulconer asked about sufficient parking if any of the residents had larger recreational vehicles/campers, as an example. Mr. Geier said that the condo. docs. would not allow campers/RV's.

Mr. Coppelman read the Department comments: Health – none; Conservation Commission – asking to confirm the circular depression is not a vernal pool and questioned whether all the wetlands delineation markers were still in place; they also questioned the wetland setback in regards to the well and concerns with LCA's and making sure infringements did not occur. Mr. Geier confirmed that there are no vernal pools on the site and prior to construction will make sure all the flags/markers are back in place; there is no wetland setback for the well radius. Mr. Quintal did note that Building Unit 2-D does have the LCA within the 100 foot setback. Mr. Bashaw stated that there have been issues in the past with owners wanting to add impervious areas after the fact; he suggested that there needs to be a note that the

areas are to remain pervious. Mr. Greenwood stated that there was an area close to Building 3, too. Mr. Geier said that they can amend the LCA's for the next meeting. Conservation also had some concerns with swales and stormwater features; they would like it noted that drainage notes and grading must be adhered to and make sure that the Town Engineer monitors this at early and critical stages. Mr. Quintal stated that this was a good comment to make sure that proper controls are in place.

Mr. Coppelman continued with Department comments: Highway – all water lines need to be outside the 60 ft. ROW (right-of-way)( Mr. Geier said that he will re-locate them outside of the ROW); change drainage to eliminate the steep ditch line or add a guard rail (Mr. Geier said that it will either be constructed perfectly or they would add a guard rail, as proposed, the plan currently meets the Town's standards; it is a good plan; need to bond road and engineering; need a pre-construction meeting before any dirt is moved. Mr. Geier said that the last comment is a note on the plan. Building Department: Item #12 said that the note about the variance should read that it needs to be granted, not just requested. Mr. Coppelman agreed that it refers to an Ordinance, not a regulation, so the note should be amended and change "regulation" to "ordinance" and "requested" to "granted". There were no further Board comments or public comments.

There was discussion regarding requirements for continuing the hearing including hydro. study receipt and review. Mr. Geier suggested a conditional approval could be granted prior to having the complete hydro. study review. Mr. Coppelman said that the review could result in changes to the plan so he would advise against an approval without the required review.

**MM&S to continue this hearing to March 19<sup>th</sup> per the following: new plans and the hydrogeologic study received by March 7<sup>th</sup> and the peer review of the hydro. study received back no later than March 18, or the applicant will ask for a continuance.** (Motion by Ms. Merrill, second by Mr. Bashaw)  
**PUNA**

This hearing ended at 7:52.

**Southern District YMCA/Camp Lincoln**  
**67 Ball Road**  
**Kingston, NH 03848**  
**Tax Map R25 Lot 3**

Mr. Coppelman noted the start time of this hearing at 7:55 PM. He read the public notice: the applicant is seeking a denial for overnight use to seek a variance from the ZBA for overnight use of the site.

Mark Cadman, Director, and Alex Turek representing the Board of Directors, introduced themselves to the Board. Mr. Cadman stated that they received a letter from the Planning Board in October re: compliance with previous approvals. He said that they didn't know that they were doing anything wrong; he continued that they want to do what's right and bring the site into compliance; they thought "overnight" was an approved use. Mr. Coppelman said there is a site plan on file; he confirmed that this was a use of activity, not a structure. Mr. Greenwood explains that the request requires Planning Board denial; he said that it is the feeling of the Board and the Town that there has not been overnight use approved. Mr. Coppelman said that it has been discussed and the Camp was a day-use activity. Ms. Merrill said that the use went from overnight activity to day activity and it was going to remain a day

activity use. Mr. Greenwood said that it was just a day use since 1987. Mr. Coppelman explained that the people on the Board and working at the camp were not the ones before them.

**MM&S to deny the use of the site as an overnight use as it was not previously approved by the Planning Board and is not allowed in the Single Family Residential (SFR) zone and the Planning Board does not have the authority to grant any relief that is needed.** (Motion by Ms. Merrill, second by Mr. Bakie) **PUNA**

Mr. Coppelman noted that he had not yet read Department comments or allowed public comment so the hearing continued. He read Department comments: Highway – creates additional night time traffic to Ball Road, snow plowing, alcohol, etc. need proper regulations added to the plan; Fire – overnight cabins are classified at lodging or rooming houses, need detail drawings for code review and compliance through State Fire Marshall; Health – no comments.

**ACTION ITEM:** Ms. Faulconer will provide Dept. comments to the ZBA and YMCA.

Public Comment: Russell Quintal of 15 First Street stated that he was not opposed to the YMCA having overnight use.

Mrs. Faulconer noted, for the record, that she had been a Board member at Camp Lincoln/YMCA in the late 90's and it had not been an overnight camp while she had been on the Board.

**ACTION ITEM:** Mr. Greenwood will send a letter of denial to the YMCA ASAP.

Mr. Coppelman stated that if a variance was received, the applicant would have to return to the Planning Board for site review.

The hearing ended at 8:10. *<The Board took at brief recess at this time and reconvened at 8:20.>*

**James Dagle (applicant)**  
**JAMES Industries**  
**Owner: Dudek Realty, Inc.**  
**4 Main Street**  
**Kingston, NH 03848**  
**Tax Map R-21, Lot 22**

Mr. Coppelman noted the hearing started at 8:20. He read the public notice. Charlie Zilch was present representing the owner and applicant. He reviewed the site specifications that was in the RR (rural residential) zone with the front of the property being in the APD (Aquifer Protection District). He described the property as having a couple of buildings along the frontage, one with three bays and the other with one bay door. He said that there is parking for employees and customers in the front of the building; a large parking area in the back. He continued that the site has been a commercial site of mostly auto-related activities; it is currently an auto recycling facility per a plan approved in 2009; he stated that it had up-to-date permits but was currently vacant. Mr. Zilch said that the applicant is a large scale electrical service company, currently in Wilmington, who wants vehicles in this area; it will be a less intensive change of use; the southerly building will be for vehicle maintenance; the north building will be for the office; the back will be parking and vehicle storage and some electrical

components; the service will be for maintenance on the hydraulics and other equipment on the trucks, to put them back in service. Mr. Zilch confirmed that the maintenance will only be for his vehicles. He continued that this was not an allowed use; they got a variance for that; they got a variance for the use in the APD that was granted with conditions.

Mr. Zilch continued that there are very few site changes proposed: add some buffering and privacy screens, correct erosion issues in the back, some re-surfacing; no state approvals are required; a conditional use is required from the Planning Board.

Mr. Quintal reviewed his comments dated 2/11/19 that included:

1. Recording sheets
2. Benchmark
3. Need more snow storage
4. % of impervious cover
5. Detailed drainage
6. Wetland/building setbacks
7. Inspection report re: water and sewage
8. Landscaping
9. Fence instead of vegetative buffer
10. Detail of fence
11. Parking scheme
12. Cross-section detail
13. FD requirements
14. Monitoring wells
15. Paved surface, gas traps, maximum number of vehicles, washing and run-off
16. Mitigation for impervious surfaces
17. Performance guarantee
18. Preconstruction prior to construction
19. Drainage details
20. Address 908.16 requirements

Mr. Quintal stated that he did go through the Phase I report with the recommendations that were part of the report:

1. Gasoline storage tanks area need soil borings and lab samples and groundwater samples from supply well.
2. Floor drain that was filled in – recommendation to take soil borings near the two leach fields and groundwater samples.

Mr. Coffin confirmed that the ZBA approval agreed upon those requirements. Mr. Zilch said that they are doing the complete soil borings and testing per the report, it hasn't been completed yet. He stated that they will work with the Town Engineer regarding any of the tanks on the property, this will be done through the firm doing the soil borings; they will maintain stormwater flow regarding stormwater quality.

Mr. Coombs disagreed with Mr. Zilch's statement regarding current permits on the site and clarified that the Junkyard/Auto-recycling permit for the property was not issued due to needing the recommendations cited in the report done; with a plan of action re: implementing the items in the Phase I report. He said, for any further action on the site, the Level I recommendations would have had to take place.

Mr. Greenwood read his comments that included:

1. Need to provide PB with the ZBA's conditions of approval regarding soils boring and groundwater testing.
2. Conditional Use permit – the Board will need to consult with its hydrogeologist, Danna Truslow.
3. Confirm no danger to the Aquifer
4. Stormwater management requirements
5. Board needs to determine buffer
6. Board may want to take a site walk
7. Wetland scientist stamp required
8. Maximum number of vehicles
9. Access should be delineated so entry and exit is clear.

Mr. Greenwood noted that there is a professional group on site addressing the ZBA requirements.

Mr. Coppelman read the Department comments: Building – none; FD – shall comply with NFPA 1 and NFPA 101, need complete Fire Alarm system, all Gates and Building doors have Knox box access or one centrally locate key box; Highway – good use of property, reduce curb cut to two thirty foot cuts instead of 240 feet of open cut; define snow storage at front of building and not stored in Town ROW.

Ms. Merrill stated that the Board did walk the property last fall; she reviewed concerns regarding a catch basin in the middle of the property and pipes from the catch basin that appeared to be emptying into the pond although that was not confirmed. She asked Mr. Zilch if anyone had looked at this. Mr. Zilch said that the pipe goes into the catch basin and does empty into the pond. Mr. Coffin noted that there were no maintenance records available for the separator; he stated that it didn't look like it was still functional. Mr. Zilch agreed to look into this. Mr. Coombs added that the abutter, whose property the pond was on, would not allow the group onto the property. Mr. Coffin stated that it was not necessary to go onto the abutter's property to check if the system was working properly. Mr. Pellegrino stated that there were questions as to whether the pond was contaminated but it did appear to have some contamination. Mr. Coppelman said that hopefully the testing will help to determine if there is contamination. Mr. Pellegrino added that the surface water is draining that way. Ms. Merrill stated that it is a concern that should be investigated further. Mr. Coombs said that the study done was a very complete study. Mr. Quintal stated that the study did have recommendations for further testing to see if further studies are needed based on the results of the recommendations. Mr. Coombs asked if the report called for samples from the pond. Mr. Quintal answered that these were part of the recommendations. Mr. Coppelman said that if the catch basin is functioning properly then it minimizes what goes into the pond; the point is to determine if it is working properly; the pond could be problematic due to excess run-off or if the system is not functioning properly.

Mr. Zilch recommended the Board do a site walk on the property. Mr. Quintal stated that compliance with Stormwater run-off and treatment will help with the concerns. Mr. Pellegrino stated that the use is better than the previous use; the proposed use will not contaminate the site any further. Mr. Zilch agreed it is certainly a less intensive use of the site.

Mr. Coppelman asked for public comment. Mark Delaney, 6 Main Street, questioned the hours of operation and where the trucks would be stored as things were not previously kept out front; he noted that there is already a separating fence that belongs to him; he doesn't want trucks showing up and just sitting there. Mr. Zilch confirmed that the buffer is not currently 50 feet; he wants to put in a more

substantial vegetative buffer; he answered that the hours of operation would be Monday through Friday from 7:00 AM – 4:00 PM although there would be times when there were emergencies that would require response that might be beyond those hours such a late evening storm event. Mr. Zilch confirmed that there would not be any trucks coming in late and just “idling”; the vehicles would be parked in back; he added that the applicant was cognizant that this was a residential area. He clarified that the parking out front would be for customers and employees during daytime hours and would keep it quiet at night. Mr. Zilch also confirmed the existing 6 foot fence near #6 Main Street and they would be adding in a nice vegetative buffer in that area, currently it was open lawn up to the property line. Mr. Quintal said that the area was about 20 feet. Mr. Delaney explained that the fence is a couple of feet on his property and doesn’t go all the way to the pond. Mr. Coffin noted that the Town’s ordinance requires parking on a paved surface. Mr. Zilch said the back parking area is reclaimed material. Mr. Coffin said it would be necessary to demonstrate whether it meets the Town’s requirements. Mr. Zilch said that if it is not adequate, they could look into it. Mr. Coffin asked what the company would with any of the transformers. Mr. Zilch said that no hazardous materials would be on-site. Mr. Bakie noted that the items being discussed are all heavily regulated; he suggested that Unitil might have more information about the regulations. Mr. Greenwood said the Board may consider requiring an escrow account for the Board’s hydrogeologist for this project. Ms. Faulconer reminded the Board that Mr. Zilch was asking the Board to review certain aspects of the site through a site walk. Mr. Zilch confirmed that he thinks it would be beneficial; he asked for a two-month extension/continuance.

**MM&S to conduct a site walk on Saturday, March 9, 2019 at 8:00 AM with March 16, 2019 at 8:00 AM as a snow date.** (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

The Board briefly discussed acceptance for jurisdiction. Ms. Faulconer suggested it wouldn’t be appropriate until the Conditions of Approval for the variance from the ZBA were met; without the conditions being met, the variance was not technically granted yet. Mr. Coffin agreed that the variance was conditional.

**MM&S to continue to April 16, 2019, with the plan received by noon on April 4, 2019.** (Motion by Mr. Coffin, second by Ms. Faulconer) **PUNA**

Mr. Coppelman noted that this hearing ended at 9:15 PM.

**Board Business:**

**Correspondence:**

- Request for an extension of the conditional approval was received for Bresnahan Moving and Storage at 7 Marshall Road; the original deadline was February 21, 2019. Mr. Coffin asked Mr. Zilch if there was any indication of timing of approval from the State. Mr. Zilch explained that they had met with Division 6 in January; they were requested to move a contour line and a requirement that the southerly entrance would be “right turn” in and “right turn out” and be removed once an entrance was approved on Marshall Road.

**MM&S to grant the requested 6 month extension; the new deadline is amended to be August 21, 2019.** (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

- Invoice for Hawks Ridge from Town Engineer; Mr. Coppelman signed but will also need BOS signature for charges not specific to the Planning Board.

**ACTION ITEM:** Ms. Faulconer will get the invoice to the BOS for their signature.

- Bond Balance list received.



Mr. Coombs announced that Candidate's Night would be March 7, 2019 at 7:00; all candidates can make a statement; opposed office candidates will answer questions.

Planning Board Bylaws and a new BOS policy was distributed for the Board's review at an upcoming meeting. Mr. Coppelman explained that the BOS is asking other Board's to consider adopting the policy.

Mr. Bakie asked if Mr. Parks had received the information from the Town Engineer on the review of his proposal. Ms. Faulconer answered that Mr. Greenwood was dealing with aspects of Mr. Parks's application.

**ACTION ITEM:** Mr. Greenwood will forward Mr. Quintal's remarks to Mr. Parks.

Ms. Merrill said that review of bylaws and guidelines would be a good discussion for the first meeting in March. Mr. Coppelman asked if the Board wanted to wait until after the election to have the full Board sitting; the Board decided there wouldn't be that much of a change to warrant waiting. Mr. Bakie suggested a process of alternates taking turns.

Mr. Coppelman suggested reviewing the January 22, 2019 minutes for adoption. Mr. Pellegrino stated that he had an issue beginning on page 5; he said that the minutes were missing a lot of what he said and he wanted to have at least that portion of the minutes, pages 5 through 8, to be done verbatim.

Motion was made by Mr. Bakie that if a Board member feels something is missing, that person should write it down and add it to the minutes, with Board discussion. There was no second to the motion.

Ms. Faulconer asked why the Board would consider this as the Board has previously determined that verbatim minutes was not how they wanted the minutes done; she stated that since the discussion was not about an application or for a court case, why the Board would want to pay for those kind of minutes. Mr. Pellegrino stated that it was because it was process-related. Mr. Bashaw stated that as a taxpayer and someone representing taxpayers, he didn't want to pay for this; if someone thought a comment was important, they can ask to place it in the minutes and have the Board vote on it. Mr. Coombs said that this was nothing to do with a court proceeding; he continued that the minutes are meant to capture the highlights of a discussion, if someone wants to pontificate, that is fine but it is not necessary to capture every word. Mr. Coffin said that he doesn't want to see everything verbatim. Mr. Pellegrino reviewed his reasons for wanting the minutes of his discussion done verbatim; he felt that they were not complete enough and that verbatim would be a more accurate representation of all that he said. Mr. Coombs called a point of order as the Board had previously decided this issue regarding content of the minutes. Ms. Faulconer noted, in defense of the minutes being complete, that the minutes were 5 pages long for a meeting that only lasted one hour and fifteen minutes. Mr. Coppelman stated that since a Board member wanted to make a correction to the minutes, the acceptance of the January 22 minutes would be tabled to the next meeting.

**MM&S to adjourn.** (Motion by Mr. Coombs, second by Mr. Bakie) **PUNA**