

## Kingston Planning Board

### August 20, 2019 Public Hearing 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  
Lynne Merrill  
Phil Coombs, BOS rep.

Peter Bakie  
Steve Padfield, alternate  
Ellen Faulconer, Admin. Asst., alternate

Members absent: Chris Bashaw, Peter Coffin, Robin Duguay

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

Mr. Coppelman introduced the Board. He announced that Mr. Padfield and Ms. Faulconer would be voting members this evening.

Due to requests for continuances, Ms. Merrill suggested taking two of the applicants out of order to deal with those requests so members of the public would not have to wait. The Board agreed.

**Donald and Phillip Pryor**  
**61 North Road**  
**Tax Map R32 Lot 9A**

Mr. Coppelman read the public notice. He read a letter sent by the applicant's engineer, dated 8/20/19, requesting a continuance to the Board's next hearing date. Plans will be due by Sept. 5<sup>th</sup> at noon.

**MM&S to continue the Pryor hearing to September 17, 2019 at 6:45 PM** (Motion by Ms. Merrill, second by Mr. Bakie) **PUNA** Mr. Coppelman explained that this was the notice for the abutters; there would not be an additional mailing.

**James Dufresne**  
**Teatad, LLC**  
**Diamond Oaks Boulevard**  
**Map R3 Lot 4 Land Unit 1**

Mr. Coppelman read the public notice. He read a request, received from Kevin Hatch, requesting a continuance and asked that the Board schedule a site walk prior to the next hearing. There was discussion about scheduling a site walk prior to the first public hearing and prior to receiving an amended plan.

**MM&S to schedule a site walk for Sunday, September 15<sup>th</sup> at 8:00 AM provided that an acceptable, revised plan was received by noon on September 5<sup>th</sup>.** (Motion by Ms. Merrill, second by Ms. Faulconer)  
Discussion: Ms. Faulconer explained that the word "acceptable" would mean a plan meeting the

requirements to be put on the agenda. Ms. Merrill clarified that the Board would meet on the site at Diamond Oaks Blvd. **Vote on the Motion: Motion carries 5-1** with Mr. Coppelman opposed.

**MM&S to continue to September 17, 2019 at 6:45 PM provided the updated plans are received by noon on Thursday, September 5<sup>th</sup>.** (Motion by Ms. Merrill, second by Mr. Coombs) **PUNA**

#### **Town of Kingston**

**In conjunction with the Kingston Fire Department Building Committee**

**146 and 148 Main Street and 4 Rockrimmon Road**

**Lots U11-12, U11-13, U11-14**

Dennis Quintal presented the proposal on behalf of the Town. He stated that the plan had been prepared by Paul Nichols as he had already done a lot of surveying work in the area. He explained the proposal and described the current land units. He continued that it was the intent of the Town to acquire lot 14 and merge with lot 13; the house and pool would be removed to create a “clear” lot. Mr. Quintal then explained that the next step would be to do a lot line adjustment with lot 12. Mr. Coppelman stated that lot #12 is an older property that is currently non-conforming to today’s standards but since the proposal improves that issue, making the lot less non-conforming and closer to Town standards, the Planning Board is able to deal with the proposal and it does not need to go to the ZBA (Zoning Board of Adjustment). Mr. Quintal clarified that there are no wetlands on the properties.

There was no public comment.

Mr. Greenwood read his comments dated 8/18/19 that included adding a plan note regarding the old septic on land being transferred to the TOK (Town of Kingston), plan indicating TOK ownership of land to the east of Main Street, reconciling the two graphic scales, note regarding razing the existing structure on Lot 14. Mr. Quintal explained that the pool was going away as well as the house. Mr. Greenwood suggested adding a note that read: “the pool and the house on existing lot 14 will be removed”. Mr. Quintal stated that he would add the note regarding the septic. Mr. Bakie asked about the “triangle” of land on the plan; Mr. Quintal said that the issue will be resolved. Mr. Coppelman noted that the “triangle” was not part of the presentation before the Board at this time.

**MM&S to approve the plan as submitted with the following conditions: add note regarding the removal of house and pool on Lot 14; add a note explaining that the existing septic system and dry well are being replaced on lot #12 and being removed from lot 13; add note that the land to the east on Main Street belongs to the TOK, correct the scales discrepancy.** (Motion by Ms. Merrill, second Mr. Bakie) Discussion: the current owner of Lot 12 asked when the septic would be replaced. Mr. Quintal and Mr. Coombs explained that it is clarified in the Purchase and Sales agreement. Charles Hart described the agreement. Mr. Greenwood stated that it is important that the new septic is done before the old system is removed. There was discussion regarding the timeframe for the mylar to be submitted; Mr. Quintal stated that the standard 90 days was sufficient.

Mr. Coppelman read that there were no comments from the Building, Health and Fire Departments.  
**VOTE on the motion: PUNA**

**Richard P. Early, Sr., Trustee of D & D Realty Trust**

**3 West Shore Park Road**

**Tax Map R9-20-1**

Mr. Coppelman read the public notice.

*<Board note: Ms. Merrill recused herself from this hearing; there will be 5 Board members for this hearing.>*

Dan Johnson, Plaistow Consultants, introduced himself as representing Mr. Early for D&D Realty Trust. He explained that the lots were being divided equally with the same frontage and same area. He pointed out the wells that were completely within each individual lot. He noted that they only had a 75 ft. well radius; many test pits were done on the property. He reviewed Mr. Greenwood's comments: the 200 feet of site distance can be met. There was discussion regarding Mr. Greenwood's note regarding the Highway easement along the frontage for road maintenance. Mr. Johnson does not want to provide this; he expressed his concern that too many times stone walls are destroyed. Mr. Johnson continued that regarding Mr. Greenwood's note #5 re: impervious area: he stated that he would not know the impervious area until after the lot was developed. Mr. Greenwood's note #6 brought up an issue regarding the C-III zoning line. Upon review, it was determined that the CIII note and associated line was actually an old ROW (right-of-way) line and a designation for an adjoining lot. Mr. Johnson stated that he showed that line to establish the zone for the required buffer for the residential lot. Mr. Coppelman explained that the buffer was for a commercial use to keep when adjacent to a residential lot. There was discussion regarding how best to eliminate the confusion. Mr. Greenwood said the language was in the RR (Rural Residential) zone as commercial uses are allowed; he assured Mr. Johnson that a 50-foot buffer was not a requirement for the residential lot; it was there when there was a commercial use abutting a residential property within the zone and the C-III designation on the plan that was causing the confusion could be removed.

There was discussion about adding a note regarding roadways, etc. being constructed to Town regulations. Mr. Greenwood had suggested wording, Mr. Johnson re-iterated his reluctance to give the Town an easement for road maintenance. Ms. Faulconer suggested continuing the discussion until after Mr. Johnson met with Road Agent St. Hilaire; she stated that she would not approve a plan until hearing from Mr. St. Hilaire on this issue. Mr. Coombs stated that he would doubt Mr. St. Hilaire would agree to a lack of easement but he agreed the Board should continue until it was specifically addressed. Mr. Coppelman stated that, regardless of the easement, the Town's position is not to arbitrarily remove stone walls; the Town is proud of its historic aspects. Mr. Johnson continued reviewing Mr. Greenwood's comments that included needing concrete or granite monuments, the septic design for duplexes being adequate, questioned if the duplexes would be condos. Mr. Greenwood noted that if condos. were being proposed, the applicant would need to re-notice and come back for additional subdivision action. Mr. Early addressed the Board and stated that he was not getting involved with condos.; the proposal was not for condos.

Mr. Quintal reviewed his comments adding that the plan was pretty complete. He noted that the Town requires a 100 foot well radius, not the 75 feet shown and suggested the wells be moved to meet the Town regulations. He recommended relocating the driveway to a higher side of the lot which would require less excavation and site disturbance; he suggested that the applicant check with the Post Office for approval of mailboxes and location per their new requirement; 12" diameter culvert for Lot 20 A; needs to note distance to Mill Pond; requirements for lot corner monumentation; need State subdivision approval; check plan with registry to make sure it complies with recording requirements. Mr. Quintal and Mr. Johnson reviewed the grades for the proposed driveways.

Mr. Coppelman read the Health Officer comments that included the TOK requirement of a 100-ft. well radius. It was noted that Mr. Greenwood, Mr. Quintal, and the Health Officer all mentioned this issue.

Mr. Coppelman noted that the State subdivision approval had been received; the test pit information had been received. Department comments received from Fire, Building and Conservation Commission; all had no comments. There was no public comment.

**MM&S to invoke jurisdiction of the plan.** (Motion by Ms. Faulconer, second by Mr. Coombs) **PUNA**

**MM&S to grant the waiver for the engineering bond reduction from \$5000 to \$1250 provided that if the amount goes below \$200, the bond needs to be re-established at the original \$1250.** (Motion by Ms. Faulconer, second by Mr. Coombs) **PUNA**

**MM&S to continue the application to September 17, 2019 conditional upon the plan being revised to address the issues raised by comments from the Town Engineer and Town Planner and Health Officer that includes, but is not limited to, amending the well radius to 100 ft., resolving the issues with the driveway location and addressing the easement required by the Road Agent. Amended plans must be submitted by noon on September 5<sup>th</sup>.** (Motion by Mr. Bakie, second by Ms. Faulconer) **PUNA (5-0)**

*<Board note: Ms. Merrill re-joined the Board at this time.>*

#### **Regulation Update Hearing**

Mr. Coppelman read the proposals to amendments to the Site Plan and Subdivision regulations (904.5 G(5) and 905.14 B (5) to comply with changes made to the Board's by-laws regarding required submissions for 12 full-size copies, five 11x17 copies and an electronic version.

**MM&s to approve the amendment to the site plan regulations as submitted.** (Motion by Ms. Merrill, second by Mr. Coombs) **Passed 5-0-1** with Mr. Bakie abstaining.

**MM&S to approve the amendment to the subdivision regulations as presented.** (Motion by Ms. Merrill, second by Mr. Padfield) **Passed 5-0-1** with Mr. Bakie abstaining.

Ms. Merrill suggested changing the ordinance for Rural Residential to correct the confusion raised during the Early plan review.

**ACTION ITEM:** Mr. Greenwood will propose wording and get it to the Board members.

#### **Correspondence:**

- Letter from FEMA re: updated draft USGS maps of the Merrimac watershed which includes part of Kingston; Mr. Quintal picked up the one for the Town to review and provide information to FEMA. Mr. Quintal stated that he didn't really see anything new; Mr. Greenwood reviewed the maps and was not impressed with the proposed base map.
- Copy of report from Mr. Quintal regarding a site visit to the Bresnahan property in which he recommended no further permits be issued due to the excessive tree cutting on the site; he handed out a site map with colored areas showing the tree areas cut within the limits of no tree-cutting including tree cutting infringing on the vernal pools and no cut areas. He recommended that the replacement of the trees should be required prior to any additional permits being issued. Mr. Coombs explained that this report had been reviewed at the Inspector's meeting and no permits will be issued until the restoration on the site is complete. Ms. Faulconer asked

if the BOS had been aware of the extent of the tree-cutting prior to receiving the colored in plan provided by Mr. Quintal. Mr. Coombs said that the extent was not clear prior to seeing the plan; he will give the information to the BOS and Building Inspector. Mr. Coppelman expressed his dismay adding that the trees cut were mature growth not simply replaceable with a six-foot tree. Mr. Quintal said when the site first was being developed, there were areas cut that were supposed to remain but it was minimal and it was discussed with the developer but then it continued; he noted that the area that was supposed to remain for the abutters house was cleared and that house can now be seen from Rte. 125. Mr. Quintal stated that the information was forwarded to the project engineer, Charlie Zilch; it would be up to the property owner and engineer to survey the areas that were cut inappropriately to be specific; Mr. Quintal's lines are approximate; it is not up to him to do the surveying work on private property. Mr. Quintal added that Mr. Bresnahan had called him to express concern about holding up the building; Mr. Quintal referred him to the BOS. Mr. Coombs stated that seeing the colored-in plan puts the issue in a different light. Mr. Quintal said that the site has a lot of clearing to begin with; there had been a lot of concern about opening up the site. He re-iterated that the plan shows his observations, he did not survey measure. He added that the replacements required should be fairly dense to restore the buffer. Mr. Coppelman said that he felt bad enough that this was going to be the "gateway" to the community as the Board had no way to deny it but this now adds insult to injury; prior to approval, there had been a lot of issues regarding areas of "no tree cutting" due to environmental and abutter issues. Ms. Merrill said that when the Board did the site walk on the property, there was dense tree cover and it was going to remain dense; there were trees adjacent on State land that would have the site continue to look forested so the "gateway" would continue to be fairly forested. Mr. Quintal said that some of the proposed plantings, prior to the cutting, were fairly sparse; the Town could now require more. Ms. Merrill thought was "not a bad idea". Mr. Coombs said that, per Mr. Quintal's graphic plan, it is worse than the BOS had thought and he will send the plan to the other BOS members.

- Letter dated 8/7/19 from NH Division of Historic Resources re: Parks pond – "no historic properties are affected".
- Budget review – the draft budget proposal for the Board to review was handed out and briefly discussed; the majority increase was due to the proposal for an additional 3 hours per week for the Planner; the Board will review/vote on the draft budget at the hearing in September.
- Land Use Law Conference information distributed.

**Minutes:** Ms. Faulconer read Mr. Coffin's email proposing corrections; Ms. Faulconer explained that one of the corrections proposed was inaccurate.

**MM&S to approve the July 16, 2019 minutes as corrected by adding Mr. Coffin's agreement to Ms. Merrill's statement on p. 6.** (Motion by Ms. Merrill, second by Mr. Coombs) **Motion carries 5-1** with Ms. Faulconer opposed.

Mr. Coppelman referred to Danna Truslow's review of AAAL (All American Assisted Living) and the septic and barrier as she recommended that an as-built be supplied to the Town; he questioned if this was something the BOS would follow-up on as the Planning Board review was complete. Mr. Quintal said that the as-built plan should be updated by the design engineer who also received the report and recommendation. Mr. Coombs stated that he and Mr. Quintal will make sure it is done.

**MM&S to adjourn at 8:55 PM.** (Motion by Mr. Coombs, second by Mr. Bakie) **PUNA**