

**KINGSTON PLANNING BOARD**  
**June 24, 2020**  
**Public Hearing**

**Minutes**

The Chairman called the meeting to order at 6:30 PM; he noted a quorum present through the Zoom platform for a remote hearing; there were no challenges to the validity of the meeting. Mr. Coppelman began the hearing by reading the Right-to-Know checklist explaining the requirements, workings and access information for the remote hearing via the Zoom platform; contacting the Planning Board through emails during the meeting was also noted as available. Mr. Coppelman explained that Glenn Greenwood was the host for the meeting.

A roll call vote of the Board members present occurred; each member noted that there was no one present with them in the room while attending this meeting.

Members present:

Glenn Coppelman, Chair	Chris Bashaw
Lynne Merrill, V.Chair	Peter Coffin
Peter Bakie	Robin Duguay
Richard Wilson, Board of Selectmen (BOS) rep.	Ellen Faulconer, alternate/admin. asst.

Members absent: Steve Padfield, alternate.

Also present: Glenn Greenwood, Planner; Dennis Quintal, Town Engineer; Graham Pellerin, Fire Chief. Mr. Coppelman added that a Town resident, Karen Olsen was also present.

Ms. Merrill suggested taking Diamond Oaks Golf Club out of order to deal with a request to continue.

**Diamond Oaks Golf Club (DOGC), LLC**  
**7 Route 125**  
**Tax Map R3 Lots 4 and 4 LU 3**

Mr. Coppelman read a letter dated June 24, 2020 from Charlie Zilch, engineer on the project, to continue to the next available hearing date and granting the extension of the jurisdictional time clock.

**MM&S to continue to July 21, 2020 at 6:45 PM conditional upon receipt of new materials received by noon on July 9<sup>th</sup>.** (Motion by Ms. Merrill, second by Mr. Bakie)

Roll call vote:

Glenn Coppelman – Yes

Richard Wilson – Yes

Peter Bakie – Yes

Robin Duguay- Yes

Peter Coffin – Yes

Lynne Merrill – Yes

Chris Bashaw – Yes

**Motion passes unanimously. (PUNA)**

**Hanoverian Holdings, LLC**

**1 Library Lane**

**Tax Map R22 Lot 21-1**

Mr. Coppelman announced the hearing starting at 6:45 PM; he read the public hearing notice for this application. He added that the applicant had gone to the ZBA to get a variance; the Board had received copies of the tonight's proposal. Barry Geier of Jones and Beach was present, via the Zoom platform, representing the applicant.

Mr. Geier explained the proposal; they are bringing up the number of parking spaces to 92 from 63. He continued that the ZBA variance allowed for less than a 50 ft. buffer between the uses; there is now a 25 ft. vegetated buffer along the edge of a residential project that also has a 25 ft. buffer; the buffer being proposed includes a line of arborvitae, shrubs and a fence. He noted that he has addressed the last set of comments from the Town Engineer and Planner; a pre-treatment device has been added; the shed has been correctly located. Mr. Geier stated that a notation of the variance would need to be added to the plan; this would need to be a condition of approval as the new set of plans was submitted prior to the ZBA approval.

Mr. Quintal stated that he had reviewed the plans and all of his previous comments had been addressed; he will review the construction of the basin and submit a report to the Town at that time; he stated that Mr. Geier did a good job addressing his comments.

Mr. Greenwood said his only comment was the requirement of adding the ZBA note; all of his other comments had been addressed.

Town Department comments: Health – questioned more people in the building and whether the septic was determined to be adequate; Building - need to show handicap space as van accessible with proper signage and dimensions; Fire – no comments. Mr. Geier addressed the comments; Health – they did anticipate additional workers but the septic system was designed for 160 office workers so it is well within range; Mr. Quintal stated that it seems reasonable to him and noted that it had originally been designed for a day care so should be large enough. Ms. Duguay noted the previous approval of utilizing the “garage” for training with a large meeting room and storage. She asked if an occupancy permit had been received for the garage, with this being an outstanding item. Mr. Greenwood agreed that a new occupancy permit would be required for that space. Ms. Duguay suggested that this be a

condition of approval as well. Ms. Merrill asked if that was part of the Board's purview for this current application. Mr. Greenwood explained that the Board does require the site to be in compliance for an application so the Board can require it as part of the approval.

There was no public comment for this application.

**MM&S to approve the application conditional upon the ZBA findings being added to the plan and an occupancy permit being obtained for the conference/storage building, formerly called the "garage"; the conditions of approval to be met within 120 days.**  
(Motion by Mr. Wilson, second by Mr. Bashaw)

Roll Call vote:

Glenn Coppelman – Yes

Peter Coffin – Yes

Richard Wilson – Yes

Lynne Merrill – Yes

Peter Bakie – Yes

Chris Bashaw – Yes

Robin Duguay- Yes

**Motion passes unanimously. (PUNA)**

Mr. Geier left the meeting at this time.

**Robert L. Pothier**

**Edward and Carol Howard**

**129 Main Street**

**131 Main Street**

**Tax Map U9 Lot 49**

**Tax Map U9 Lot 48**

Mr. Coppelman read the legal notice for this application where there was a request for a Lot Line Adjustment (LLA). Mr. Coppelman turned this portion over to Mr. Greenwood who read his comments and then added that an additional concern had been brought to his attention by Mr. Coppelman after he had already submitted his comments to the Board. He continued that both properties are in the Aquifer Protection Zone (APZ) and therefore are both non-conforming as being less than the required 3 acres. He stated that the Planning Board has no right to create a more non-conforming lot; he apologized for missing the 3-acre minimum size for this zone. He did contact Attorney Kalman to confirm who agreed with the point raised by Mr. Coppelman that the Planning Board could not create a non-conforming lot and to do so would require ZBA action. Mr. Greenwood suggested that the Board could continue to give the applicant time to go to the ZBA if they wanted rather than to deny; the applicant could either continue under this requirement or withdraw the application. Mr. Greenwood noted that there was no one here for this application although he had spoken with Mr. Pothier who intended to attend.

Public comment: Ms. Olsen stated that she was adamantly opposed to the proposal.

Mr. Quintal stated that he just reviewed the plan and questioned if someone thought they would be building in the back area of the lot as he was not sure they could get a driveway through the area and suggested that the Fire Department might require a driveway that was wide enough for the apparatus; he questioned the setbacks in that tight area shown on the

plan and whether it could meet the FD requirements; he wanted to make sure the applicant was aware of this potential problem. Mr. Bakie asked about whether the lot existed prior to the 3-acre rule. Mr. Greenwood explained that the lot could be built on but with the LLA, it loses its pre-existing status and becomes a new lot. Mr. Bakie stated that NFPA 54 calls for a 20 ft. clearance versus a 20 ft. paved surface; he would like Chief Pellerin to look into the requirements for the proposal. Mr. Coppelman stated that there would need to be 20 ft. setbacks from property lines for the driveway which were not met. Chief Pellerin stated that the driveway requires 20 ft. of gravel with a 20 ft. wide base, it doesn't need to be pavement.

**MM&S to continue to September 15, 2020 at 6:45; submittal of new plans to be received by noon on Sept. 3, 2020.** (Motion by Mr. Wilson, second by Ms. Merrill)

Discussion: Mr. Greenwood will contact the applicant. Mr. Coppelman confirmed that they have the option to go to the ZBA or withdraw. Mr. Coppelman checked with Ms. Olsen who stated that she was all set, with no further comment. She stated that a lot of abutters did not like this proposal but might have trouble with technology. Mr. Coppelman suggested that they could write their comments to the Board by letter or email. Ms. Faulconer added that the meeting was being broadcast live on YouTube with comments available via email which was monitored during the meeting. Mr. Coppelman explained that additional notification for the PB hearing would not be sent. Mr. Coffin stated that if there was a ZBA meeting, abutters would be notified. Mr. Coppelman noted that an "even" swap of land would not require ZBA action as the lot would remain the same as they currently existed.

Roll call vote:

Glenn Coppelman – Yes

Peter Coffin – Yes

Richard Wilson – Yes

Lynne Merrill – Yes

Peter Bakie – Yes

Chris Bashaw – Yes

Robin Duguay- Yes

**Motion passes unanimously. (PUNA)**

**Driveway Regulations Public Hearing**

The changes to the regulation were reviewed that including adding the phrase "in the Town of Kingston" to the requirements for needing a permit to clarify that it applies to all driveways whether on a State road or not. Mr. Greenwood stated that these changes came from discussions at the Inspectors' meetings. Ms. Faulconer explained that the State permit only applies to a limited area of the driveway and the Town's rules apply after that. The other change is amended the application fee to add "as set by the Selectboard". There was no public comment.

**MM&S to approve the Driveway Regulations as written and presented.** (Motion by Mr. Wilson, second by Mr. Coffin)

Roll Call vote:

Glenn Coppelman – Yes

Peter Coffin – Yes

Richard Wilson – Yes

Lynne Merrill – Yes

Peter Bakie – Yes  
Robin Duguay- Yes

Chris Bashaw – Yes

**Motion passes unanimously. (PUNA)**

Mr. Wilson asked to speak to the Board regarding an issue he had brought to the Board of Selectmen (BOS) concerning a property owner in the Industrial Zone cutting a logging road within 136 feet of an abutter. He had confirmed with the Planning Board that the buffer was a minimum of 200 ft. per the Ordinance; he told the person doing the tree cutting that they had to cease cutting into the buffer. When he brought this to the BOS, he was told that they needed a letter from the Planning Board requesting that the Board of Selectmen enforce the action.

**MM&S to request the Board of Selectmen take an enforcement action for the Torromeo property regarding the cutting within the required buffer zone.** (Motion by Mr. Coffin, second by Mr. Wilson) Discussion: Mr. Wilson said that the buffer is the buffer and not associated with mining. During this discussion, Mr. Greenwood noted that someone had jointed the meeting; Kim Weeks of Mulligan Way asked about the DOGC application; Mr. Coppelman explained that they asked for a continuance and they are rescheduled for July 21, 2020. Mr. Coppelman explained that the abutters won't get another notification but the agenda will be on the web site. The Board returned to the discussion. Mr. Bakie asked how the information was originally brought to the Board. He added that the BOS is the enforcing body for the Town and questioned why the Planning Board needed to request an enforcement action. Ms. Faulconer explained that an abutter had complained to the BOS who reviewed the situation and asked for confirmation of the zoning requirements from the Planning Board. Mr. Coppelman said that in the past when an issue was raised by the Planning Board, a request for enforcement was sent to the BOS. Mr. Wilson added that he was not necessarily in agreement of needing a letter from the PB but was asked to do this by the BOS. It was suggested that if an enforcement letter was being sent to the BOS that it include how it came to the PB and that the request came from the Board of Selectmen.

Roll call vote on the motion:

Glenn Coppelman – Yes  
Richard Wilson – Yes  
Peter Bakie – Abstain  
Robin Duguay- Yes

Peter Coffin – Yes  
Lynne Merrill – No  
Chris Bashaw – Abstain

**Motion passed 4-1-2 with Ms. Merrill voting “no” and Mr. Bashaw and Mr. Bakie abstaining.**

Mr. Bakie asked to bring an item to the Board requiring comments being submitted to the Board ahead of time since the applicant has to submit the revised plans 12 days before the hearing. He noted that some comments are received the morning of the meeting leaving little time for review. He added that as a Board member, he wants them sooner and it would be productive to have the applicants have the comments earlier to have answers available for the hearing. Mr. Wilson agreed with Mr. Bakie to avoid hostile comments from applicants

due to the timing of the comments. Mr. Greenwood said that he can do a better job of getting the comments out earlier. Mr. Coppelman said that there were two separate issues, the first being getting comments to the Board earlier; both Mr. Greenwood and Mr. Quintal agreed that they can do this. Mr. Coppelman said the second issue was getting comments to the applicants prior to the public hearing; he said that this needs to be a decision by the Board as it is not the Board's practice. Mr. Bakie said that he has trust in Mr. Greenwood and Mr. Quintal's comments and while their advice is not cast in stone it would be okay to get to applicants with the understanding that the comments would be reviewed and they are not the final decision. Mr. Bakie stated that he believed the Board had had this discussion in the past. Mr. Coppelman confirmed the discussion but the Board did not make a decision. Mr. Bashaw stated that the decision was going to be made shortly after the election. Mr. Coffin said that the Board had the discussion and the Board could leave it at the discretion of Mr. Greenwood to forward them; he would rather have Mr. Quintal send comments to the Board or have them forwarded by Mr. Greenwood. Mr. Wilson suggested taking it one step further as he didn't believe that Department Heads were getting comments back in a timely manner. Ms. Merrill stated that she did not like getting comments the day of the hearing and would like them returned no later than the Wednesday before the hearing so they could get compiled and sent out on the Thursday before the hearing. She thought that all comments could be received before the hearing. Ms. Faulconer reminded the Board that currently the deadline to receive Department comments was the day before the hearing; cutting the time given to the Department heads would need BOS involvement as the Dept. Heads don't work for the PB and this might impact them; she reminded the Board that the 12 days given for the return of the comments included 2 Saturdays and 2 Sundays, this would significantly shorten the timeframe to review plans and have them submitted the Wednesday before the meeting. Mr. Bakie added that his initial comments were specific to staff pertinent to the Board, the Planner and Town Engineer, not necessarily the Department Heads. Mr. Quintal said that the beginning of the application process is the time when most comments are lengthier and getting the comments ahead of time might encourage applicants to show up at the hearings with amended plans for the Board which would then get confusing as to what is being reviewed. He reminded the Board that the first meeting is the actual start of the 65 days to review the plan. Mr. Bakie clarified that he was not suggesting that revised plans come in based on the comments; the Board needs to specify to applicants that they should not waste their time changing plans to present to the Board based on comments; there could be a disclaimer. Mr. Coppelman said that had been the problem and reason for not doing it – so that revised plans were not brought in as a response to the comments. Mr. Quintal said that he is willing, if the Board approves, to work with engineers between meetings to address the multiple issues brought up at the first meeting. Ms. Merrill agreed that providing comments is not to encourage getting a revised set of plans brought in to the meeting; it is to allow an applicant to come in and note the one that they will take care of and focus the discussion. Ms. Faulconer confirmed that the point is to give an applicant a "heads-up" and to add a "disclaimer" to the applicant to not bring in new plans; it is for their information, not to bring in new plans which would not be accepted for review. Mr. Bakie agreed as did Mr. Coffin.

**ACTION ITEM:** The Board will review a procedure to have the Town Engineer's and Town Planner's comments distributed to the Board and applicant by the Thursday prior to the hearing; Mr. Wilson will discuss the requirement for Inspectors and Department Heads to have comments received by the Planning Board no later than the Wednesday before the hearing to be distributed the Thursday before the hearing. The Board will hear back from the Board of Selectmen after their meeting on July 6th to discuss for policy approval on July 7<sup>th</sup>.

Mr. Coppelman reminded the Board of the upcoming Design Review on June 30<sup>th</sup>. There were no further Board comments. The Chair declared the meeting adjourned at 8:00 PM.