

KINGSTON PLANNING BOARD
March 3, 2020

Public Hearing

The Chairman called the meeting to order at 6:45 PM declaring a quorum present; there were no challenges to the validity of the meeting.

Members present:

Glenn Coppelman, Chair	Chris Bashaw
Peter Coffin, V. Chair	Lynne Merrill
Peter Bakie	Steve Padfield, Alternate
Richard Wilson, Board of Selectmen (BOS) rep.	

Members absent: Robin Duguay, Ellen Faulconer, Alternate
Also present: Glenn Greenwood, Planner; Dennis Quintal, Town Engineer

Mr. Coppelman stated that Mr. Padfield would be a voting member this evening.

Robert Kalil
5 Route 125
Tax Map R3 Lot 6

Mr. Coppelman invited Mr. Kalil to meet with the Board. Mr. Greenwood explained that the Board had received a letter that Mr. Kalil would be taking over the business that was down there; he has owned the property for some time. He continued that the business was Jack's Towing and the Town had some issues with that business. Jack's Towing was withdrawing from the site and the Board wanted to meet with Mr. Kalil to make sure everyone understood what the existing site plan allows for to not get into some of the issues with the predominant ones being the amount of vehicles on site which were way too many than what had been approved leaving no space for vehicles to move around; there were signage issues and long-standing issues with vehicles parked on the State right-of-way (ROW). Mr. Greenwood added that there were multiple vehicles parked out behind the buildings which is not allowed by the site plan; the Board wanted to make sure that Mr. Kalil was aware of the predominant issues prior to his initiating his business to make sure the old issues didn't come up. Ms. Merrill asked for clarification of the property location; Mr. Greenwood said it was previously known as Little Old Lady and then Jack's Towing.

Mr. Kalil stated that he owned the property for about 25 years; he has owned and operated out of there for about 15-20 of those years as a car dealership. He is aware of the parking issues and entrance issue. He reviewed issues with Jack's Towing; he evicted them; he agreed with Mr. Greenwood's assessment of the issues with the previous tenant. He plans

on getting rid of the mess left by Jack's Towing. He committed to having a clean lot; operated correctly in compliance with the site plan.

Mr. Coppelman passed out a copy of the approved plan for review. He read the letter submitted by Mr. Kalil informing the Board of his plans to begin operating on the site under the name "Truck World". Mr. Greenwood noted that the letter from the State Dealer Desk for the Town to confirm approval has also arrived for a Retail Vehicle Dealer license; it was dated Feb. 25th. Mr. Coppelman reviewed the questions needing answering on the form prior to any recommendation going forward to the BOS to sign. Mr. Kalil confirmed that this was a request for a new license. Mr. Coppelman added a note under restrictions "per approved site plan"; under signage a note was added "Per approved site plan and Town's Sign Ordinance". Mr. Coppelman handed the request to Mr. Wilson for the BOS approval. Mr. Kalil will contact Susan in the BOS office to make sure the correct address is on the form; he asked for a copy of the license request at some point. The Board discussed parking; Mr. Kalil said that there were only certain ways to park, he was unsure if he could have 49 spots or 60 spots; he said he didn't plan on having a large amount of cars. Mr. Coppelman said that the highest number was about 33 possibly. Mr. Kalil asked if the Board was involved with the sign; he wanted to change the sign around. Mr. Greenwood said that he would need to address this with the Building Inspector.

Hanoverian Holdings, LLC

1 Library Lane

Tax Map R33 Lot 21-1

Mr. Coppelman read the legal notice. Barry Geier of Jones and Beach introduced himself to the Board and explained the project and described the site as it currently exists. There is currently 63 parking spaces; the applicant wants to expand the spaces to 92. The plans were passed out for the Board members. Mr. Geier explained that due to the Training Space being moved, there are areas in the building being re-allocated. Mr. Geier pointed out the expansion area; the site is at 24.1% of lot coverage; he stated that the site is in the Aquifer Protection District, Zone B which allows for 25% coverage; infiltration allows for 60% ; the expansion brings the lot up to 32.2% coverage. He added that the septic is adequate for the proposal.

Mr. Coppelman stated that there were comments from the Town Engineer and Planner. Mr. Geier noted that he had received them this evening; they have no problems with either set of written comments. Mr. Coppelman asked Mr. Quintal to read his comments from the Board and public's benefit.

Mr. Quintal read his comments; the Board had copies of the comments;

1. Recommendation of catch basin
2. 104.5 E and 904.6 D – 50 ft. vegetative buffer requirement
3. Plan needs to show building height
4. Existing building is labeled "dwelling"

5. Plan should show size and location of sewage disposal system (needs to show leach field)
6. Show signs
7. Show lighting
8. Refuse container fencing – needs to be solid and of specific height
9. Infiltration basin details – test pit should be required
10. Outlet structure detail discrepancy in size in two different notations.

Mr. Greenwood reviewed his comments:

1. Why such an increase in parking area as no increase in size of building, it is three times the required parking for the building size.
2. Existing septic system is supposed to be detailed on the plan; might the additional parking requiring additional septic.
3. The plan does not indicate the existence of any signage; there is signage out there and it needs to be shown.
4. Impervious coverage proposed at 32.2%; this is allowed with evidence of on-site stormwater management; recharge to occur on-site; he defers to the Town Engineer on issues of stormwater management.
5. Building elevations are required but photographs of the building were provided in the previous site plan review which is usually requested when the structure already exists.
6. The shed is actually closer to the property line than presently depicted however it does not appear to encroach on the setbacks; it is not located where it shows on the plan but it is within the building setback but it should be shown as it actually resides on the site so the location reference is correct.

Mr. Geier re-iterated that he has no problem with modifying the plan to accommodate the comments; the additional parking is due to re-organizing the building as a lot of the area within the building had previously been designated to training which is now in the area that was previously the garage. He continued that the septic design is adequate; the sign will be shown and they will check on the location of the shed and make the changes that the Town Engineer requested. Mr. Geier reviewed the infiltration basin and will include the changes noted by Mr. Quintal re: stormwater management. Mr. Quintal said that the encroachment of the 50 year to 100 year storm might need to be looked at a bit to minimize the flooding that would go over into the paved area during a large storm event. He said it is not a big issue but one that should be looked at. Mr. Quintal was unsure if the abutting Bluestone Development was considered a residential development by the Board as pertaining to setbacks and buffers from the Rural Residential District and side and rear setbacks between commercial and residential uses require a 50 ft. vegetative buffer. He stated that the Board needed to determine if required as part of this application. Mr. Greenwood confirmed that the Bluestone application had been conditionally approved by the Board. Mr. Geier confirmed that the area being expanded and paved is currently a combination of grass and trees. Mr. Coppelman suggested that the Board have a discussion about an appropriate buffer as vegetation is being removed. Ms. Merrill suggested

reviewing the Bluestone approval to see the impact in relation to the proposed buildings. Mr. Coppelman said it could be reviewed but the setbacks would need to be on the current application's site. Mr. Quintal noted that it was a zoning ordinance, 104.5. Ms. Merrill said that this was an existing site plan that had been there forever. Mr. Coppelman agreed that it was an existing use but they were requesting to expand it into the current buffer and vegetation. Mr. Bakie said that it might be worth seeing where the other buildings were proposed and how they were set. Mr. Greenwood went to the office to get a copy of the plan. Mr. Coffin said that there is going to be an encroachment. Ms. Merrill stated that the abutter would have been notified. The Board reviewed the plan with multiple discussions regarding the setback/buffer. Mr. Greenwood read the ordinance regarding the buffer requirements between residential and commercial use. Ms. Merrill double checked that it was clear that the use is residential. Mr. Greenwood re-iterated that this requirement is an ordinance. Mr. Coppelman explained that the Planning Board doesn't have any opportunity to waive ordinance requirements; he questioned whether there was any flexibility in the ordinance; the answer was "no". Mr. Coppelman said that vegetation existed but he hadn't viewed the site to see what was there now. Mr. Geier said that his question would be that if they had 25 ft. on the abutter's side and 25 ft. on their side, would that meet the compliance. Mr. Coppelman explained that usually the buffer is required on the commercial properties' side; Mr. Geier said it was confusing as the title is "structure and dwelling regulations" and a lot of it refers to new buildings; and it references commercial and residential uses but he is not sure if the buffer is to be to a building. Mr. Coffin stated that driveways are counted as structures in Kingston. Ms. Merrill said that no portion of the development shall be less than 50 ft. Mr. Geier said that there currently is no use for the abutting property; there is essentially an approval but no current use. Mr. Coppelman said that if it hadn't already been approved for a residential use, it might be different but just because it hasn't been built is not a reason to ignore the approval. Mr. Geier said that is still could be a commercial use; Mr. Coppelman returned to the fact of an existing approval for residential use. The zone was reviewed. Mr. Geier suggested that the lot could be developed commercially regarding the existing approval. Mr. Geier discussed the impervious surface and location as preferable in spite of the buffer concerns.

Mr. Coppelman read Department comments: Fire – none, Building – show a handicap parking space as van accessible with proper signage and dimensions; Health – with additional parking and more occupants, will it change lot loading.

Mr. Coppelman opened the hearing for public comment; there was none. Mr. Coppelman said the buffering item is an ordinance which means that the PB does not have the opportunity to waive it. Mr. Greenwood said that the abutting parcel required a 25 ft. vegetated buffer to remain in place; it is not usual for the Board to allow that the 50 ft. buffer wouldn't be all on the subject parcel but the goal of the ordinance is that there be a 50 ft. landscape buffer and we require a 25 ft. one that is going to stay on the abutting parcel. If the PB requires a 25 ft. buffer on this parcel, there will be the 50 ft. that is required and both by virtue of the approved site plan have to remain in place. He thinks that the goal of the ordinance is met by having 25 ft. on both sides as both are required by

an approved site plan. Mr. Coppelman asked what modifications needed to be done and if it was possible. Mr. Wilson said that 20 ft. were already there; Mr. Coppelman said it was impacted by the snow storage; Mr. Greenwood said they could move the snow storage; he is not sure that the full 25 ft. could be met. Mr. Geier said it would be close but he could show a permanent 25 ft. buffer on the plan that could be enforced by the Board; they could also offer additional screening for that area to beef up the existing landscaping. Mr. Greenwood said that it is clear that there is a 50 ft. separation and the 50 ft. separation could be established between the two uses. Mr. Greenwood stated that he was knowingly rationalizing. Mr. Wilson said that it was a business office that would mainly be shut-down around the 6 o'clock hours; Ms. Merrill added that it would also be closed weekends; Mr. Wilson said that a 50 ft. buffer will take care of headlights which he felt would be the biggest issue for the residence. Mr. Coppelman asked if a fence would provide any additional protection for the residences; Mr. Greenwood said the Board's regulations allow fencing as opposed to landscaping; it is just not a part of the ordinance. Mr. Greenwood reminded the Board that "zoning" trumps "site plan". Mr. Wilson asked what the operation hours for the current building were; he didn't see them on the plan. Mr. Greenwood said it is on the proposed conditions plan – Sheet 2. Mr. Geier thought the hours were 8:30 – 5:00; that was confirmed. Mr. Geier continued that the option of a stockade fence along the edge is appropriate in addition to the plantings as it would cut-down on any headlight glare that might potentially cross over and the applicant isn't opposed to that. Mr. Coppelman said with the deciduous vegetation gone in the winter, the fence would reduce any glare. Mr. Coffin noted that the number of employees would need to be increased. Mr. Geier said the hours of operation would not be changing. Mr. Coppelman said that if the Board was comfortable with the Planner's suggestion, it would mean 25 ft. of vegetated buffer on this property; Mr. Geier said they would "beef-up" what was needed and add a stockade fence if that was the pleasure of the Board. Mr. Wilson stated that he had no problem with Mr. Greenwood's suggestion; he stated the fence would be nice to help with any issues with headlights. Mr. Bakie agreed adding that with them "buffing it up" and adding a fence it would be better than it is. Mr. Coffin asked where the preferred location of the fence should be so that it is not right at the edge of the parking lot, rather being one foot off the property line letting the fence itself being buffered by being in the woods for aesthetic and practical reasons.

MM&S to accept jurisdiction of the plan. (Motion by Ms. Merrill, second by Mr. Bakie)
PUNA

Mr. Quintal reviewed the zoning ordinance situation and the buffer zone on the property requirement and he questioned if the Planning Board was going to allow compromise to that ordinance if it set a precedent for any other project that came before the Board. Mr. Coppelman stated that as nice as the compromise is, he said that personally he didn't think it was the right thing to do by the Board. Mr. Coffin stated that he didn't think that the Board had the option; he explained that the Board had had this type of discussion before as to who was required to have the buffer and the applicant does have the ability to take it to the ZBA (Zoning Board of Adjustment) and get a variance from the requirements which

would mean that the people developing the property would know that there is a challenge to the zoning ordinance giving additional time to weigh-in. Ms. Merrill said that the ordinance is clear that it has to be 50 ft. and if we want to change it, we should change it; she stated that the Board should suggest that the applicant apply to the ZBA with the Planning Board thinking the proposal meets the intent of the ordinance. Mr. Coppelman said that there would be two choices for the applicant: go to the ZBA or prepare a re-design. Ms. Merrill agreed. Mr. Geier said that it was obvious there would be no resolution this evening; he will speak with his client; he asked to be continued. Mr. Bashaw would be in favor of presenting that the compromise fulfills the intent but agreed that it would still have to go before the ZBA for that proposal. Mr. Wilson asked if the Board needed to deny to give the applicant the ability to go to the ZBA. Questions came up about continuing if there was a re-design. Mr. Bashaw explained that a denial gave the applicant the immediate authority to appeal to the ZBA; without a denial, you would have to wait to the next hearing for a denial to go to the ZBA. Mr. Greenwood said that we could send something to the ZBA for a zoning issue; the Board didn't need to deny the application to get them to the ZBA as it was a zoning issue. The Board's calendar was reviewed. Mr. Wilson noted that the April 7th date did not provide any time to get to the ZBA. Mr. Geier requested the April 7th date. Mr. Coppelman said that if there is a high likelihood that a continuance will be requested on that date; the Board was going to consider not having a meeting on the 7th due to the additional meeting date added at the end of March. Mr. Bashaw said that there is so much on the table, the Board probably has to meet on April 7th; Ms. Merrill agreed.

MM&S to continue to April 7th at 6:45 PM, with new plans submitted to the Planning Board office by noon on March 26th. (Motion by Mr. Bashaw, second by Ms. Merrill)
PUNA

<Board note: This hearing ended at 7:50 PM.>

Diamond Oaks Golf Club, LLC
7 Route 125
Tax Map R3 Lots 4 and 4 LU3

<Board note: This hearing began at 7:55 PM.> Mr. Coppelman read the legal notice for the application seeking approval for construction of a full dormer addition to the second floor storage area of the existing clubhouse to be used for storage of items associated with the golf course only. Charlie Zilch addressed the Board on behalf of the applicant. He reviewed the application with a brief overview of the site; part of the Village at Granite Fields condominium; the site lies within the Commercial III zone. He reviewed the golf course activity and the supporting clubhouse which is two stories and utilized for the commercial golf course use only. He explained the roads associated with the site. Mr. Zilch described the uses for the first floor being office space, the clubhouse, golf cart and equipment storage; the second floor is unoccupied and unimproved and is utilized for storage associated with the golf course operations only; sheet 3 shows a rendering for the dormer addition. Mr. Zilch continued that the proposal is requesting approval to add a dormer to

the southerly end of the second floor of the clubhouse for additional storage and will remain within the footprint of the existing building. Mr. Zilch said that as the Board is aware, the next application is to convert the second floor space for condominiums; this request is separate from that. The owner still wants to make this modification regardless of the passing, or not, of the next application to improve the additional space.

Mr. Quintal confirmed that since this was an existing building issue, he didn't spend much time on it so didn't prepare any comments. Mr. Coppelman agreed that it didn't change any impervious surface of the lot so stormwater management shouldn't be an issue.

Mr. Greenwood's comments were limited to needing to invoke jurisdiction.

MM&S to invoke jurisdiction. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**

Mr. Coppelman opened up the hearing for public comment. There was none.

MM&S to approve as presented. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**
<Board note: This hearing ended at 8:04 PM.>

Diamond Oaks Golf Club, LLC

7 Route 125

Tax Map R3 Lots 4 and 4 LU 3

<Board note: This hearing began at 8:05 PM> Mr. Coppelman read the legal notice to construct seven 1-bedroom residential, age-restricted condominium units for veterans within the second floor of the existing clubhouse. Charlie Zilch of SEC Engineering met with the Board representing the applicant, Jim Dufresne; he was joined by Charles Cleary, attorney for the applicant. Mr. Zilch reviewed the proposal to be known as Veterans Residence at Granite Fields. He noted that this application was for the same structure and property identified in the previous application at this hearing. He referred the Board to page 2 of the plan set; the focus is the clubhouse that currently serves the existing golf course; the second floor is currently utilized for the golf course operation only. He referred the Board to sheet 6; this is a proposal to maintain the lower floor use as a clubhouse and convert the unfinished 6200 sq. ft. of usable floor space to 7 one-bedroom fully contained condominium units restricted to age 55 and up and marketed towards elderly veterans. He continued describing the units with one bedroom living, sizes ranging from 600 sq. ft. to 840 sq. ft. Mr. Zilch noted that the building, being located within 1000 ft. of the centerline of Rte. 125, it is restricted to commercial use only; a variance was granted to allow the entire second floor space to be converted to elderly residential use and is noted on the plan; a copy of the variance was provided with the application. He directed the Board to Sheet 3 to review parking which is being shared with the adjacent indoor sports building; they are proposing a new parking area on the east side of the building, on the opposite side, that will be exclusive to the residents of the proposed condominiums; the new parking area will feature 14 parking spaces, 2 spaces per each unit, with some of the spaces dedicated to handicap parking. Mr. Zilch pointed out that the building is handicap accessible from the

existing parking area and will also be from the proposed parking area as well. He returned to Sheet 6 to show the walkway from the proposed parking area, the elevator and stair access and a chair lift. He referred the Board back to Sheet 3 to show the additional leach field adjacent to the existing leach field located across Bent Grass Circle; he reviewed the sewage loading. The existing well will be used for these additional 7 units; the drainage and erosion control plan was provided and done by Steve Cummings. The wetland scientist updated the mapping. Mr. Zilch noted that Mr. Cleary prepared the condominium declaration and by-laws documents; he was here for any questions or limitations to the elderly and veteran use. Mr. Zilch reviewed the three State approvals that were required; two are pending.

Mr. Coppelman clarified that this falls under subdivision; it is age-restricted at 55 and older and there is a Veterans requirement per the ZBA approval; this was confirmed by Mr. Cleary.

Mr. Quintal reviewed his comments; he noted that he looked at it not only for subdivision but also site plan regulations.

1 – Article 202.5 (B) – setback is shown as 67 ft., a functional analysis should be provided to verify proper buffer setback.

2 – location of gas meter, source should be provided and on the plan

3- note 18 – reference 908.16 (6) not 16 (9) – requirements for SWM (Stormwater Management) and inspections.

4- Article 110.6(B)1 and 904.6(D) – buffer requirement between LU 4

5- Article 110.7(B) – maximum coverage of 75% is allowed; need to provide impervious lot coverage, he couldn't find it on the plan. (Mr. Zilch confirmed he hadn't done it)

6-904.5(G)24 – building slab, elevation, location of entrance

7-G(25) – height of building

8- 904.5(G)28 – copy of sanitary disposal system plan for review

9 – (G)29 – location and detail of solid waste container (dumpster)

10- 904.6(H)-parking area – typical cross section does not meet the Town requirements

-Engineering inspections required for on-site improvements, Performance Guarantee required and finalized before approval, guarantee must be in place prior to construction on the site.

Mr. Greenwood reviewed his comments.

-By information provided, it is impossible to know if the building coverage for LU3 has been exceeded. Existing and proposed impervious coverage needs to be provided.

-Wetlands on both sides of LU3 – 65 ft. setback – needs wetland report to prove that a 65 ft. setback is all that is required. (Mr. Coppelman confirmed that this relates to the same question from Mr. Quintal) (Mr. Zilch said that Mark Jacobs was involved with this; he said the original report had a value and function assessment of the wetlands and he came up with a buffer less than 65 ft.; the 65 ft. was agreed to at that time. Mr. Coppelman clarified that this analysis was done for the original application and they are using that for this. Mr.

Coppelman said that a copy should be provided for this application as well so it is all together. Mr. Zilch thought it had been submitted already.

- No setback is offered for the wetland located to the southwest of the proposed construction; the information needs to be provided for the septic system information that is shown on the other side of Bent Grass Circle.
- The plan does not indicate a 4K area for the proposed septic expansion and offers only one test pit; two test pits are required and the 4K area needs to be detailed on the site plan.
- Parking lot snow storage is not appropriate in the wetland setback area as shown on Sheet 3 on the northern side of the parking lot.
- Condo. docs must be reviewed by counsel; they have been submitted but not sent to counsel; Mr. Greenwood will follow-up on this.
- How is water provided? These lines should be detailed on the site plan.
- Dumpster proposed? Provide location
- Two parking spaces for each unit shown; 904.15 indicates that age-restricted units require 3 parking spaces per unit; two spaces for one bedroom unit; the PB needs to determine which standard should apply to these units.
- Not able to determine that each unit has two readily accessible exits as required by Section 301.5 in the Zoning Ordinance; windows are not allowed to serve this purpose. This will need to be shown.

Mr. Coppelman read Department comments: **Highway:** no comment; **Health:** no comment; Building has seven items: 1) does the vets parking lot follow the downhill slope of the land or is the proposed lot meant to be level (Mr. Zilch answered that there is a slight grade across the parking lot; Mr. Coppelman said that it is probably being asked due to the residents being 55 and older and perhaps having disabilities; there may have been concerns about the slope. Mr. Zilch confirmed that the slope appeared to be 7%.) 2) van parking space should be 11 ft. wide not 9 ft. wide as shown on plan #5 per DOT requirements(Mr. Zilch will look into this) 3) Handicap parking area should be level in all directions; 1 inch = 50 ft. slope maximum is ADA requirement. (Mr. Zilch can make the adjustment if it applies) 4) show the veterans entrance door area with dimensions for ADA compliance 5) show safe path of travel, 50ft. plus or minus, through garage for elevator entry and exit 6) was a wetland determination report conducted for the 65 ft. setback 7)research and relocate gas meter tank, existing appears to be in proposed walkway, location differs from as shown on sheet number 2 (Mr. Coppelman suggested that it appeared to be more than one issue wrapped up in that one comment; Mr. Zilch said he will be meeting with the Building Inspector on Thursday AM and can clarification.); **Fire:** 1) require Fire Protection Engineer to review plans on behalf of the Town (SFC Engineering) 2)update Knox box with unit keys 3)update fire alarm to include dwelling units.

Mr. Coppelman opened up the hearing for public comments; he read a letter dated Feb. 27, 2020 from Bruce Bourque, a resident on Mulligan Way and the Granite Field Condo. community in opposition to the proposal and the variances granted in the above letter. Mr. Coppelman noted that the variances were specific to the ZBA (Zoning Board of Adjustment)

approval; the letter was attached to an abutter notice. The letter continued that the proposal will bring down property values that have suffered due to the on-going conflict of the developer, Hawks Ridge Realty, and the Town of Kingston. Mr. Coppelman asked if there was additional public comment. Holly Pouliot, 6 Bent Grass Circle, addressed the Board asking for clarification of the intended condominium's septic and whether it was being joined to the septic system used by the condo. association behind the golf course. Mr. Zilch said it was not going to be tied in with the condo. development; it is on its own separate leach field on the other side of Bent Grass Circle. She asked about the water system. Mr. Zilch explained that it will be tied to the community water system; there is an approval from NHDES (New Hampshire Department for Environmental Services) for the moderate expansion. Ms. Pouliot asked if this was only by Hawks Ridge. Mr. Zilch said that Hawks Ridge is the owner; Hampstead Area Water Company is the operator. Mr. Zilch confirmed that this is a community water system. Ms. Pouliot asked if the condominiums for the vets pay into the Homeowner Association for items such as the plowing, landscaping, trash pick-up; pay for the services. Mr. Zilch said that he was sure that some of the money for these seven units would be proportionate and maintenance of the water system and then for their own parking area and septic system; he imagined some sort of distribution of the condo. fees. Mr. Coppelman asked Mr. Cleary if this information was outlined in the proposed condo. docs. Mr. Cleary said it was to some extent; he said that he was not sure the specifics were addressed but they will be contributing to the overall maintenance upkeep of the area but may not necessarily trickle down to the area Ms. Pouliot was discussing. Ms. Pouliot said that there is a common access way and she was curious about that; Mr. Cleary confirmed that there would be some portion of the fees that would go toward maintaining that. Ms. Pouliot asked if they would be under the same by-laws that the condo. association is under. Mr. Cleary said they would not; they would have their own set of by-laws. There was no further public comment.

Mr. Coppelman opened up the hearing for questions from the Board. Mr. Wilson confirmed that the floor plan had nothing to do with the Board's review; Mr. Greenwood said that it normally didn't. Mr. Wilson said that he sees several issues with the floor plan. Mr. Coppelman said that the buffering is an issue; Mr. Greenwood clarified that it is not only residential, it is mixed use. Mr. Coppelman said that the commercial is already there, this is an expansion for a residential use which is abutting residential. Mr. Quintal said that the building met the setback but the new parking area did not meet the 50 ft. setback. Mr. Zilch stated that these are not lots, they are land unit areas; they are limits of condominium ownership. Mr. Greenwood said that the Board looks at them, for all intents and purposes, as lot lines. Mr. Coffin said that one concern was that it appears to be about 40 ft. from the other condo. line/unit but if you have to expand to meet ADA requirements for the handicap parking, he questioned if Mr. Zilch could go farther to the northeast so as to not come closer to the other condominium areas. Mr. Zilch confirmed that it was at about 38 ft. to the land unit line. Mr. Coffin questioned the ability to expand and keep away from Land Unit 3. Mr. Zilch said that he would push the westerly side slightly to the north to be inside the wetland setbacks and it wouldn't affect the width of the parking area. Mr. Bakie asked about the width of the walkway; Mr. Zilch answered 5 ft. wide; it is a handicap walkway and

it is paved. Mr. Coffin asked about the entrance to the first floor as the Board did not have plans for the first floor; he questioned if there is a private route to go the elevators and the stairs or is it just through the garage and clubhouse. Mr. Zilch said that there is a separate entrance as you come in; he pointed out the ramp area and the garage space. Mr. Coffin questioned second entrances to the units and Fire safety concerns. The Board noted that this is why the Fire Engineering review is requested. Mr. Coppelman asked if Mr. Greenwood had any thoughts about the buffer issue. The separation was reviewed. Mr. Greenwood stated that Mr. Zilch has noted that there is about 37 ft. to the land unit line on the easterly side, at its closest point. Mr. Coppelman suggested, for arguments sake, if shifted a bit to the north it would be going toward the wetland buffer. Mr. Zilch said any shifting would be to the west toward the building. He pointed out an area for access for the golf carts to get by. Mr. Bashaw pointed out that the ordinance references setbacks to structures and specifically says that structures are building and septic systems and does not include parking lots. Mr. Quintal pointed out section #2(A) re: residential setbacks requirement which was read by Mr. Quintal: under Commercial Zone C-III: 110.6(B) Setbacks: #2: Setbacks for other improvements, other improvements for this requirement are defined as storage areas, display areas, parking areas, access lanes, drainage systems, etc. but not landscaping or structures as defined above and not curb cuts for access to road or street or for access to adjoining lots. He continued that under "a", it says residential setback side or rear, 50 feet when abutting a residential zone and "b" otherwise front 15', side 10', rear 10' and then it goes on to talk about parking areas (c): in cases where adjoining lots wish to share a parking area, the parking areas can be built up to the property line; and then "d": when two or more other improvement setback numbers apply, the largest number is to be used; the Planning Board can allow infringement onto and other improvements, non-residential setback, as long as some green space is provided elsewhere in return. He re-iterated that part "a" requires 50 feet which is what he was looking at in his comments; the corner of the building is 50 ft. from the line and the 50 ft. parallel line nips into the first handicap parking space and then includes the first full parking space and diagonally across the second one on the easterly side and also cuts halfway through the snow storage area. Mr. Zilch asked if this was a setback/buffer applied to separate a commercial from a residential use as this is a residential parking lot supporting a residential use; he asked if this made a difference. Mr. Coppelman said it was a residential use abutting a residential use; Mr. Quintal re-stated that it is within the C-III zone and its requirements. Mr. Cleary asked if any parking lot in the C-III zone, regardless of its use, must have the setback to a residential area. Mr. Quintal said that he is just reading, not interpreting; it is up to the Board. Mr. Coppelman said that it is a commercial zone and the applicant was granted a variance to allow a residential use; Mr. Bashaw said that the parking lot was exclusive to the residential use adding that if an expansion for the clubhouse and the residential use there would be an issue. Mr. Zilch said that there will be a sign posted that says it is for parking for Veterans Residence at Granite Fields only. Mr. Coffin questioned that efficacy. Mr. Zilch thought there was some grass and some trees in the area; over time it will fill back in. Mr. Greenwood said it seemed to him that it was for buffering a commercial use from a residential use and that is not what is being proposed; if the Board states that they don't think the setback applies as it is a parking area for strictly

residential use, it has done what is necessary. Mr. Zilch said that ultimately this is the best location for the parking area. The Board was satisfied with this issue at this time.

Mr. Greenwood asked the Board to speak about the inconsistency in the parking standard which he noted in his comments, in site plan. Mr. Wilson asked if the other parking lot could be used to gain the missing spaces. Mr. Coppelman said that the “parking standards” is a regulation so the Board has some flexibility. Mr. Wilson stated that the additional space would more likely be for a visitor. There was discussion about the parking requirements, caregivers, other visitors and requirements specific to regular housing and elderly housing. Mr. Wilson re-iterated his question about utilizing the other parking lot for any overflow parking; Mr. Greenwood said that the Board muddies the waters by blending the facilities established for the clubhouse with the facilities that are established for the dwelling units. Mr. Wilson suggested visitor parking could be in a separate location. Mr. Greenwood said the Board has a standard for elderly housing which requires 3 parking spaces; if the Board does not think it is appropriate, it is a site plan regulation and can be amended upon a request for a waiver. Mr. Coffin confirmed that the two handicap spaces are part of the 14 total spaces proposed; he suggested that there be 14 regular spaces with the two handicap spaces as additional spaces. Mr. Quintal questioned whether each space would be numbered in the condo. docs to be specific to each dwelling unit. Mr. Cleary said that it could either be set up as common area or a limited common area with each unit assigned two spaces. Mr. Cleary said that he could probably draft something that wouldn’t be fine-tuned. Mr. Zilch said that he could add two additional parking spaces to provide 14 plus two handicap spaces. Mr. Bashaw said that he would be comfortable with that if requested in a waiver. Mr. Coppelman noted that there was not currently a waiver before the Board. There was discussion regarding the wording of the waiver and the specifics of the spaces and handicap spaces. Mr. Zilch noted that they were not seeking approval tonight and upon re-submittal he would submit a waiver request.

There was discussion about whether to accept for jurisdiction.

MM&S to accept for jurisdiction. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**

Mr. Zilch did not have any opposition to the Fire Department’s request for SFC review and will gladly send along a set of plans; Mr. Greenwood will arrange this with Mr. Zilch. There was discussion regarding upcoming Board dates. Mr. Greenwood will get the condo. docs to Town Counsel; Mr. Cleary will add the parking language to be sent simultaneously. He will get them to Mr. Greenwood within the next 10 days.

MM&S to continue to April 21st at 6:45 PM; new plans due to the Planning Board office by noon on April 2nd. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

<Board note: The Board took a brief 5 minute recess at this time.>

Dan Parks
7 Smallpox Road
Tax Map R19 Lot 32

<Board note: This hearing started at 9:13> Mr. Coppelman read the legal notice re: amendment to the plan regarding lowering the bond amount. Mr. Parks introduced himself to the Board and gave an explanation of his request. He stated that the bond amount was about \$126,000 and was a cash bond; his original plan was to have a company to come in to do the work and post the bond; he has had trouble getting others to place the bond. He is hoping to start the operation and dig the pond out himself but can't put up the bond. He is asking the Town to take another look at the amount. He expects that there will be damage to areas of the road but not a lot as the majority of the road is pretty straight; he doesn't expect a lot of damage but added that it remained to be seen. He would like the Town to do something to make it affordable so he could get started and then look at the end of the season to see if the bond amount is workable for the Town or if more is needed. Mr. Parks stated that he is proposing a \$25,000 to \$30,000 bond and would like to see what number the Board comes up with. Mr. Coppelman said that the number that was established at the approval was \$126,000. Mr. Quintal confirmed that he had not provided a written comment but was able to comment; Mr. Greenwood had provided written comments. Mr. Quintal said that typically on things of this nature, he consults with the Road Agent; the concern is not knowing the condition of how the road was built and whether the first 50 trucks down the road could be an issue; specifics concerning the road was reviewed. Mr. Quintal said that the question is whether over the period of time between one and three years if the bond would cover the cost of damage to the road and repairs to the road in total; he added that if reduced to \$30,000 or less and there was significant damage to the road in the first six months to a year, what would happen if the Town didn't have enough bond money to fix the road; what would the Planning Board do then. Mr. Quintal said that there needs to be a certain amount of security with the Town to make sure the Town is covered worse case scenario; this has been the process in the past. Mr. Quintal confirmed that his recommendation would stay the same; he would feel uncomfortable lowering the bond amount. Mr. Parks asked to come to some sort of agreement and have an inspection in 6 months.

Mr. Greenwood, while not having a lot to say about the bond establishment process, said that the bond that was established is the one that was agreed to because the amount of materials proposed to be taken out is a staggering amount. Mr. Bakie said that Mr. Parks made the proposal to this Board with the information given to the Road Agent; there is substantial amount of material with a lot of trucks; a substantial amount of trucks driving on the road; he doesn't think the material or the amount of vehicles may not be what was originally planned; he thinks the project will be a smaller scale. Mr. Coffin said that if that was the case and the bond was being adjusted due to the plan being changed, it would be a site plan review. Mr. Coppelman said that all he was hearing was a change for a reduction in the bond not a change in the scope of the project. Mr. Coffin said that the same amount would be removed and the dimensions of the pond weren't being changed; the calculations of the trucking were based on the amended smaller design that had been approved by the

Board, not the larger, original design. Mr. Coffin said that unless there is a site plan review that shows another 50% decrease that would require a review on that. Mr. Parks confirmed that there were no changes to the approved plan at this point; he has an engineer working on the AoT (Alteration of Terrain) but he expressed concern that the Board limited him to 22 trucks a day. Mr. Parks confirmed that the plan that was approved is the plan he will be working on; it is still his intent. Mr. Wilson said that the BOS reviewed this with Mr. St. Hilaire; it was pretty unanimous that they didn't want the bond reduced; there have been instances in the past when a bond is reduced which then has more damage than bond amount to take care of the damage. There were questions about whether the road was built appropriately or just "finished". He reiterated that the opinion of the BOS was to not reduce the bond. Mr. Parks said he would like to look at the issue after 6 months of work to see if the bond needed to be increased. Mr. Wilson explained that the problem with that was that the applicant might not have the money needed to repair the road after the 6 month timeframe. Mr. Parks said that if it got really bad and they didn't have enough bond, they could shut him down. Mr. Padfield said that he had to defer to the Town Engineer and the Town Road Agent and couldn't go against their recommendation.

Mr. Coppelman read the Town Department comments: **Fire** – none; **Building** – none; **Highway** – no bond reduction should be approved as this is a standard cost of doing business in this line of work.

MM&S to deny the request for a reduction of the road bond and it shall remain at the previous approved amount. (Motion by Mr. Coffin, second by Mr. Padfield) **PUNA**
<Board note: this hearing ended at 9:30.>

Joseph Falzone
Property Owner: Hazel M. Hanson, heirs
53 Marshall Road
Tax Map R41 Lot 07

<Board note: this hearing began at 9:32.> Mr. Coppelman read the legal notice of the proposed subdivision. Mr. Falzone introduced himself to the Board along with Scott Cole, Engineer from Beals and Associates. Mr. Cole reviewed the changes that had occurred since the last hearing based on comments from the Planner and Town Engineer; a response letter to both had been issued. Plans were distributed. Mr. Cole stated that Mr. Quintal was correct in his comments about a wetland setback being incorrectly displayed; 85 ft. is correct but Mr. Gove realized that he hadn't evaluated the off-sight wetland along the lot line this caused a revised wetland report with an amended project. He asked to quickly summarize the response letter.

1. Monumentation will comply
2. Wetlands stamps now provided where required
3. All the wells have been adjusted to not impede on the other lots except lot 1 which has a well easement for a small pie-shaped area that is impeded due to the well location.

4. The lots are now alphabetically shown instead of numeric; the numbers will be assigned
5. and 6, Detail added; abutting structures on Escobar property and toward the rear – everything within 100 ft. has been located.
7. spoke with NH DOT – there are no required easements – review not expected until the middle of the month.
8. impervious surface – pre and post – in the response letter; the note will be added to the final plans.
9. test pits – for 4K – taken care of

Mr. Cole reviewed the response to the Town Engineer's comments:

1. referred to the comment
2. NFPA driveway requirements; spoke to Road Agent – okay if shown at 20 ft. wide; will approve driveway once house location is set. Referred to sheet 7 – read the requirements.
3. Common driveways – ok
4. Conform to Town regs. No need for culvert, driveways at high point.
5. Configuration of lots – adhered to minimum width and lot dimensions in the regs. and the buildable area.
6. ? re: Fire Department; note was fine re: sprinklers
7. Location of mailbox per postal service – being allowed to have roadside mailboxes in three locations – 2, two mailboxes on one post and 3 on another; coinciding with the entrances.
8. Lot numbers to be on the plans being recorded
9. State permits pending
12. Revise note for clarification re: topo.
13. benchmarks

He believes that wraps up anything from the first go around. Mr. Coppelman said that there was one comment from Mr. Greenwood and some from Mr. Quintal. He questioned what other State permits were outstanding. Mr. Cole said that State subdivision approval was also pending. Mr. Greenwood said that all his issues were addressed except for the one about impervious surface that was already mentioned with a note already prepared to be added to the final plan; Mr. Coppelman stated that this would be a condition of approval. Mr. Quintal reviewed his comments: he will review and leave up to the Board to determine if they need further addressing. He removed the previous comments that had been fully addressed and reviewed the remaining comments;

#3 – concerning the number of driveways; did the Board determine a waiver was required and was it done already. Mr. Cole suggested that it was for one parcel of land, not for multiple parcels of land. Mr. Greenwood said that the Board did vote on the configuration of the driveways at the last meeting.

#8 – Lot numbers to be approved by the Board

#10 – State permits needed

#13 – extensive trail system to abutting properties across Town lines – are they active and to abutters have rights; he remembered talking about it but unsure if a note is required or all set. Mr. Falzone stated that the title reveals there are no legal rights to the trails; no note is required on the plan, anyone using them is trespassing. Mr. Coppelman confirmed with Mr. Falzone that it will be private property with no access of any kind granted to the public.

#14 – on Sheet 2, according to the soil report done by Mr. Gove, the difference of the wetlands should be identified on the plan; which wetlands are A, B, C or D. He assumes lot 7A's wetland is a "B" which requires the 85 foot setback; it is labeled that way but is not to scale at 85 ft. On Sheet 6, it does scale out properly but not on Sheet 2.

#15 – note 14 on Sheet 1 should be deleted or changed to say that bounds will be set according to the final approved plan; typically the bounds are set before the final plan is approved.

#16 – Sheet 6, perhaps the project engineer can explain and justify methods for obtaining the contiguous building area shown on each lot, particularly lot A and B; he spoke with Mr. Greenwood who is comfortable with the configuration; his concern that lot D has the vernal pool with the setback intersecting the contiguous area on the lot; the buildable area says 89,000 sq. ft. but he questioned if only have of it being buildable area and suggested that Mr. Greenwood explain. Mr. Greenwood said that the area is not encumbered, it can be incorporated in the 60,000 sq. ft. area. Mr. Quintal said the 60,000 sq. ft. is to be dry, contiguous land with all natural slopes less than 15% within 60,000 sq. ft.; buildable area is area not encumbered by property line setbacks, wetland and vernal pool setbacks and natural steep slope. He read it that you can't count that area as buildable area. Mr. Coppelman said that by the reading it can't be but asked Mr. Greenwood why he thought it could. Mr. Greenwood said that the Board changed it; Mr. Quintal had the correct date. Mr. Coffin said that unbuildable areas had to be excluded from the calculations. Sheet 6 showed the buildable area; Mr. Quintal his concern was for Lot D. Mr. Cole explained his process to get the buildable area. Mr. Quintal said the vernal pool splits the buildable area. The Board reviewed the plan. There was discussion regarding "contiguous" and the definition of "contiguous". Mr. Coppelman said that Lot D did not appear to have the 60,000 sq. ft. if unable to use the vernal pool setback. Mr. Cole asked why. Mr. Coppelman said based on the definition that buildable area is area not encumbered by vernal pool setbacks; in this case, it is encumbered and the setback does encumber the contiguous nature of the buildable area and the question on E is what is the minimum required for it to be contiguous. There was continued discussion regarding intent. Mr. Greenwood reviewed mediation requirements for vernal pools. Mr. Greenwood said that this is a requirement of subdivision which can be waived. Mr. Bashaw said that "E" can clearly show a space.

There was discussion regarding granting a waiver. Mr. Bashaw clarified that he wasn't saying the area for the waiver was a buildable area, he is saying that by the scale he can't determine it; he said it might not require a waiver but he can't tell. Mr. Cole said that he can confirm that there is a gap between the vernal pool buffer and the building sideline setback. The Board reviewed the area of the vernal pool line to the beginning of the 100 ft. wetland buffer; Mr. Greenwood stated that it showed to be approx. 6 inches by 1 ½ inches.

The Board continued discussing the issue. Mr. Falzone commented on the Board's procedures regarding his getting comments prior to the public hearing. Mr. Coppelman reviewed the Board's options regarding the buildable area.

MM&S to not require a waiver request for the setback based on the assurance of the applicant of the existence of a gap complying with the contiguance requirement. (Motion by Mr. Bashaw, second by Mr. Bakie) **Motion passes 6-1** with Mr. Coppelman opposed.

Mr. Coppelman asked if there was any public comment; there was none. There was only one Department comment sheet received: Building: no comment.

The Board reviewed outstanding issues.

A motion was made by Ms. Merrill and seconded by Mr. Bashaw. There was discussion on the deadlines. Mr. Coppelman said that, unless noted differently, the timeframe to meet the conditions is 90 days. Mr. Falzone asked for 180 days. The motion was amended to include a deadline of 180 days.

MM&S to approve the subdivision plan dated 2/24/2020 with the following conditions:

- the plan will include a note detailing the existing and anticipated impervious surface per square feet;
- the lot numbers will be approved by the BOS;
- the NHDOT and State subdivision permits will be noted on the recorded sheet;
- Sheet 2 soil report for the different wetlands, A, B, C, D and E will be identified on the plan;
- note 14 on Sheet 1 should be deleted or changed to say the bounds will be set according to the final approved plan;
- the conditions of approval deadline is 180 days from this date.

(Motion by Ms. Merrill, second by Mr. Bashaw) **PUNA**

Board Business

Critical Correspondence:

- Letter from Glenn Greenwood addressed to Capri Realty re: 6 Spruce Lane – incomplete application
- Bond reduction request: for Capri Realty – Board didn't deal with this as they were no longer on the March 17th agenda
- Bond reduction request for Pothier LLA (Lot Line Adjustment) from \$5000 to \$2000; Mr. Greenwood said that the \$2000 should be fine.

MM&S to approve the request to reduce the bond amount to \$2000 for the Pothier LLA. (Motion by Mr. Coffin, second by Ms. Merrill) **PUNA**

- Two invoices for RCCD (Rockingham County Conservation District) – signed by the Chair.

- Invoice from Town Engineer for 4 Main Street review and 35 Marshall Rd. review (for the Board of Selectmen to approve re: steep driveway review) Given to Mr. Wilson.
- Two items from Inspector's meeting to ask the Board if still an issue for the BOS to deal with re: enforcement – 1.) large pile of dirt at Galloway property and non-conformance with approved site plan; Mr. Wilson said he saw it today and it is massive; Mr. Greenwood agreed that it was enormous. The Board stated that they still want the BOS to follow-up on this issue regarding enforcement. 2.) Feather banners at AAAL (All American Assisted Living) – Mr. Greenwood said the ordinance does not allow them; Mr. Coppelman said that other sites have gotten letters about them. The PB said that they do want the BOS to follow-up with enforcement on the banners.
- Latest issue of Town and City magazine

MM&S to accept the minutes of the Feb. 4, 2020 minutes with one typographical error. (Motion by Ms. Merrill, second by Mr. Coffin) **Motion carries 6-0-1** with Mr. Wilson abstaining.

MM&S for the Planning Board to hold a hearing on March 31, 2020 due to the extensive proposal being brought forward with one agenda item for the proposed Rte. 125 property design review and to allow the TRC (Technical Review Committee) to meet prior to the hearing; the TRC meeting will be coordinated by Mr. Greenwood. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

Ms. Merrill asked that the plan set be emailed to all of the Board members to be able to review prior to the hearing. Mr. Greenwood spoke with the Design Team and they assured him that they would forward the plans; he will get them to the Board as soon as he has them. Mr. Wilson asked that they not be sent to him due to the size the file would be; he will come in and look at them.

Ms. Merrill asked that a projector and screen be made available for the hearing so the engineer will be able to point out aspects of the plan to the audience with a laser pointer. Ms. Merrill suggested the possibility of borrowing the Fire Department's projector. Mr. Greenwood said that he thought that the Design Team would be bringing their own to the meeting; he will confirm. The Board agreed with the suggested process. A copy of the plan is available for review in the PB office.

Mr. Wilson announced that there is a Seabrook Drill tomorrow so the sirens will be going off. He reminded people to not forget to vote next Tuesday.

MM&S to adjourn at 10:30 PM. (Motion by Mr. Bashaw, seconded by everyone) **PUNA**