

Kingston Planning Board

March 19, 2019

Public Hearing

Minutes

Mr. Coppelman called the hearing to order at 6:47 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Peter Coffin, Vice Chair
Chris Bashaw
Robin Duguay
Phil Coombs, BOS rep.

Lynne Merrill
Peter Bakie
Steve Padfield, alternate
Ellen Faulconer, admin. asst., alternate

Also present: Glenn Greenwood, Town Planner; Dennis Quintal, Town Engineer, Richard Wilson, Selectman-elect (pending recount)

Mr. Coppelman announced that the meeting was being broadcast on YouTube but the equipment is not working for cable broadcast. He announced that, per the Board consensus, the re-organization of the Board will happen at the end of the meeting.

Bluestone Investment Group, LLC

4 Marshall Road

Kingston, NH 03848

Tax Map R33-21

(This portion of the meeting began at 6:50 PM)

Mr. Coppelman noted that the Board had received emails about changes to the hydrogeologic report per the applicant's proposed changes; he stated that he expected that the Board would hear about that this evening. Mr. Coppelman read the public notice. Barry Geier introduced himself and Sal Ragonese of Bluestone Investment group.

Mr. Geier gave an update on the hydrogeologic report that was submitted; he stated that Danna Truslow approved the approach to the design and asked for some updates to the report. Exeter Environmental reviewed; the proposal will be to do without the advanced treatments; the final report hasn't been produced yet; he expects to have the revised report in the next week with the approval a few days after that. Mr. Coppelman asked if the septic was based on the less advanced design if it would require a different location and be relocated on the plan. Mr. Geier said that it will be relocated; he pointed out locations for the septic shown for Building 3 to now be used for 3 and 4; and the locations for Building 6 and 5 and Building 1; he stated that all will be approximately 150 ft. from the property line and it will be up to the Town to accept the design. He reviewed the locations shown on an updated plan that the Board did not have. He highlighted the changes since the last hearing: landscaping out of the site distance easement; walking trails and well access road has been updated/relocated, there are "no parking" areas; merged a couple of driveways, #7 and #8 driveways have merged into one; stop sign added at the cul-de-sac per the Police Chief's request; entrance sign details shown; wetland flagging note added; hydro study submitted and reviewed; condo. docs were

submitted, but he was not sure if they had been reviewed. Mr. Geier stated that he had received Mr. Quintal's comments; he said that the test pits were being completed tomorrow. Mr. Geier requested a conditional approval be granted; he read a list of items that would be pending for a conditional approval. Mr. Coppelman noted that it appeared to be a hefty list.

Mr. Quintal reviewed his comments adding that he had reviewed any previous comments that had been addressed. His comments included: #17 – soil test pit data to be done in the bioretention basin areas, #34 – hydro study, #37 – Performance Guarantee requirements, #38 – Stormwater Mgmt. Operation Manual must be recorded in the Registry of Deeds, #40 – add correct Town to the signature block. Mr. Quintal included additional comments that included recommending underground electric not be installed under the paved roadway and the road name needs to change on Sheet L1.

Mr. Greenwood reviewed his comments focusing on those comments not already addressed: a completed hydro. study is needed; the conditional use permit requires the hydro. study; pedestrian access is through the cul-de-sac and not on sidewalks which the Board needs to resolve; the plan for lighting on the building is still not submitted although the specs. for the lighting have been submitted. Mr. Greenwood suggested adding a note about the lighting on the front and back of the building and the number of fixtures on each building. Mr. Geier pointed out the entryway design treatment which shows an entry sign on a stone wall with a plaque with no more landscaping than that shown on the plan. Mr. Greenwood asked about the pump house as he had heard from abutters at King's Landing that didn't know anything about possibly combining with that development. Mr. Geier said that they are working with Hampton Area Water Company (HAWC) to see if they can move forward with this; it could be impractical and then not be combined in which case they will construct their own pump house. Mr. Greenwood stated that the current proposed pump house has wall-mounted light fixtures. Mr. Geier confirmed that any combining of the water will have to go through the King's Landing Homeowner's Association. Mr. Greenwood confirmed that for the purpose of the Planning Board review at this time, the pump house is being kept. Mr. Greenwood confirmed that the proposed condo. docs. have not been reviewed. Mr. Geier stated that they are still waiting for approval from DOT. Mr. Greenwood said that he is still waiting on a sign-off letter from the Fire Department (FD); Mr. Geier will contact the FD to get this.

Mr. Greenwood reviewed the proximity of the wetlands to the construction site; there is a plan note about clearly marking the wetlands; he is comfortable with the note.

Department comments: Building – note #12 – signage should be “granted” not just “requested”; should reference zoning “ordinance” not “regulations”; Fire – no comment; Conservation Commission – leach fields #1 and #2 nearly touch the setbacks and it will be difficult not to encroach during construction; it appears to have room to move it back. Mr. Geier said they will be relocating #1 and #2 – they will be further away from the buffer which should address the Commission's concerns. He added that notes have been added about re-flagging the wetlands; anything adjacent will have a silt fence or orange construction fence to delineate the buffers. Mr. Greenwood said that these 3 steps would be protecting the edges. Ms. Faulconer said the Board should make sure that these notes are on pages that are being recorded. Mr. Greenwood said that the applicant should make sure that the notes get on a recorded page. Mr. Geier said that sheets A1 and A2 would be recorded and perhaps they could add noted to C2 for recording. Mr. Greenwood and Mr. Geier will meet to determine the pages to be recorded and the notes needed on those pages.

Mr. Coffin asked about the trails joining at the circle/cul-de-sac. Mr. Geier explained that the trails were moved away from the property line. Mr. Coffin noted that the trails were using the roadway and asked if there were any other options. Mr. Geier said it would be difficult as there wouldn't be a connection to Kings Landing; they didn't want to put trails in the wetlands; the road was 24 ft. wide with 5 ft. graveled shoulders. Mr. Greenwood said the 5 ft. wide shoulder serves the connection and if the road wasn't busy, people would use the roadway. The consensus was that the Board was comfortable with this.

Mr. Coppelman asked for public comment. Susan Dehart of Kings Landing said she appreciated the efforts to connect to the development to make it safer to walk to the Library and beyond. Beverly Manning of 23 North Road expressed concerns about the noise associated with development of the site; she asked for information about the Noise Ordinance. Mr. Coppelman said it is available on-line for her review. Mr. Coffin reviewed the ordinance regarding the guidelines for hours for construction activity; Mr. Padfield noted the hours for weekends. Mr. Bashaw stated that just because it was annoying it was not necessarily beyond the acceptable levels. Ms. Faulconer stated that she thought enforcement officials had interacted with Kings Landing regarding construction activity on the weekend. Mr. Coffin reviewed the location with Ms. Manning using the locus map. Skip Dehar of 16 Monarch Way asked when the decision would be made about the pump house. Mr. Geier said within a couple of weeks. Mr. Dehart said that the homeowners would be doing a lot of seeding and didn't want that dug up. There was no further public comment.

Mr. Coppelman returned to Mr. Geier's request for a conditional approval adding that the plan could change based on some of the pending reviews. Mr. Bashaw said that the hydro. study could impact the leach fields among other things; he continued that Mr. Quintal and Mr. Greenwood usually give recommendations if appropriate to move forward, but he hadn't heard that from them; he stated that if a conditional approval was granted and things changed, they would need to come back. Mr. Greenwood confirmed that the process would need full re-noticing. Ms. Faulconer stated that moving forward for an approval required a conditional use permit which couldn't be done prior to the updated and reviewed hydro. report. Mr. Greenwood and Mr. Bashaw agreed.

MM&S to continue to April 16th with new plans and the updated hydro. report submitted no later than noon April 4th. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

The Board, by consensus, approved sending the condo. docs. to Town Counsel for review. Mr. Geier will send an electronic copy to the Board. *<Board note: This hearing ended at 7:41 PM>*

Board Business

Correspondence:

- Oaths of Office received from Peter Bakie, Chris Bashaw, Robin Duguay
- Letter dated 3/11/19 received from Vanessa Middleton, Butterfly Reflections and read by Mr. Coppelman; business moving to 53 Church Street, Unit 12 – Carriage Towne Plaza. Mr. Coppelman noted that this was a low-impact, retail-type of use.

MM&S that no further review is required. (Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

ACTION ITEM: Ms. Faulconer will send a letter re: the Board's vote adding that a sign permit and business occupancy permit is required.

- Danna Truslow invoice for 4 Marshall Rd. signed by the Chair
- PO for Mileage for Mr. Coppelman signed
- Bond Balance sheet received
- "Guide to Effective Enforcement" book received, will be stored in the PB office.

- Letter from SEC and Associates dated 3/13/19 re: James Industries withdrawing the application for 4 Main Street.

MM&S to accept the withdrawal without prejudice. (Motion by Ms. Merrill, second by Mr. Coffin)
PUNA

MM&S to accept the minutes of February 19, 2019 as written. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

Board of Selectmen (BOS)Comments:

Mr. Coombs provided the Board with follow-up information on several properties: ECSI – the BOS will handle the enforcement on this site that currently has no approval for commercial activity adding that traffic has been seen going in and out of the site; Safeway is currently operating out of hours. Mr. Greenwood had viewed the site and written a memo for the BOS; he reviewed the site against the approval and they are way over the vehicle allotment; he added that they are nowhere near staying in the limits of the plan; he stated that it was “remarkable” the number of vehicles that have “bled” into the area marked on the plan as “not for commercial use”.

ACTION ITEM: Mr. Greenwood can do a letter to the present owners and give them the opportunity to come into compliance before any enforcement action is requested. He will contact Mr. Coppelman to sign the letter.

Mr. Coombs stated that the BOS would ask that any enforcement request be given to them on the “official” enforcement paperwork to establish a record.

Mr. Coombs then addressed the “mountain” on the Galloway property; he said there was a giant mountain of debris on the property off of Roadstone. He stated that it appeared to be brick, concrete and possible materials from industrial sites. Mr. Greenwood said there is nothing on the site plan to allow this, regardless of the materials. He suggested that it might be a good idea to invite them to come speak to the Board and explain what it is.

MM&S to have Mr. Greenwood send a letter requesting the property owner come in to the next meeting, April 2nd. (Motion by Ms. Merrill, second by Mr. Coffin) Discussion: Mr. Bakie asked why the Board would meet with this property owner and not the previous one for Safeway. Ms. Merrill said that with the bus company (Durham) the Board knows what it is and where it is but with the “mountain”, the Board doesn’t know what it is and it is not on the plan so it is a little different. Mr. Coppelman added that the bus company has a new owner who may not be aware of the site plan but the other is not a new owner. **Vote on the motion: Motion carries 6-0-1** with Mr. Bakie abstaining.

Mr. Coppelman had a couple of issues to address. He was contacted by a representative of the Fire Department Building committee about using the Town Engineer for that plan. Mr. Bashaw said that he is not opposed as Mr. Quintal knows what to look for to protect the Town and he is comfortable with doing that. Ms. Faulconer suggested it was also ultimately up to Mr. Quintal to do this if he wanted to. Mr. Quintal said that he is happy to do this and to also bring to the Planning Board for their review, even though a municipal project; he felt that as a Town project, it was a group effort. Mr. Coombs noted that they BOS will be getting bids for the benefit of the Town and Mr. Quintal is welcome to bid on the project. Mr. Padfield asked who would review Mr. Quintal’s plan, if selected during the bid process. Mr. Coombs suggested the engineer from Rockingham County Conservation District.

Mr. Coppelman reviewed his other item for the Board that included a conversation he had with Steve Buckley of the NHMA and land use board training that had been discussed prior to the election. He explained that they have a “menu” of training available; he will pass the information to Mr. Greenwood to follow-up; it was suggested that it might be economically feasible to reach out to surrounding Towns to share the training and the cost; he also suggested that perhaps Mr. Buckley could try to combine a program for multiple boards.

Ms. Merrill asked to add the review of the Town Planner’s contract at the April 2nd agenda.

Mr. Greenwood reviewed his multiple discussions with Mr. Hannigan re: designated unbuildable land on Ann’s Landing; Mr. Hannigan may apply to the ZBA. Mr. Quintal reviewed his previous discussion with Mr. Hannigan regarding the wetlands on his property; he added that the property should not be built on due to the wetlands.

Ms. Faulconer said she had a question concerning the Board’s actions regarding past minutes and asked the Board to clarify how they want the minutes in question addressed, regarding an addendum received and discussed at one meeting being added to a previous meeting’s minutes.

ACTION ITEM: Ms. Faulconer will bring the sets of minutes in question to the next meeting for the Board’s review and decision.

Board Elections:

Mr. Coppelman read the Board’s policy concerning elections. Mr. Coffin nominated Mr. Coppelman for Chairman. There were no other nominations.

MM&S to elect Glenn Coppelman as Chairperson (per the nomination). Motion carried 5-0-2 with Mr. Coombs and Mr. Coppelman abstaining.

Mr. Coffin stated that he was willing to continue as Vice-Chair and nominated himself. Mr. Bashaw stated that the Board had discussed voting in favor of someone rather than voting against someone. He gave the example of multiple nominations with the question being who was in favor of person A by a show of hands and who was in favor of person B with a show of hands, not a question of who was in favor and who was opposed. He added that when voting at election, he was voting in favor of someone, not necessarily voting against someone else.

Mr. Coppelman asked for the vote **for the nomination of Peter Coffin as Vice-Chair**. There were 6 votes in favor, **the nomination carries**.

Mr. Coffin nominated Mr. Coppelman as the Board’s representative on the Historic District Commission (HDC). Mr. Bashaw double-nominated Mr. Coppelman. Ms. Merrill noted that she might be interested in serving on this board in the future but not at the present time. After no further nominations, Mr. Coppelman closed off the nominations.

Vote in favor of the nomination of Mr. Coppelman as HDC rep.: 6 votes in favor; nomination carries.

The Board decided to hold off filling the CIP (Capital Improvement Plan) Committee until the next meeting.

MM&S to adjourn at 8:40 PM. (Motion by Mr. Coombs, second by Mr. Coffin) **PUNA**