

Kingston Planning Board

June 4, 2019 Public Hearing/Meeting Minutes

Mr. Coppelman called the hearing to order at 6:50 PM; there were no challenges to the legality of the hearing.

Members present:

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

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

Also present: Glenn Greenwood, Town Planner

Mr. Coppelman introduced the Board. He noted that the all of the representatives from Unitil were not currently present so would be taking Mr. Parks out of order.

Dan Parks 7 Small Pox Road Tax Map R19 Lot 22

Mr. Coppelman read the public notice noting that this hearing began at 6:50 PM; Mr. Bakie noted that the pond had decreased in size and the notice still said 5 acres. Mr. Coppelman explained that the notice is a continuation from the original posting. Dan Monette, the engineer for the project and Mr. Parks, the property owner appeared before the Board. Mr. Coppelman reminded the Board that jurisdiction had been accepted at the least hearing; the Board had begun putting together a lot of conditions and Mr. Greenwood had put together a draft agreement between Mr. Parks and the Town. The Construction Cost estimate worksheet had been received from Mr. Quintal, Town Engineer. Mr. Coppelman read that worksheet that included a road bond of \$126,340.50 and an additional engineer review bond of \$5,000. Mr. Greenwood confirmed that the draft agreement had been sent to the Board members and Mr. Parks.

Mr. Greenwood reviewed the agreement adding that this was more an agreement with the Town instead of the Planning Board. He stated that the plan set, page C2 says 5 trips per day; the agreement is that there will be no more than 22 round-trip truck trips; if heavy traffic, a police detail will be required. Mr. Coombs asked where this number came from and if Mr. Greenwood had run this number by Chief Briggs. Mr. Greenwood said it seemed to be a reasonable number per the number of operating hours; Chief Briggs, as a Selectman, will be seeing this number prior to the Board of Selectmen signing and can state if there is an issue at that time. Mr. Coffin said it is an average of 2-3 trucks per hour; Mr. Bakie said that it is less than 3 trucks/hr.

Mr. Greenwood said that hours of operation was proposed at Monday through Saturday from 7:00 AM to 6:00 PM; the agreement allows trucking only on Monday through Friday with no trucking on Saturday and Sunday. The following comments were made on the rest of the agreement:

#3: coincides with the plan

#4: change the date to October, 2023

#5: re: the amount of trucks

#6: need to submit 2 Full plan sets and 5 small plan sets

#7: bond amount is for \$126, 340.50

#8: engineering escrow is for \$5000

Mr. Coffin asked about delineating the project perimeter so as not to exceed the limit of 98,000 sq. ft. of disturbed area. Mr. Monette said that was a note on the plan already. The ordinance about not working on weekends was discussed; the ordinance about construction activity was reviewed.

Ms. Duguay suggested that the possibility of good weather past October should be accommodated and suggested changing October, 2023 in #4 to November, 2023.

Ms. Faulconer asked if anyone had contacted Division 6 about the project, as discussed at the last hearing. Mr. Monette said that he hadn't but he would contact Division 6 about the project prior to the pre-construction meeting. Mr. Coppelman asked if the pre-construction meeting requirement was on the plan. Mr. Greenwood said that if it wasn't, it should be a conditional of approval. Mr. Coppelman stated that he had a small list of conditions previously discussed that included the pre-construction meeting and getting a copy of the prior survey to put on file. Mr. Coombs suggested adding the pre-construction note to the video requirement in Item #1 of the Memorandum of Agreement. Mr. Greenwood suggested adding this to coincide with the video activity; no activity allowed until the completion of these two items.

Mr. Coppelman read the Department comments: Building comments included a note that an application had been received for solar panels; Fire comments included the request to add a note that the applicant's construction team would assist the Fire Department with the hydrant installation. All parties agreed to add a note regarding the hydrant installation to the "agreement" rather than change the plan to include the note. Evy Nathan, Conservation Chairperson, addressed the Board; she stated that the Conservation Commission had not had a chance to review the new plan so currently had no new comment on the proposal; she asked the Board to not lean back in their chairs and to sit closer to the microphones so they can be better heard during the meeting.

Mr. Coppelman returned to the condition of the applicant providing the prior survey. Mr. Monette stated that he had added metes and bounds to the plan from the survey done in 2006; the wetlands stamp is on the plan and he had added today's date to the "agreement". Ms. Faulconer read Mr. Quintal's last list of items; the Board was all set with the information given to address Mr. Quintal's list. Mr. Coffin asked about the grading. Mr. Monette said that the erosion stabilization control matting detail and topsoil and see bank is on the plan. Mr. Coffin asked about the water levels; Mr. Monette answered that it will fluctuate with the water table. Ms. Merrill asked if the Board of Selectmen (BOS) had seen the agreement as it needs to be reviewed by the BOS prior to being approved by the Planning Board. Mr. Coombs said that he sees the Police Detail as the only potential issue adding that he is, however, only 1/5 of the Board. Mr. Greenwood stated that all of the conditions left are in the revised

agreement. Mr. Coombs confirmed, by phone, that there were 3 out of 5 BOS members reached, including himself, that were okay with the terms of the agreement.

MM&S to accept the plan as presented this evening contingent upon the endorsement of the three parties (Mr. Parks, the Planning Board and the BOS) to the Memorandum of Agreement with the condition of adding a note regarding the Memorandum of Agreement to the plan as a plan note. (Motion by Ms. Merrill, second by Mr. Coffin) Discussion on the Motion: Mr. Parks stated that he thought the engineering bond amount was a lot. There was a discussion regarding changing the amount at pre-construction which would not work if the Planning Board agreed to the \$5000, as that would be the amount. There was a question regarding weekly visits for the entire time. Mr. Greenwood said that if that was the intent, then \$5000 wouldn't be enough. The Board did not amend the proposed road bond and engineering bond amounts.

Motion restated: **Motion made and seconded to approve the plans for Dan Parks, dated 5/21/2019 conditioned on: a note <see language below> being added to the plan referring to the Memorandum of Agreement (MoA); the MoA to be signed by the BoS and Planning Board and the applicant; the MoA to be attached to the plan.** (Motion by Ms. Merrill, second by Mr. Coffin) Discussion: The Board decided that a hand-written note to that effect could be written on the file copy plan set; the hand-written note would also include the signature of the Planning Board chairperson and the applicant. The note will be "this plan set incorporates the memorandum of agreement approved as amended on June 4, 2019". **VOTE on the motion:** Motion carries 6-0-1 with Mr. Bakie abstaining. Mr. Coppelman noted that the hearing ended at 7:50 PM.

Unitil

Property Owner: John Galloway

Business: Benevetto Industries

5 Roadstone Road

Tax Map R3 Lot 18

This hearing began at 7:50 PM. Mr. Coppelman read the public notice. Nick DeMarchi of Unitil and David Hogue of Process Pipeline Services, contracted by Unitil, introduced themselves to the Board. Mr. DeMarchi explained that Benevetto contracted with Unitil to bring up a gas pipeline from Rte. 125 to extend to Roadstone along Rte. 125. Mr. Coppelman reviewed the Rte. 125 project and the newly established working group for that project. It was suggested that they reach out to that group to make sure aspects of their project fit in with the Rte. 125 project. Plans were distributed. Details included: 100 psi, 6 inch gas main, minimum of three feet cover; planning in the State ROW (right-of-way). Mr. Coppelman explained that Unitil was here as a courtesy to tell the Planning Board of its intent to extend the line into Kingston; he stated that there might be the possibility of continuing in the future, but this design is only for Benevetto. The Board questioned whether the owner of the property had approved this; Mr. DeMarchi said that it was still up in the air but it was hopefully okay. Mr. Hogue said that they needed to put the lines in the ROW; they are being forced into the wetlands' buffer areas by the DOT and it is a hardship; the alignment of the proposed NH Rte. 125 configuration forces them into the "no build" buffer area; there would be a temporary impact that would be re-seeded within three days. Mr. Hogue said that they are meeting with the Conservation Commission on Thursday; the project is within their jurisdiction and they can provide comments to the State. Mr. DeMarchi stated that there is approximately a mile of piping; they were originally planning on an 8 inch pipe but are now going with a 6 inch pipe. Mr. Hogue pointed out the areas of wetland buffer setbacks that would be disturbed in the

Little River area near the Plaistow/Kingston town line. The submission is currently 95% complete. Mr. Coppelman said that the discussion is informational; this expansion could be good for possible future development; future commercial development would prefer this type of infrastructure. Mr. Bashaw noted that the Planning Board has no jurisdiction over this proposal but it is good to connect this information to other groups that might be interested in the information. The Board had no further questions; the hearing ended at 8:20. <Board note: at this time there was a brief recess; back in session at 8:25.>

Memories

95 Exeter Road

Tax Map R36-1-10

Mr. Coppelman stated that this hearing started at 8:25; he read the public notice for an expedited site plan for a 12 x 16 gazebo. Steve Padfield, as the applicant, appeared before the Board; a picture and sketch showing the location was distributed. Mr. Padfield explained that this would be a 12' x 16' gazebo/pavilion made of wood with a green metal roof; the ends only will be enclosed; there will be stone underneath the roof area; the posts will be pressure-treated and wrapped in ship-lap. He continued that this area will be for people to get out of the sun for some shade or rain; it will be located behind the ice cream stand. Mr. Coppelman read the expedited review process that can be used twice for a site; the Board determined that all of the requirements for the process could be met.

MM&S that the applicant meets the requirements for not requiring a full site plan review based on 904.3 (D) as previously described (during the meeting). (Motion by Mr. Bashaw, second by Mr. Bakie)
PUNA

Board Business

Master Plan Update:

Mr. Greenwood explained that he has been researching different avenues to complete the updating process. He suggested utilizing RPC (Rockingham Planning Commission) to reduce the cost from \$12,000 to \$5000 with the use of federal funds for specific chapters, such as Transportation. He's planning on having a scoping meeting; all chapters include some mapping and he needs to sit with RPC to get a better cost estimate so he can better allocate funds per chapter. He stated that he is still proposing completing multiple chapters per year. He said that three chapters in particular, Transportation, Natural Resources and Housing, are extensive and could cost \$8,000 each; he could ask the RPC to come up with a cost for the overall project. Mr. Greenwood stated that it would cost approximately \$2400 for some of the in-house chapters such as Community Facilities. Mr. Greenwood noted that the Hazards Mitigation Plan was just done; the Historic Resources Plan was recently completed; the Open Space Plan was done in 2011 or 2012; Natural Resources in 2007. He continued that there is usually a community survey as well as other types of visioning; he noted that Envision Kingston was recently done but that focused only on the center of Town. Mr. Greenwood estimated the cost of surveys and forums at four and a half thousand dollars. He suggested there should be a Master Plan Committee to serve as a steering committee and the members should not all be from the Planning Board and should be no more than 5 people. Mr. Coffin stated that RPC had purchased a survey tool for member Towns to use for on-line surveys; they charge to use it but it might be useful. Mr. Greenwood explained that the 3 "heavy" chapters requires a lot of statistics; he added that the statistical profile of the Town is not in the Master Plan; it gives a snapshot of the community. Ms. Merrill asked how it compares to the State's

information on Kingston; she suggested waiting until after the census results were in. Mr. Greenwood explained that the Master Plan update is a two to four year process with the idea that one big chapter and one small chapter gets updated yearly. Mr. Coppelman suggested getting an estimate or formal proposal from RPC to re-vamp the whole thing.

ACTION ITEM: Mr. Greenwood will confirm the dates and status of the chapters; he will complete the formal proposal for moving forward with the update and present to the Board at the July public hearing; he will send this out to the Board ahead of time for review.

Driveway Permit review: Mr. Coombs met with Mr. St. Hilaire. He was told that Mr. St. Hilaire has been holding the standard in the regulation for the past two years; multiple neighbors in the development were not held to the standard as many had not pulled permits. He suggested the possibility of requiring paving companies to post bonds to work in the Town of Kingston; he asked what the Board's level of interest might be for this possibility; he stated that other towns are doing this as they are having issues as well. Mr. Coppelman asked if the bond would be for a specific project. Mr. Coombs answered that it was for permission to work in the Town; he explained enforcement issues with companies not pulling permits. There was discussion on "repaving" versus "sealing"; just laying a new topcoat versus reconfiguring the driveway. The Board discussed clarifying "paving" for a new driveway, or reconfigured driveway, versus "re-paving" for an existing driveway; comments were made that just laying a new topcoat was not reconfiguring. Mr. Greenwood expressed concerns about limiting a company's ability to do business; Mr. Coombs said that it would be requiring a contractor to be bonded which was a requirement of many Towns. Ms. Merrill suggested clarifying the regulation to include language about repairing/re-sealing on existing surface. Mr. Coombs noted that that Town owns 18 feet into the front lawn; there can be drainage issues. There was discussion regarding "repaving versus resurfacing versus repairing" of an existing driveway; there was discussion regarding the intent of the driveway regulation. Ms. Faulconer said that it is important to be clear so a resident can understand whether a permit is required and under what circumstances. Mr. Coombs will bring back information about bonding back to the Board. Mr. Bashaw expressed concern that this will simply affect those that would do the right thing anyway; it won't address those that don't do the right thing. Mr. Bashaw stated that the Town should get the contact information for the people who did the work and go after them, not the residents; he didn't want to make it more difficult for the person who will do the right thing. Ms. Merrill and Mr. Coffin agreed. The Board decided that the driveway language needs clarification; Mr. Coppelman asked for someone to work on this.

ACTION ITEM: Ms. Faulconer volunteered to work on this, in conjunction with Mr. Greenwood, and get back to the Board.

Correspondence:

- **Cureton email re: driveway:** The Board decided that if this is just re-sealing or top-coating and no changing the configuration, she does not have to add the "apron" to the driveway configuration; if digging up the asphalt to re-configure it in any way, she has to comply with the regulation. The Board also confirmed that the mailbox location is not in the purview of the Planning Board; it is a BoS (Board of Selectmen) issue.
- **Groundwater Contamination notice from DES** – pfoa's found in the well at the Ottati-Goss site in high levels; the State will begin well-testing of areas within 500 ft. Mr. Coppelman read that one well test showed a level of 5600 parts per trillion; the standard is 70 parts per trillion.
- **Follow-up on R2-13 and Galloway property:** Mr. Greenwood met with the property owner of R2-13 last week and told him that, from the (PB) Planning Board perspective, no activity is

approved for that lot which has been reclaimed; any activity runs the risk of a Cease and Desist order; he told the owner that it can't be used as a contractor's yard of materials yard; he reiterated that the site had been reclaimed; any moving of materials would require a new excavation permit. The Board received a memo from the Building Inspector, dated 6/3/19, that he saw trucking activity on the site. Ms. Merrill stated that she had also seen them yesterday. Galloway property: Mr. Greenwood said that he had left messages for Mr. Galloway but he had not come to any of the meeting dates.

ACTION ITEM: Mr. Greenwood will send a certified letter to Mr. Galloway requesting he come before the Board in July.

Mr. Bakie asked why the letters being sent to property owners are signed by the staff instead of the Chairman. Mr. Coppelman explained that it has been customary to have the staff sign for expedience with the knowledge that it has been done per the Board's request. Ms. Faulconer noted that the letters note that they are being sent by the Board's request/action at the specific meeting.

MM&S to send an enforcement action request to the Board of Selectmen re: activity on the property at R2-13. (Motion by Ms. Duguay, second by Mr. Coffin) Motion carries 6-0-1 with Mr. Coombs abstaining.

ACTION ITEM: Ms. Faulconer will send the request to the BOS.

Mr. Coombs brought up activity at Jack's Auto – the former "Little Old Lady" site and the excessive amounts of vehicles and other items on the site. Ms. Faulconer noted that her understanding was that they also did not have a BOP (Business Occupancy Permit). The Board discussed the actions available regarding the issues on the site including the first step of notifying the property owner of the deficiencies prior to an enforcement action.

MM&S to authorize Mr. Greenwood to review the site plan, visit the property and contact the owner of Jack's Auto with a letter establishing the non-compliance issues on the site. Mr. Greenwood can also communicate directly with the owner as appropriate. (Motion by Ms. Merrill, second by Mr. Coffin) Motion carries 6-0-1 with Mr. Coombs abstaining.

Mr. Coombs told the Board that activity at 105 Rte. 125 was basically cleaning up the site of the fallen trees and underbrush.

Correspondence (continued):

- **Invoice from RCCD** (Rockingham County Conservation District): Early/West Shore Drive – witnessing test pits; signed by the Chair.
- **Letter from DOT re: 266 Rte. 125:** denial of additional driveway request
- **ADU** (Accessory Dwelling Unit): notes given to Mr. Coffin and Mr. Coppelman about possible conflicts in the existing language; Mr. Coppelman stated that he and Mr. Coffin are re-drafting the language to present to the Board; they are meeting to finalize and they will schedule for discussion.
- **266 Rte. 125** – NH Division of Historical Resources review received.

MM&S to accept the minutes of May 7, 2019 as written. (Motion by Ms. Merrill, second by Mr. Coffin) Motion carries 6-0-1 with Mr. Bashaw abstaining.

MM&S to adjourn at 9:35 PM. (Motion by Mr. Coombs, second by Mr. Bakie) **PUNA**

