

KINGSTON PLANNING BOARD
October 20, 2020
Public Hearing

Minutes

The Chairman called the hearing to order at 6:34 PM; he noted a quorum present through the Zoom platform for a remote hearing; there were no challenges to the validity of the hearing. 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 whether any one was present with them in the room while attending this meeting.

Members present:

Glenn Coppelman, Chair; alone	Peter Coffin; alone
Lynne Merrill, V.Chair, alone	Chris Bashaw, alone
Robin Duguay	
Richard Wilson, Board of Selectmen (BOS) rep., alone	
Peter Bakie, joined the meeting in progress, alone (see notation in the minutes)	
Ellen Faulconer, alternate/admin. asst., alone in the room	

Members absent: Steve Padfield, alternate.

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

Mr. Coppelman stated that Ms. Faulconer would be a voting member until Mr. Bakie arrived.

Board Business

MM&S to accept the Sept. 15, 2020 minutes as presented. (Motion by Mr. Coffin, second by Mr. Wilson) Discussion: Ms. Merrill suggested adding the specific names of the dealers (AJA Auto and Nationwide Recovery Services) in the correspondence section on p. 2.

<Board note: Peter Bakie joined the meeting at this time.>

Mr. Coffin amended his motion to accept at amended; Mr. Wilson seconded that amendment.

Roll Call Vote:

Mr. Coppelman – yes	Ms. Merrill – yes	Mr. Wilson – yes
Ms. Duguay – yes	Mr. Bakie – yes	Mr. Bashaw – yes
Mr. Coffin – yes		

Motion passed unanimously (PUNA).

MM&S to accept the September 29, 2020 minutes as presented. (Motion by Mr. Coffin, second by Mr. Wilson)

Roll Call Vote:

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Ms. Duguay – yes

Mr. Bakie – yes

Mr. Bashaw – yes

Mr. Coffin – yes

Motion passed unanimously (PUNA).

266 Rte. 125, LLC

266 Rte. 125

Kingston, NH 03848

Tax Map R41 Lot 17-1

Mr. Coppelman read the legal notice adding that this was the second hearing for this proposal. Karl Dubay was present representing the applicant along with Tim Stone, Morgan Hollis and Stephen Pernaw. Mr. Dubay stated that he would like to update the Board and provide a brief summary. He continued that they had a good Technical Review Committee (TRC) work session; they prepared a supplemental drainage analysis with additional permutations of storm events. He explained that there was still some work to do on qualitative items and they have to provide more information for Mr. Greenwood and Mr. Quintal regarding the changes they have done; he noted that they would need time to review them. Mr. Dubay said that test pits were done today and witnessed by RCCD (Rockingham County Conservation District); they will recalibrate and provide to Mr. Quintal. He stated that he would hand over the discussion to Tim Stone who was working on the hydro. study; he will ask Mr. Pernaw to review the traffic update; he just was meaning to give a summary report from some of the team members.

Mr. Stone, Stonehill Environmental, explained that he had installed 7 monitoring wells and 1 pizometer; the site is what they anticipated; he reviewed the flow direction; they can do the nitrate loading calculations.

Mr. Dubay said that they are proceeding on Mr. Quintal's recommendations. Mr. Pernaw reviewed the traffic update; the Board is waiting for the peer review. The buffers proposed for the project were reviewed. Mr. Dubay referred to the existing office building and part of the existing buffer; he said that the lawn area is being kept; it is existing and non-conforming. He continued reviewing the buffer; the proposed gated entrance which will have an electric pass and a Knox box for the Fire Department and Police Department and certain employees. He noted that they had to meet AoT (Alteration of Terrain) criteria first and are working to the other details.

Mr. Coppelman stated that there were Department comments, letter from Mr. Quintal and noted from Mr. Greenwood from the TRC meeting.

Mr. Greenwood reviewed the TRC meeting that was held on Thursday with 3 representatives from the Fire Department, 2 from the Highway Department, the Police Chief, Town Engineer, Evy Nathan, Conservation Commission Chair, himself and Mr. Dubay and the applicant, John Wolters. Mr. Greenwood stated that the Conservation Commission wanted a better understanding of the wetland impacts. Mr. Dubay referenced page 59A. He explained the wetlands mitigation fee for the Aquatic Resources Mitigation (ARM) fund in NHDES which is either used in Town or in the Region. Mr. Greenwood noted that the Police Chief expected all efforts to separate standard vehicles and larger semi-trucks; the traffic study will delve into that concern. Mr. Greenwood continued that the fencing proposed on the site had been discussed; Mr. Quintal suggested that there could be breaks in the fence to avoid negatively impacting wildlife migration; the way the breaks could be set-up could still address the buffering.

Mr. Quintal said that he was encouraging the team to handle the high degree of run-off due to the large building. Mr. Greenwood said that he expects refinements to do this. The possibility of utilizing natural gas had been discussed at the TRC but it is still too far away to be viable. Mr. Greenwood continued that the Fire consultant has not done their report yet but was at the TRC. He said those were the highlights of the TRC meeting. Mr. Coppelman asked if he had further comments; Mr. Greenwood said that he was interested in meeting with the Town's traffic consultant.

Mr. Quintal reviewed his comments which had been submitted to the Board; he stated that 50% of his previous comments had been addressed. He reviewed the remaining issues that included needing stamps/signatures, conditional use requirements and mitigation, the requirement from no damage to spawning and wildlife habitat which needs a lot of information to show compliance, parking regulations, outlet near "wet" pond that could affect neighboring vegetation and outlet not shown, surface water run-off easement notation needs to be provided, rip-rap area needs to be shown, development is shown in wetland, shoreland and vegetated buffer, 4000 sq. ft. area and test pits, stormwater management mitigation and volume of run-off for 2 yr. storm event. Mr. Quintal said that the run-off may leave the Aquifer; he questioned the impact to the Aquifer and the impact to downstream; he believes more infiltration is needed. He continued with comments that included bonding requirement, performance bond guarantee requirements, specifics regarding recorded documents. He continued that he had additional comments that included piping detail, vortex treatment, location and dimensions of overflow spill ways/detention basins. Mr. Quintal said that he knows these are being worked out and perhaps the next set of revisions can answer the concerns. Mr. Coppelman said that he assumed Mr. Dubay was aware of the items and would address for the next set of plans. Mr. Dubay asked to point out a couple of things as some items were added; he just needs to point them out on the plan for Mr. Quintal and Mr. Greenwood. He said that they are adding extra Presby tanks in case there was an imbalance of flow to the treatment plants; more detail was being added; parking was shown on sheet 3. Mr. Dubay compared the Town's parking requirements to other towns with distribution-type facilities and how they handle parking; he said that the data was added;

Mr. Quintal and the Board needs to look at it. He reviewed Portsmouth and Londonderry's requirements as he thinks they are reasonable; he referenced Article 904.15.B.1 that says that the Planning Board can make the decision for overall site design; he thinks there is plenty of parking. Mr. Dubay said that they are performing a wildlife habitat study now. He referenced sheet 22 with a summary sheet with adjustments to address the impervious surface; they have adjusted the lot lines in the subdivision to make them comply. He said that the 4K areas are now shown on the plans and RCCD has done the pit tests. He continued that they are trying to take care of the "easy" items first. They are still looking at the volumetrics and recharge.

Mr. Dubay referred to Mr. Quintal's comments and stated that the vortex units and detailing is not a problem and they are working on that now; they are digging into the recharge and the CUP (Conditional Use Permits) now.

Mr. Coppelman read the Department comments. Health Officer: For the subdivision, RCCD witnesses test pits and he suggests the Town Engineer review in conjunction with the Health Officer. Mr. Dubay said that he understands the comments and will coordinate with the Health Officer and Town Engineer. Mr. Coppelman encouraged the applicant to work with all the Town Departments. Mr. Greenwood said that Mr. Quintal is extremely knowledgeable about the site and will be able to review with the Health Officer; Mr. Quintal said that he has done this in the past. Mr. Coppelman confirmed that this is how to proceed. Mr. Dubay will copy any information to Mr. Quintal, Mr. Greenwood and the Health Officer. Mr. Coppelman continued with the comments. Building Inspector: questioned whether there were any restrictions/conditions on the rear entrance. Mr. Coppelman confirmed with Mr. Dubay that it was an emergency access with some use by employees; he added that he suspects that this is not the end of the discussion.

Mr. Coppelman opened the hearing for Board discussion. Mr. Coffin referred to last month's hearing specific to sheets 9 and 12 and needing the buffer changed from 20 ft. to 50 ft.; he stated that these weren't revised with the new sheets that were submitted. He said that sheet 15, site overview, had no buffers shown but they now show 20 ft. buffers near the residences and the buffer should be 50 ft.; he stated that they need the 50 ft. buffer when abutting residential property. Mr. Dubay said that Mr. Coffin was correct; there were several plans with the old setback and these pages would be changed and show the 50 ft. setback; the intent is to have all the plans show the 50 ft. setback. Mr. Coffin questioned Mr. Greenwood about the ARM specifically about his preference to have the abatement in Town; he stated that he felt this was important. Mr. Coppelman agreed, adding that a minimum it should be in the watershed. There were no further Board comments.

Mr. Coppelman said he had some letters that were submitted; he asked Mr. Greenwood if there were comments from those attending via Zoom. Evy Nathan, Chair of the Conservation Commission, was recognized; she said that there were no additional comments from those made at the TRC.

Mr. Coppelman said that the Board had received written correspondence from Almus Kenter with an update from Andrea Kenter. Ms. Kenter's comments centered around a conversation she had with DES regarding the AoT permit; she suggested that the applicant has erroneously indicated that the work in the Shoreland is covered by the AoT permit. Mr. Dubay said that they are subject to the Town's Shoreland Ordinance. Ms. Kenter said that she spoke with "Ridge" and there is an exemption that allows not needing a permit but this would be a red flag and they may come back to Mr. Dubay once the AoT is submitted. Ms. Merrill noted that Kingston's Shoreland Protection follows State standards and is more restrictive in some areas. Mr. Coppelman said that there are two more pieces of correspondence. He read Mr. Kenter's concerns that included an excavator on their property; disturbed trees on his property; he reviewed the boundary markers. He requested a site walk to verify this intrusion; he wants the trees replaced. He read Ms. Kenter's supplemental information that included photos of the test pits; it included the comment that there seems to be inaccuracies regarding the field location; she requested a site walk ASAP.

The Board discussed the possibility of a site walk. Mr. Dubay said that if it was suggested that he meet with the abutter, Town staff should be present. Mr. Dubay said that the Kenter's comments had piqued his curiosity and they would check it right away but he would like Mr. Greenwood or a Town representative present. Mr. Quintal offered to go, depending on the timing. Mr. Dubay will coordinate with the Kenters and Mr. Quintal to verify and walk the boundary. Mr. Wilson said it was not a problem to have someone from the Town present as a witness but not to make a decision. Ms. Nathan suggested that a site walk would be helpful.

Mike Norton, 49 Little River Road, expressed concern that the Board would be making a decision without knowing who the use was for; he stated that 174 docks was obviously a distribution center which would have an input on traffic. Mr. Coppelman said that he would like to know who the user is however, it isn't a requirement but it is a requirement to convey to the Board all the details regarding the use and all of the site issues have to be identified; the idea is to provide the detail regardless of the user. Ms. Merrill said that the Planning Board approves a use and the tenant must conform with that use; if not, either they have to go to the Planning Board to revise or have a conformance/enforcement review; this process was reviewed. Mr. Norton said there should be an expectation to know who the client is before voting. Mr. Dubay referred to their proposed parking to justify that this is for warehouse distribution, not a fulfillment center; they are doing what is similar for warehouse distribution.

John DiStefano, 26 Monarch Way, had concerns with the velocity of speed and quantity of traffic on Rte. 125; he questioned the details of the traffic study. He stated that Rte. 107 is not Rte. 125 in relation to the amount of traffic, noise from larger vehicles and the speed. Mr. Coppelman referenced the traffic study adding that it was posted on the Town's web site. Mr. DiStefano expressed concern regarding the entrance onto Rte. 107 for a sub-set of employees; he questioned the estimated flow of traffic and the impact on nights and weekends. Mr. Coppelman said that a peer review of the traffic study was being done. Mr.

DiStefano said that he is not opposed to growth but is concerned with adding thousands of vehicles.

Public comment ended at 8:25 PM.

Ms. Duguay said that she understood not being able to disclose the specific use but the types and kinds of material being store should be disclosed; she questioned whether there would be any repairs on site. Mr. Dubay said that there would not be any repairs on the property. He said that he will get back to the Board about the types of materials being stored on the site; he said it is a warehouse and will be subject to codes; he'll check with his client about what could be disclosed. Mr. Coppelman said that the Fire Department would probably like to know the types of material in the building.

Mr. Coppelman reviewed that the Board is waiting for the Traffic Study peer review; the applicant is still working on the hydro. study which will then need the review by the Town's consultant; there was still a question pending about a site walk. Mr. Bakie stated that he didn't think a site walk was necessary. Mr. Coffin suggested a site walk a bit later. Ms. Faulconer stated that some type of site walk might be prudent, if for nothing else than the location of the entrances onto the highways adding that the later the Board waited, the colder the weather become; Mr. Wilson stated that he was familiar with the site but he agreed with Ms. Faulconer that the Board should do it sooner rather than later; Ms. Merrill would like to see the plans further along before going on the site walk; Mr. Coffin agreed with the site walk occurring later as he would like to see the results of the survey and have more data gathered; Mr. Bashaw said the he didn't need a site walk but respected the need of the public for the site walk so he was not opposed to one; Ms. Duguay stated that she thought it would be helpful to have for the public and the November timeframe made sense. Mr. Coppelman agreed that a site walk would be in order but it was probably a tad early to have it. The timeframe for continuance was discussed.

MM&S to continue this hearing to November 17, 2020 at 6:45 with materials due by noon on Thursday, November 5, 2020. (Motion by Ms. Merrill, second by Ms. Duguay)
Discussion: Mr. Greenwood expressed concern with the date as the hydro. study would be due to the Board on 11/5th and he can't assume that Danna Truslow could review and return to the Board by 11/17th; if it is not in by then, it is a significant item.

Roll Call Vote:

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Ms. Duguay – yes

Mr. Bakie – yes

Mr. Bashaw – yes

Mr. Coffin – yes

Motion passed unanimously (PUNA).

<Board note: 8:40 – The Board took a brief recess, returning at 8:45.>

Fieldstone Industrial Park
34 Route 125
Tax Map R2 Lot 13

Mr. Coppelman read the public notice. Doug MacGuire was present representing the applicant, Mr. Wilder, who was also present. Mr. MacGuire said that there had been delays on some critical items but they now had the easement signed and executed; the AoT permit was in place. He reviewed the meeting with Luke Hurley and RCCD; there was an agreement to increase the wetland setback from 25 ft. to 35 ft. which requires a small reduction to the third building; the plans were updated to reflect the change. He said that the septic design was submitted for the Town's sign-off; RCCD witnessed the test pits. Mr. Greenwood had no comments for this hearing as the last plan set addressed his issues. Mr. Quintal had comments for the site plan and has his review comments for the septic plans.

Mr. Quintal reviewed his comments regarding concerns and questions with the wetland setbacks; he said that Mr. Cuomo, RCCD, determined that one area had a designation of 2 points with another area having an additional 2 points; his understanding was that these were added together and that Table A of the ordinance would then mean there would be a need for a 45 ft. buffer. He continued with his comments that included complying with the Fire Department; questioned acting on the landscaping waiver request, drinking water permit needed, notes need to be added to the plan; test pit info. on the plan, prudent that construction approved on abutting property, recorded docs. info., BMP's for Stormwater Management with BMP worksheets provided; detail on Sheet 23 has outlet control structure which should be higher, need to eliminate the confusion for the installer, need dimensions and elevation on the plan, detention basin P3 needs to be revised and show details on the plan.

Mr. Quintal reviewed his 15 comments for the septic design – 8 for buildings 1 and 2, 7 for building 3. He noted Article 1301.2 re: the definition of a sewerage disposal system and Article 1301.6 re: the 100 ft. setback from the edge of wetland which the current plan does not meet; he thinks it can be moved.

Mr. Coppelman asked Mr. Quintal about his comments regarding the wetland setbacks. Mr. Quintal said he has never seen the points broken up; they have always been added together; he said he has never seen a section have one function and setback and another section with a different one and not added together. Mr. Coppelman said that this was his understanding, too. Mr. Greenwood said that Mr. Cuomo and Mr. Hurley had bi-furcated the wetland as 2/3 of the wetland that is manmade performs one kind of function and the natural wetland was a different function so they looked at the wetland in two different ways. He agrees that this is unusual. Mr. MacGuire reviewed Mr. Hurley's interpretation of the value of the original portion of the wetland and the ability to hold floodwater. Mr. Bakie, Mr. Wilson, Ms. Merrill, Ms. Duguay were comfortable with the setback. Mr. Coffin

said that he is comfortable with Mr. Quintal's recommendation as he is aware of and worked on the previous site approval. Mr. Quintal said that his comments were that the values are added together but he is not arguing with the experts. Ms. Faulconer said it was important to note that the Board is not setting a change in the normal procedures; this is an unusual situation with part of the wetland being manmade and part being natural; the Board needs to be clear that normally the values/numbers would be added together to determine the setback. Mr. Coppelman clarified that it is an unusual circumstance due to the way it was created and their functions normally are added together. Ms. Duguay asked if there should be some sort of acknowledgement of the unusual circumstance. Mr. Greenwood said that as long as the minutes reflect the issue with this bifurcated wetland, then it can't be seen as precedent setting. Mr. Coppelman agreed that as long as the minutes reflect that this is an aberration from the Board's normal procedure and it is not a change in practice as the values normally get added together to determine a setback.

Mr. Coppelman read Department comments. Health – there are no approved septic plans; Building – concerns with the driveway slopes and the easement. There was discussion about the easement and the need for Town Counsel review. Mr. MacGuire didn't see the need. Mr. Coppelman said that it is the Board's practice to have legal instruments as part of a decision be reviewed by Town Counsel. Mr. Coffin noted that there is nothing in the easement granting permission for signs on Comcast's property, as there is a sign there now. Ms. Merrill said that if there is no easement for a sign then it can't be there. Ms. Faulconer noted that the Town's attorney will only review for Town issues, not re-write the easement.

MM&S to send the easement for review by Town Counsel. (Motion by Mr. Coppelman, second by Mr. Coffin)

Roll Call Vote:

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Ms. Duguay – yes

Mr. Bakie – yes

Mr. Bashaw – yes

Mr. Coffin – yes

Motion passed unanimously (PUNA).

Mr. Greenwood will get the easements to Attorney Kalman.

Ms. Nathan addressed the Board asking to mention that the wetlands being talked about was a wetland that was destroyed in 2015 and restored and the buffer was determined to be 75 feet; it was manmade as it was being brought back as the original was destroyed; she added that no points were given for the wetland habitat; she stated that it was a restored wetland and should be made more viable, not made smaller. She added that Chief Briggs had concerns with run-off and wondered if DOT should be notified. Mr. MacGuire said that DOT requires a driveway permit which was filed in August; they are coordinating with District 6 which includes a drainage report and study; they are accommodating access for expansion in the corridor. Mr. MacGuire reviewed the improvement for access to the property that included bumping out the drive into the hill, they need to carry the slope back; they are

reducing the grade to under 9% and creating an area sloping away from the road; there is a low point created for vehicles to come to a stop; they are maximizing the access way. Mr. Coffin questioned if the 9% meet the Fire Department requirements. Mr. MacGuire said he believed the Fire Department is 100% with the proposal. He reviewed the specifics to make the entrance a safe condition adding that it is not a heavy use. Mr. MacGuire was notified of the upcoming meeting with DOT re: Rte. 125.

Mr. Wilson added a comment from the BoS regarding a cease and desist on the site; there is to be no activity on the site prior to approval and there have been dump trucks going on site and dumping material; dirt is also being left on Rte, 125 on rainy days. Mr. Wilder said that they had to create a platform for the drill rigger to put in the well. Mr. Wilson said that he personally saw dump trucks on the site and saw another one last week. Mr. Wilder said that this was done now; he confirmed for Mr. Wilson that he was not stockpiling material then.

Mr. Coppelman noted that a waiver for the landscaping requirements was submitted but the Board hadn't acted on it.

MM&S to grant the waiver for 904.15.B.10, Landscaping, dated 6/30/2020 and received by email 8/18/2020 per the justification of the applicant. (Motion by Mr. Wilson, second by Mr. Bashaw) **Roll Call Vote:**

Mr. Coppelman – yes	Ms. Merrill – yes	Mr. Wilson – yes
Ms. Duguay – yes	Mr. Bakie – yes	Mr. Bashaw – yes
Mr. Coffin – yes		

Motion passed unanimously (PUNA).

There was discussion as to whether a conditional approval would be in the best interest of the applicant pending approval of the driveway by DOT, the level of risk, requirements of re-submitting if there are any changes. After much discussion, the applicant requested a continuance.

MM&S to continue to 11/17/2020 at 6:40; updated/revised documents to be received by 11/5/2020 at noon; three large plans, two small plans and the electronic version due in at that time. (Motion by Mr. Wilson, second by Ms. Merrill)

Roll Call Vote:

Mr. Coppelman – yes	Ms. Merrill – yes	Mr. Wilson – yes
Ms. Duguay – yes	Mr. Bakie – yes	Mr. Bashaw – yes
Mr. Coffin – yes		

Motion passed unanimously (PUNA).

Mr. Greenwood will determine the pages needed for recording.

Mr. Coppelman determined that there was no further business before the Board and adjourned the hearing at 10:05 PM.