

KINGSTON PLANNING BOARD
August 18, 2020
Public Hearing

Minutes

The Chairman called the meeting to order at 6:35 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 and phone 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	Peter Coffin
Lynne Merrill, V.Chair	Robin Duguay
Richard Wilson, Board of Selectmen (BOS) rep.	Ellen Faulconer, alternate/admin. asst.

Members absent: Chris Bashaw, Peter Bakie, Steve Padfield, alternate.

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

Mr. Coppelman announced that Ms. Faulconer would be a voting member for this hearing; there would be 6 Board members tonight. He added that the proposed budget would sent out tomorrow for review and approval at the next meeting which would mean being submitted later than requested by the BOS. He noted that Mr. Wilson had asked to address two item during Board business; there were two dealer items to review as well.

Bresnahan Moving and Storage, Co.
7 Marshall Road
Tax Map R41 Lot 7-2

Mr. Coppelman read the legal notice for the amended site plan; he added that this had been continued by the Board with additional requests for continuances from the applicant. Mr. Bresnahan was present along with his engineer, Mr. Zilch and legal representative, Mr. McKittrick. Mr. Zilch explained that there needed to be amendments to the previously approved buffering and landscaping requirements due to overzealous tree cutting. He continued that Mr. Seekamp was working with Mike Cuomo and Greg Jordan to reach a consensus for a letter outlining the needed restoration that included 162 trees and

restoration to the vernal pools with review to ensure a healthy tree supply. Mr. Zilch said that every requirement in the report was on the plan set. Mr. Coppelman confirmed that all members of the Board had a copy of the report. Mr. Coffin suggested referencing the report in the approval as well as the plan date of 3/11/2020. Mr. Quintal said that he last comments in December; he did not supply new comments. Mr. Greenwood said the applicant met the request of the Planning Board with the recommendations from the three consultants. Mr. Greenwood suggested that the Board should consider requiring a landscaping bond to make sure the site complies with the recommendations. Mr. Coppelman said that the bond would go along with the recommendations regarding monitoring so there should be a bond for this. Mr. Zilch suggested that Mr. Seekamp oversee the site with Mr. Bresnahan having just enough in the pond to pay for monitoring personnel; he'll have the trees planted as soon as possible. Ms. Faulconer suggested that there be dates established to accomplish the goals in the recommendations as well as dates for the monitoring. She suggested October of 2021 as the deadline to plant the trees with the next monitoring date being 13 months from the original review and 13 months from that date for the final. Mr. Zilch stated that this was reasonable.

Mr. Coppelman read Dept. comments and a letter received from an abutter/public. Conservation Commission: approved of the new plan dated 3/11/2020; they requested being "in the loop" for the Planning Board's review of the plantings and monitoring. Mr. Coppelman said that it would make sense to keep the Conservation Commission involved.

Mr. Coppelman read a letter from Andrea Kenter dated 2/17/2020 regarding the impact on abutting property and vernal pools due to the unapproved overcutting of the property. He noted that the letter had been submitted prior to the multiple continuances and some items may have been addressed. Mr. Zilch clarified that the cutting affected the areas and buffers around the vernal pools and not the vernal pools themselves. The plan reflects the restoration of these areas.

Mr. Coffin stated that the Board should establish a timeline adding that he thought that Ms. Faulconer had presented a well-thought out proposal regarding the plantings and restoration oversight. Ms. Faulconer asked if the Board would be requiring a landscape bond with a certain amount put in reserve for the monitoring. It was suggested that the applicant could work with Mr. Quintal for a number to cover these issues. Mr. Quintal stated that it would be a significant amount to buy and plant the trees that could be close to \$40,000 which would be a lot for a bond in this case; he suggested that something less could be accepted as an incentive to get the trees planted. There were questions as to what would happen if not done in the timeline; what would the ramifications be? Mr. Greenwood said that as long as Mr. Quintal and Mr. Seekamp are willing to work towards this, they could come up with a bond amount that would insure that there is the ability to take care of the plants which would be a separate amount for an escrow to pay for Mr. Seekamp's work; they would need to establish guidelines for the escrow account. There would need to be landscape bond and an escrow account; the bonds could be monitored for reduction accordingly to be able to release in stages.

A motion was proposed by Ms. Merrill; there was further Board discussion on the motion. Mr. Quintal asked if an as-built plan would be necessary. He stated that there was additional paving on the ends of building 3 that was not shown on the plan but currently existed. There was a question of adding the requirement of the landscaping bond and escrow to the motion; these items to be determined by the Town Engineer and Environmental reviewing agent. Ms. Faulconer asked if the Board would require that the as-built plan comply with the conditional approval being proposed by the Board. Mr. Zilch said that tree planting is not always going to be “an exact location”. Mr. Quintal said that it should be close enough to be planted where they are supposed to be planted. Mr. Coppelman said that he would assume that the as-built looks similar to the plan being approved. It was suggested that that there should be an as-built for the entire project showing any changes from the original plan set. Ms. Merrill questioned the timing for submitting the as-built; Mr. Quintal answered as soon as the plantings/restoration is done. Ms. Kenter asked if a receipt for the trees would be required. Mr. Coffin stated that the Seekamp letter lists the recommended tree species and compliance with the plan would not require a receipt; Mr. Coppelman added that there is some flexibility for the types of species. The original motion was amended to the following:

MM&S (Motion made and seconded) to approve the amended site plan contingent upon the recommendations in the Seekamp Environmental Consulting letter date 3/11/2020 with the plantings and restoration being completed by Oct. 31, 2021 with the yearly follow-up review being completed by October, 2022 and the final review being completed by October, 2023. The reviews regarding compliance with the March 2020 plan will be done by the Town Engineer and an environmental reviewer (such as Seekamp). As as-built plan will be presented to the Board on or before October 31, 2021. (Motion by Ms. Merrill, second by Mr. Wilson.) Roll Call Vote:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

Bresnahan Moving and Storage, Co.

7 Marshall Road

Tax Map R41 Lot 7-2

Mr. Coppelman read the legal notice for this expedited review for a relocation of sign. Mr. Zilch reviewed the proposal; he noted that the original approval had two sign locations but the zoning only allowed one sign. Mr. Coppelman added that without a variance to the ordinance, one would need to be removed from the plan. Mr. Zilch said the amended plan would show the removal of the northerly sign and just show the southerly sign being moved. There were questions about recording the new sheet to remove the northerly sign from the approved plan. Mr. Greenwood said that an expedited review did not need jurisdiction invoked.

MM&S to approve the sign relocation as shown and the plan will show the removal of the north business sign and the plan will be recorded. (Motion by Ms. Merrill, second by Mr. Wilson) Discussion: Mr. Zilch stated that he will add a note re: the northerly sign that will say “to be removed”; Mr. Wilson said the new southern location is better for the site; there was no public comment. Roll call vote on the motion:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

Fieldstone Industrial Park

34 Route 125

Tax Map R2 Lot 13

Mr. Coppelman read the legal notice which now included subdivision for condo. development. Doug McGuire was present to represent the applicant, Mr. Wilder, who was also present. Mr. McGuire reviewed the last meeting; he stated that the plan was making progress with the revised plan and updated response letter. Mr. McGuire said that the delay was due to Mr. Wilder proposing condominiums for individual ownership for the project. He used the shared screen function to show the condo. proposal; he clarified the units and common areas and limited common areas; he noted the limited common areas of 25 x 25 adjacent to the doors of each unit; external storage areas are shown and clarified as LCA's broken up by unit for benefit of the first building/unit; he stated that nothing else had changes and condo. docs. had been submitted. Mr. McGuire stated that the condos are just a technicality; he would be happy to refresh the Board's memory on the site plan for any items of concern. Mr. McGuire stated that they are still working on the necessary easements and he believes that document is imminent. He continued that the Board discussed landscaping at the last meeting and since it is not a standard commercial development without customers and setback from the main road, he would like to have some perimeter plantings but is requesting a waiver for further plantings. He said that they were not able to lock down a schedule with RCCD (Rockingham County Conservation District) for the analysis but he is confident of the analysis. Mr. McGuire read the landscaping waiver request which was sent to the PB by email.

Mr. Greenwood reviewed his comments. He said that a basic plan should clearly delineate the areas such as wells and stormwater management; the condo. docs. are clear in the description of these items but they need to be shown on the plan. Mr. Greenwood addressed issue #1 which included the Board requiring the third party consultant; there had been a 35 ft. wetland setback that now showed as a 25 ft. setback. He said the review was not completed yet as he had contacted RCCD in July for the review but the request was misplaced; RCCD has committed to acting on the review immediately. Designs for on-site septic systems are needed; a better parking plan needs to be shown or a waiver requested. Ms. Faulconer asked about the status of the lengthy list of updates needed for the AoT prior to receiving a permit. Mr. McGuire said the updates are being finalized to be sent to AoT. He

said they had a temporary easement from Comcast and expect the long-term easement shortly. Mr. Coppelman noted that the condo. plans needed to be updated. Mr. Greenwood reiterated that the well, septic, stormwater management devices need to be shown on the plan not just described in the condo. docs. Mr. Quintal had not received the updated plans dated 7/24 as referred to by Mr. McGuire which included a copy of a revised drainage report and review letter; he will review them ASAP. He had some issues from June 15th; he will review. The Board reviewed the waiver request for the unclaimed asphalt that had already been approved on 6/15/2020. Mr. Quintal stated that any granted waivers need to be shown on the final plan. Mr. Greenwood noted that the recent plan set was posted on-line for this meeting. Mr. Coffin noted that he had received them electronically. Mr. Coffin asked if the Town had received a copy of the easement from the applicant or from Comcast. Mr. McGuire answered that the easement had not been sent to the Town. Mr. Wilder added that he would have the final easement by next week. Mr. Coffin said that not having the easement could be a “show-stopper” and the Town can’t approve work on land that the applicant doesn’t own; the Board can’t approve site work of a property without permission.

Mr. Coppelman read department comments: Health: none; Building: none; Conservation Commission: the plan is reducing the previously approved buffer from 75 ft. to 25 ft.; their requirement review shows that it should be 45 ft., as a minimum, due to some requirements regarding wildlife being omitted but recommends keeping the previously approved 75 ft. buffer. There was a previous 2014 permit from DES sent to the Conservation Commission with the reason behind the 75’ buffer regarding re-establishing functions of the wetland, restoring the area and providing wetlands monitoring (5-year). The comments continued that they have concerns with run-off to Rte. 125; they requested permission to do a site walk. Mr. Coppelman asked if the applicant had contacted NHDOT; Mr. McGuire said that there is an active permit in their queue. Mr. McGuire said that the 5-year monitoring report was a surprise to him; he added that the current owner of the property was not involved at the time of those decisions. Mr. McGuire stated that their review of the wetland functions only required a 25 ft. buffer. He was surprised by the buffer requirements at this point. Mr. Coppelman reminded Mr. McGuire that this is a new application than what had previously been proposed. He added that the verification of the setback was being done by RCCD. Mr. McGuire said that his scientist was happy to discuss the issue with RCCD. He is hoping to move forward with application per the functions they have submitted. Mr. McGuire added that he has addressed all the issues for the AoT permit and they expect to submit to them shortly and once finally submitted, they typically get the permit back quickly. He would like to have Mr. Cuomo (RCCD) review Conservation’s comments with his wetland scientist. Mr. Quintal committed to getting his comments/review done quickly and provided to Mr. McGuire before the next meeting. Mr. McGuire will move forward with the State permits for Alteration of Terrain and the community well system. Mr. Greenwood suggested adding a meeting for the first Tuesday in September to be able to review the wetland issues. Mr. Coffin explained that without an approval/easement from the abutter, the Board couldn’t do anything at this hearing. Mr. Coppelman added that by continuing to Sept. 1st, the applicant

would only have about a week and a half to get the information for the Board. Mr. Wilder guaranteed that he would have the easement for the Board by the September 1st date.

Public Comment: none.

MM&S to continue to Tuesday, Sept. 1, 2020 at 6:45; the Board needs to have the easement from Comcast and the report from RCCD available for that hearing. (Motion by Ms. Merrill, second by Ms. Duguay) Discussion: Mr. Greenwood will provide Conservation Commission's comments to Mr. Cuomo; any new plans can be due by Sept. 1st; Ms. Faulconer to send Conservation Commission and Mr. Greenwood's comments to Mr. McGuire. Roll Call vote on the motion:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – No

Motion Carries 5-1 (with Ms. Faulconer opposed).

<Board note: 8:25 PM: the Board took a 5-minute recess.>

Rob Healey
34 Church Street
Tax Map R30 Lot 10

Mr. Coppelman read the legal notice for this Design Review. Mr. Healey and his engineer, Wayne Morrill, were present. Mr. Coppelman explained that a design review was a non-binding discussion between the Board and the applicant. Mr. Coffin chose to recuse himself and remove himself from the discussion in case this application needed to go before the ZBA.

Mr. Healey said that he is looking to construct a 2490 square foot building on the property; Mr. Morrill said that there is currently a 6,000 square foot building on the property with a storage shed in the back of the property. He showed the plan with the existing Church Street station, storage building and parking; in order to add a 2400 sq. ft. building in the back, they would need to go to the ZBA for a variance as it exceeds the allowable amount of square footage in the zone. He continued that the current impervious surface amount was 37% without any treatment on site. Mr. Morrill said that the impervious surface would increase to 46% but he would do improvements to the site and fix the puddling in the parking lot and in add infiltration basins to address any impact to the site due to the additions. Mr. Morrill noted that he would need a denial from the Planning Board before applying to the ZBA. He noted that the current structure is non-conforming and adding any more to the site needs ZBA approval. Mr. Coppelman stated that technically a Design Review does not allow for voting from the Board. Mr. Greenwood explained that the proposal does not comply with the Zoning Ordinance which can be confirmed by the Planning Board. Ms. Merrill noted that people drive behind the building to access the back door as a safety concern. Mr. Morrill said that was a great point.

Ms. Faulconer commented that while she had no personal issue with the location and the proposal, people who bought property in that area was aware that the existing use already exceeded the allowed use in the zone and could reasonably not assume an expansion via a variance and rather than continuing to expand commercial uses in the Rural Residential zone through these variances, a warrant article should be put in to see if that was the will of the Town.

Mr. Coppelman suggested that traffic management could be worked on and that stormwater should be managed. Ms. Merrill stated that the sextant's name was incorrect. Mr. Quintal had no comments as there was not much engineering proposed at this point; he would assume one-way traffic and determine appropriate traffic patterns around the building.

MM&S to notify the Zoning Board of Adjustment, by letter, that this is not an approvable use by the Planning Board and would need ZBA relief. (Motion by Ms. Faulconer, second by Ms. Merrill) Roll Call Vote:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 5-0.

Dan Parks

7 Small Pox Road

Tax Map R19 Lot 32

Mr. Coppelman read the legal notice for the proposal for an amendment to the excavation approval of 2019. Mr. Parks was present with his engineer, Daniel Monette. Mr. Monette explained that the previous approval was designed under the threshold needed to avoid an AoT permit to be able to expedite for the construction season. Currently, he found himself with more time so is roughly doubling the size; they have obtained AoT approval, the EAP construction permit and the stormwater pollution plan is being worked on; there is a lot more excavation being done over a longer period of time. Mr. Monette continued that a little excavation has been done but it wasn't started prior to getting the AoT permit approved.

Mr. Quintal said that he had previous comments done for the prior plan and this triggered the review of those previous comments that were still pertinent: list of State and Federal approvals on the plan; stormwater management plan; elaborate on the timing of construction and Phase II. He suggested that he has seen other towns work out a timing sequence with the amount of yards being removed or amount of area disturbed which would give the Planning Board the idea of the amount of trucks going up and down the road and elaborate on the time sequence with an estimation. Mr. Quintal said that he spoke with the Road Agent, Rich St. Hilaire, and they agreed that the road bond amount would be the same as any damages would require the same correction. Mr. Quintal continued that waivers must be listed on the plan set; a pre-construction meeting to discuss the project, format, notification of work needs to be scheduled, typical cross-sections, slopes, stabilizing matting

of 3-1 is needed, all slopes need a matting, soil test pits that were done need to show the data and the results. Mr. Quintal said that any plan sheets that are being recorded should be determined; the estimated number of vehicle trips and volumes shown on different sheets should match up as a clarification of accuracy. Mr. Monette said that he has Mr. Quintal's comments and he will elaborate on the sequence and timing; there are no waivers; he can supply the test pit data; recording of the plan had not previously been required but he will confirm this.

Mr. Greenwood reviewed his comments: plan note says that 150,700 yards will be removed but sheet C3 says 161,000 yards – determine which is correct and have them match; number of vehicle trips don't match – one sheet says 6400 another says 6000. He added that he had a question whether the road bond amount was adequate but Mr. Quintal reviewed that. Mr. Greenwood stated that a new agreement with the Town should be drawn up and signed as there are now different numbers.

Mr. Coppelman read Department comments: Health – none; Building – none; Conservation Commission had a third-party review done by Andrea Kenter – no adverse effect to hydrogeology, questioned test boring data or monitoring information, possibility of piezometers to confirm consistency of levels in the pond, suggested a hydrogeologic study be done; suspected that due to the high-yielding aquifer, there should be minimal impact. There was discussion about possible impacts due to any aquitard (clay or restricted) layers.

Mr. Monette referenced the aquitard layers; said he will pull out the test pit data, there were no monitoring wells; the seasonal high water table was confirmed. Mr. Greenwood confirmed that a hydrogeologic study was not previously requested. Mr. Coffin suggested that Conservation's concern regarding the restrictive layers could be answered by a site walk. Mr. Parks said that he had only dug down about 5 ft. and only hit sand so far. Mr. Monette said that test pits are available but they usually go about 6 to 8 feet.

Ms. Duguay referenced notes from the May review relative to trucking and there was a note to desire avoiding the volume that would require uniformed traffic officers. Mr. Monette said that the 5-8 trucks/day are still projected; the duration of the project has been extended from 3 years to 4 years so they are able to maintain the same amount of truck traffic due to the additional year. Mr. Parks said he is permitted to have 22 truckloads a day.

There was no public comment.

Mr. Quintal and Mr. Greenwood reviewed the remaining issues as "editorial": timing, test pit data, estimated trips and volumes, make the numbers for yards and trips match up, agreement with the Town needs to be updated. Mr. Coffin asked if that could be part of a condition of approval or if the Board would need to see it first. Mr. Greenwood hoped it would be a condition as it is basically the same agreement just with updated numbers. Mr.

Quintal stated that a final plan being submitted for signing by the Planning Board should be included.

MM&S to conditionally approve the expansion plan for the pond conditional upon meeting the comments in Mr. Quintal's letter dated 7/29/2020 and Mr. Greenwood's comments dated 8/15/2020; Conditions of Approval to be met within 90 days of this motion. (Motion by Mr. Coffin, second by Ms. Merrill) Discussion: Mr. Monette asked if they could send a draft to Mr. Quintal and/or the Planning Board to have the items checked off. There was discussion about confirming an impermeable layer and further review if found, the inspection process that could be reviewed and addressed if drastic changes such as that occurred, discussion of inspections during the pre-construction meeting. Mr. Parks suggested that further excavation could occur in October. Mr. Wilson expressed concern that the road bond was not increasing. He suggested a possibility that, due to the additional timing of up to 4 years, the road might need to be repaired half-way through the project and there wouldn't be enough left in the bond to fix it again if necessary. Mr. Coffin said that the bond would need to be replenished. Mr. Quintal said that the Road Agent and Town Engineer would monitor and if the remaining bond was not enough, would need to appeal to the BOS and shut the project down. Ms. Faulconer said that just because a bond needs to be replenished, doesn't mean the project has the funds to replenish. She suggested that since this was an agreement with the Town, it would be up to the Board of Selectmen to add additional language as they see fit to protect the Town.

Roll Call Vote on the motion:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

Comments sheets from Mr. Quintal and Mr. Greenwood will be sent to Mr. Monette.

Capri Realty and Management, LLC

6 Spruce Lane

Tax Map R20 Lot 6

Mr. Coppelman read the legal notice. Steve Pascoe was present.

Mr. Greenwood reviewed his comments: the plans were submitted after the deadline date but he went "rogue" and sent them out; waivers needed to be added in the note section of the plan; the required changes in the condo docs had been added.

Mr. Quintal said that his comments are similar to before; he is not sure that they are addressed as he did not receive anything other than the plan. He continued listing the previous concerns: waiver request re: driveway, a document regarding protection from snow plowing for the abutter, soil scientist information received but he hadn't received the justification, Mr. Greenwood said that he had received the wetland report; Mr. Quintal said

that he was okay with that, then. Mr. Greenwood said that the site specific waiver was granted at the last hearing. Mr. Quintal continued that the sanitary waste disposal State application number needs to be put on the plan, well radius on the abutter's property needs a release or a waiver, the "fence" explanation should be on the plan, any waivers should be on the plan, wetland scientist certification information should be noted. Mr. Coffin was pleased that the condo. docs. were more professional with only one reference to Nashua. Mr. Pascoe will have that corrected and get appropriate signatures.

Public comment: Mr. Pascoe noted that the subdivision approval number had been left off the plan and the septic design information was omitted – he'll have them added to the plan.

There was discussion regarding the well release form due to wells created prior to 1989, impact on the due to condo. conversion, easement issues. Mr. Quintal explained that it didn't need to be an easement from the abutter, just a well release that Mr. Pascoe could get himself, complete and get it recorded. Mr. Quintal said that it protects the well and protects the Town by requiring it as it releases the responsibility for the well for the State and the Town. Ms. Duguay asked if the monuments were set; Mr. Pascoe replied "yes". Ms. Duguay noted that one corner doesn't say "set" – Mr. Pascoe will fix that note.

MM&S to conditionally approve based on completing the comments from Mr. Quintal dated 8/17/2020 and Mr. Greenwood's comments dated 8/15/2020; updating the plan to also include amending the notes re: monumentation, septic approval, state subdivision approval.

(Motion by Mr. Wilson, second by Ms. Duguay) Discussion: Mr. Pascoe asked for a punch list of items from Mr. Greenwood and Mr. Quintal; Mr. Greenwood will consolidate and send to Mr. Pascoe; Mr. Pascoe was told that he cannot get his final approvals and inspections until the conditions are met and the mylar received.

Roll Call Vote on the motion:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

Diamond Oaks Golf Club

7 Rte. 125

Tax Map R3 Lots 4 and 4 LU3

Mr. Coppelman read the legal notice. The applicant, Mr. Dufresne, was present with his engineer, Mr. Zilch, and his attorney, Mr. Cleary. Mr. Coppelman reviewed a previous issue that, due to the ZBA putting the responsibility of the condo. docs. on the Planning Board, Mr. Cleary had done the research and it appears that, since it is not prejudicing against a protected class, the veteran restriction is okay. Mr. Cleary agreed with Mr. Coppelman's synopsis.

Mr. Greenwood said that the revised plan addressed his comments and he had no additional comments. Mr. Zilch stated that he submitted revised plans on July 6th that addressed previous concerns; he had the approvals for septic design, state subdivision and water supply; he has a waiver request for the requirements for parking space allowance; they have two per condo. with two additional spaces; parking at the adjacent facility would be available for overflow parking. Mr. Greenwood confirmed that the Board hadn't voted that yet.

Mr. Quintal said that a lot of his comments had been addressed; bonding for Inspectors and the Performance Guarantee needs to be approved and in place prior to construction. Mr. Zilch stated that he hadn't received Mr. Quintal's comments.

Mr. Coppelman read Department comments: Health – none; Building – he wants to see outside views of the building and the 4th side of the building and a roof over the door; where are the golf carts that were removed to accommodate access being stored; there had been a question raised by the Fire Department about gurney clearance. Mr. Zilch stated that he had met with the Building Inspector to add a little dormer roof which will be done and added to the plan; he suggested this could be a condition of approval. Mr. Zilch continued that they were given the size of the gurney and incorporated into the plan; he said the golf cart storage was a new comment for him. Mr. Dufresne said there was plenty of room for the carts. Ms. Faulconer stated that the Building Inspector was concerned with their placement due to wheelchair accessibility for the lift. Mr. Greenwood said that this would be a building permit issue not a site review issue.

Mr. Coppelman asked Mr. Greenwood to address the wording on the variance given by the ZBA. He said that the actual wording is that the "occupancy is restricted to veterans". Mr. Coffin said that the ZBA had a lot of discussion about restrictions for the condos and he thinks the wording is awkward as it doesn't allow for a spouse. There was discussion regarding the intent of the ZBA and whether the PB has the legal ability to interpret the ZBA's intent. Mr. Coffin said that he was part of the discussion and he infers from the motion that they were single person apartments and he didn't think it was for multiple people. Mr. Coppelman said that the issue is that the submitted condo. docs. talk about multiple people per unit but the ZBA motion says only occupied by veterans; the condo. docs say only sold to veterans. Mr. Coffin added that the condo. docs. don't have the clause that the Planning Board needs to approve any amendments to the condo. docs; this needs to be added. There was discussion regarding the possibility of asking the ZBA for a clarification. Mr. Greenwood stated that a vote can't be changed without re-noticing. Mr. Coppelman said that it is not up to the Planning Board to make a judgement call.

MM&S to send a letter to the ZBA to clarify their intent for the variance. (Motion by Ms. Merrill, second by Mr. Coffin) Discussion: Mr. Wilson suggested that the Board was going down the wrong road. Mr. Greenwood stated that the language in the motion to grant the variance was very clear that occupancy is restricted to veterans and that anyone reading the

motion would find it straight-forward and very clear that occupancy is restricted to veterans.
Ms. Merrill withdrew her motion.

Mr. Coffin said that he had gotten the impression, during the ZBA hearing, that the condos. were designed for single veterans. He also added that at the time the motion was made, the applicant did not object to the wording of the motion. There were questions about the 55+ requirement; Mr. Coffin clarified that the requirement is for all to be 55 or older. Ms. Merrill said that 20% of all 55+ housing can be under the age of 55 but Towns can be more restrictive in their requirements. Ms. Faulconer said that she reviewed the minutes of the ZBA hearing and the topic of couples occupying the condos. did not come up. Mr. Coffin agreed that his impression was that the units were just for singles. Mr. Cleary stated that the condo. docs. would be modified to say that the occupancy would all need to be veterans.

The Board returned to the request for the waiver for the parking requirements. Mr. Zilch read the request for the waiver as submitted on 5/21/2020; 904.15 requires 3 spaces per unit with the plan showing 2 spaces per unit and 2 additional parking spaces with additional spaces available at the adjacent parking area.

MM&S to grant the waiver based on the justification provided by the applicant.
(Motion by Ms. Merrill, second by Mr. Wilson)

Roll Call Vote:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

The Board, not being sure if jurisdiction had been invoked, took an additional motion.

MM&S to invoke jurisdiction. (Motion by Ms. Merrill, second by Mr. Wilson)

Roll Call Vote:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – Yes

Motion Carries 6-0.

Mr. Coffin noted that the condo. docs. need to also add the sentence that any changes need prior Planning Board approval. Ms. Faulconer questioned whether the Board was voting on condo. docs that won't be upheld. Mr. Greenwood said that was not the case. Ms. Merrill explained that the condo. docs. would need to be amended to comply with the ZBA variance that occupancy was only for veterans; the applicant could begin the process for building and while that was happening, return to the ZBA for clarification of their decision as to the occupancy restriction.

MM&S to conditionally approve based on the condo. docs being amended to note that the condos can only be occupied by veterans; also amend the condo. docs. to add in a statement that any changes to the condominium documents require prior Kingston

Planning Board approval; dormer roof over the entrance door to be added to the plan; performance guarantee needs to be determined and finalized prior to approval and in place prior to construction; no occupancy permits to be issued until all of the units are complete; a bond for inspections need to be agreed upon and that bond needs to be in place prior to construction; approved waivers and State approvals need to be added to the plan. The conditions of approval need to be met within 90 days of this motion. (Motion by Mr. Wilson, second by Mr. Coffin) Discussion: Mr. Zilch asked about the bond specifics; Mr. Quintal said they would be for items such as tree planting and the parking area; they will work it out.
Roll Call Vote:

Mr. Coppelman – Yes

Ms. Merrill – Yes

Mr. Coffin - Yes

Mr. Wilson – Yes

Ms. Duguay – Yes

Ms. Faulconer – No

Motion Carries 5-1 (with Ms. Faulconer opposed).

Board Business

- Budget drafts will be sent out to the Board for review
- Dealer plate applications received for the same address: AJA Auto Repair, LLC for Retail Vehicle plates and Nationwide Recovery Services for Transporter plates. Mr. Greenwood drove past the site for compliance with the approved plan; he noted 6 vehicles on the Rte. 125 side of the fence that the Town doesn't want to see; Ms. Faulconer suggested contacting the property owner and holding the paperwork so the site can come into compliance and the paperwork signed rather than just denying the application for non-compliance. Mr. Quintal said that it was built according to the plan but he didn't know if the catch basin has been added and working properly; not sure if the fence is in the right location; the Board should make sure they have complied. Mr. Wilson suggested sending a letter to the owner that they need a final inspection prior to signing the permits. Mr. Greenwood will send it out and call them about scheduling the inspection.
- The Board tabled the acceptance of the June 30th minutes.

Mr. Wilson had two items that needed PB input.

- The VFW wanted to add a food truck to the site. Mr. Coppelman explained that the Planning Board did have review authority under the general concept of commercial site approval. Ms. Faulconer said that the Board has consistently required, at a minimum, an amended site plan in the past and cited specific examples. Mr. Coppelman said that the BOS has the purview over Hawkers and Peddlers; Mr. Wilson said that the BOS did not think that the proposal met the requirements for Hawkers and Peddlers. Mr. Coppelman said that it sounded like it was not "moving" and would be at that spot for a certain period of time. Mr. Wilson explained that they had already submitted the location as a permanent site. Ms. Duguay stated that the Board needs to be consistent and noted at least two such issues in the past year. She suggested

that she would review what other Towns did. It was the consensus of the Planning Board that a site plan approval was required.

- Mr. Wilson stated that Mr. Villella came to the BOS to finish up the houses at Hawks Ridge. The BOS told him he needed to submit his request to the Planning Board. The Board discussed the past actions on the site and the court case. The results were that the site could be developed in accordance with the approved plan or the property owners could apply to the Planning Board with an amended site plan. Mr. Quintal stated that he was contacted by Mr. Dufresne as he was scheduling the construction work and wanted to discuss the next steps to come into compliance. Mr. Wilson said that one house is on a lot where it doesn't belong; Mr. Quintal said that the drainage needs to be fixed. Ms. Faulconer asked Mr. Quintal to confirm with the Town's financial officer that there are funds in the escrow account to pay for the inspections by Mr. Quintal. Ms. Merrill reviewed some of the issues in the development.

Mr. Coppelman asked the Board about adding in an additional hearing date for September 29th pending the submission of an application for Rte. 125. There was discussion regarding the type of meeting, location; it was decided to continue with the Zoom meetings for safety and for better viewing of the plan; the Board will "un-mute" abutters wishing to comment rather than using the typed "chat" function.

Mr. Coppelman declared the meeting adjourned at 11:11 PM.