

KINGSTON PLANNING BOARD
December 15, 2020
Public Hearing

Minutes

The Chairman called the hearing 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 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:

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|--|---|
| Glenn Coppelman, Chair; alone | Peter Coffin; alone |
| Lynne Merrill, V.Chair, alone | Peter Bakie, alone |
| Robin Duguay, alone | Chris Bashaw, alone but with a full house |
| Richard Wilson, Board of Selectmen (BOS) rep., alone | |
| Steve Padfield, wife in the room | |
| Ellen Faulconer, alternate/admin. asst., alone in the room | |

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

The cable operator notified the Chair that the Town's server had just gone down and the Board was no longer being broadcast live. A question was raised as to whether this was now considered lack of access. Mr. Coppelman explained that the access to the hearing was through the Zoom platform and it was still being broadcast on YouTube. The Board confirmed by sending emails that Ms. Faulconer was still able to receive emails as contact to the Board during the meeting.

Board Business

Mr. Coppelman reminded the Board of a carry-over item regarding a potential business in the single family zone; Mr. Greenwood thought that the issues were addressed at the last hearing. Ms. Faulconer said that she reviewed the language submitted for the warrant articles and the permitting language was not added to the Single Family Residential zone. Mr. Coppelman suggested finalizing at the end of the hearing.

Mr. Coppelman reviewed the procedure and the process for participating in public comment through the “chat” function; he added that this function would only be used to request making a public comment and would not be used and open for general “chatting” during the hearing.

Ken and Irena Anthony
3 Concannon Road
Kingston, NH
Tax Map U1 Lot 70

Barry Geier of Jones and Beach was present representing the applicant who was also present. Mr. Greenwood suggested invoking jurisdiction.

MM&S to invoke jurisdiction of 3 Concannon Drive. (Motion by Ms. Merrill, second by Mr. Coffin) Mr. Coppelman explained jurisdiction. Roll Call vote:

| | | |
|---------------------|---|------------------|
| Mr. Coppelman – yes | Ms. Merrill – yes | Mr. Wilson – yes |
| Mr. Bakie – yes | Mr. Coffin – yes | Mr. Bashaw – yes |
| Ms. Duguay – yes | Motion carries PUNA (Passed unanimously) | |

Mr. Geier reviewed the site which was located in two towns with .74 acres in Kingston and .47 acres in Newton. They are seeking to reconstruct and expand the footprint by 203 sq. ft. The proposed deck will be no closer than 40 feet to Country Pond; the entire lot is in the Shoreland District and the majority in the setback. The CUP (Conditional Use Permit) is required for the addition of less than 400 sq. ft. He stated that they have included the Conservation Commission’s recommendation of a rain garden; they received approval from the ZBA (Zoning Board of Adjustment). Mr. Geier showed the plan on the screen and described the proposal; the applicant is basically asking to square off the building and add the deck. He clarified the ZBA variance dated 12/11/2020 allowing to repair and expand by 204 sq. ft.

Mr. Quintal reviewed his comments; of the 13 items, all were drafting issues except the last two which were questions for the Board to address; number 12 was whether a performance guarantee would be required and whether a long-term stormwater maintenance plan was required. There were questions as to whether this would need to be a recorded plan. Mr. Greenwood said that his perspective was to ensure looking at the CUP requirements; he said that there was not a requirement to have a plan but if the Board was requiring a recordable plan then it would need a signature block for Newton to sign the plan. Mr. Coffin suggested that since it had a variance, it might be good to be recorded. Mr. Wilson thought it should be recorded for the future. Ms. Duguay suggested that it might be problematic down the road for a future sale. Ms. Merrill said that it is always good to have clarity; it is good for the property owners.

MM&S to require that the final plan be recorded at the Rockingham County Registry of Deeds. (Motion by Mr. Wilson, second by Mr. Coffin) Roll Call vote:

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

Mr. Coppelman said that the applicant will need to address Mr. Quintal's comments and Mr. Greenwood's information regarding Newton needing a signature block.

Mr. Coffin addressed the rain garden placement on the Newton side of the property. Questions were raised about the % of run-off in Kingston and concerns with the rain garden being created and maintained properly as it was not in Kingston. Issues were raised about the bedrooms being shown on the plan for taxation and school registration purposes; bonding for the rain garden was discussed.

Mr. Geier stated that the proposal is for a single-family home, not a commercial use, and a bond seems onerous for a single-family homeowner; they are putting in the rain garden to address the Kingston Conservation Commission's (KCC) concerns. Mr. Wilson noted that the federal government are requiring some of the issues about stormwater. Evy Nathan, Chairperson of the KCC, explained that the rain garden has to be in an area where the run-off is occurring from the roof into the pond to mitigate the run-off; it has to be where it has to be.

Mr. Coppelman noted that there were no further department comments. Mr. Coppelman asked Mr. Greenwood to open up the chat function for public comment.

Scott Ouellette, 189 Main Street, explained that with a split lot, the issue with bedrooms is a concern more for voting.

There was no additional public comment.

There was discussion regarding the well radius; Mr. Greenwood said that the well was in Newton; the protective well protective radius was reviewed. Mr. Quintal suggested that the protective zone should be shown, especially for any further development; he clarified that Newton's protective radius is also 100 feet.

Mr. Coppelman explained that the Board needed to verify that the use is consistent with the Shoreland Protection Ordinance; the Rural Residential zone is the underlying zone which lists 5 uses; the proposal is consistent with #4 as the permitted use. The Board needs to provide written findings of fact of all five items. Mr. Coppelman added that each item needs to be taken up and voted on with a majority affirmation vote on each item.

Mr. Coppelman read each requirement and the Board voted, by roll call vote, on each item:

1. re: not detrimentally affecting surface water

MM&S to affirm that it is not detrimental. (Motion by Mr. Wilson, second by Mr. Bakie)

Mr. Coffin noted that by adding the rain garden, it actually improves it.

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

2. discharge no wastewater

MM&S to affirm the second condition. (Motion by Mr. Wilson, second by Ms. Duguay) Mr.

Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

3. not result in damage to spawning and wildlife

MM&S to affirm the third condition. (Motion by Mr. Wilson, second by Ms. Duguay)

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

4. complies with use regulations

Ms. Duguay questioned the vegetative buffer of 75 feet; Mr. Geier explained that the existing house is within 50 ft. of Country Pond but it is already existing and the area already disturbed so didn't think it applies in this situation.

MM&S to affirm item number four. (Motion by Mr. Wilson, second by Ms. Merrill)

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

5. design and construction consistent with purposes in 205.1; Ms. Merrill read the "purpose" section.

MM&S to affirm that the plan complies with item #5. (Motion by Ms. Merrill, second by Mr. Wilson)

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

Mr. Coppelman noted the issues on Mr. Quintal's list should be considered for any approval.

MM&S to grant a CUP for the plan for 3 Concannon Road with the following conditions:

1. Sediment control device shown

2. Shoreline – reference line shown

3. Square feet documented (per Mr. Quintal's comments)

4. Note septic location

5. # of bedrooms/location noted on the plan

6. correct spelling

7. “overwrite” corrected

8. signature block for Kingston and Newton ZBA and Planning Board

9. Impervious percentage added to the plan

10. plan to be recorded at RCRD

11. add in Kingston and Newton’s protective well radius

12. The conditions to be met within 90 days. (Motion by Ms. Merrill, second by Mr. Wilson) Discussion: Mr. Geier questioned the requirement for Newton’s signature block as they did not need to act on the plan. Mr. Greenwood thought that RCRD would kick the plan back without it and suggested a signature block saying “for recording purposes only”. He said that the block would be for the Planning Board in Newton, not the ZBA. He said that the Kingston ZBA signing block could be on the plan for clarity but it was not a requirement for the registry. Mr. Geier will be responsible for getting Newton’s signature. Mr. Quintal questioned the method for checks and balances for the rain garden as it was in another Town. He noted that this would not be something the Building Inspector would look at; Mr. Wilson suggested that Mr. Quintal review; Mr. Coppelman suggested the applicant would need to provide funding for that review. Mr. Quintal stated that this was just a residential lot but it would be good for the Town to have this in place and the review established. Mr. Quintal suggested the rain garden be in place prior to receiving an occupancy permit. Mr. Wilson added that the rain garden was a requirement of the plan and it can’t be allowed to slip through the cracks. Ms. Merrill suggested that this was an issue for the Town and needs to be addressed by the Board of Selectmen (BOS). Ms. Nathan suggested that a Newton Conservation Commission member is a wetland scientist and may be able to do this review. It was confirmed that there was no need for a pre-construction meeting for this proposal. Roll Call vote on the motion:

Mr. Coppelman – yes

Ms. Merrill – yes

Mr. Wilson – yes

Mr. Bakie – yes

Mr. Coffin – yes

Mr. Bashaw – yes

Ms. Duguay – yes

Motion carries PUNA (Passed unanimously)

<Board note: Hearing ended at 7:50; the Board took a 5-minute break.>

266 Route 125, LLC

266 Route 125

Tax Map R41 Lot 17-1

Mr. Coppelman noted that the hearing began at 7:55 PM; he read the public notice. He explained the procedure for the hearing: applicant will give their review to bring everyone up-to-date with the plan, hear department comments, questions/comments from the Board; the “chat” function will then be opened for public comment.

Mr. Wilson asked to clarify a previous Board action where a motion had been made to post the chat comments but that wound up including “private” chats that would then become public that included slanderous and obscene comments from public that would not have been aware that it would become public. Town Counsel was consulted who advised not

including the chat. He said he was asking to reconsider the previous motion per Town Counsel's legal concerns.

MM&S to reconsider the motion to post the chat and include with the minutes. (Motion by Mr. Wilson, second by Mr. Bashaw) Discussion: Mr. Bashaw stated that member of the public, who had said inappropriate things during a private chat function, would not have been aware that it would become public and would not reflect well on them; have the "chat" function only open for public comment is cleaner. Selectperson Electra Alessio explained that the vote to reconsider had to be voted on and be in the affirmative first and then the original motion voted on. Roll Call vote on the motion:

| | | |
|---------------------|---|------------------|
| Mr. Coppelman – yes | Ms. Merrill – yes | Mr. Wilson – yes |
| Mr. Bakie – yes | Mr. Coffin – yes | Mr. Bashaw – yes |
| Ms. Duguay – yes | Motion carries PUNA (Passed unanimously) | |

MM&S to post the "chat" and add to the minutes. (Motion by Mr. Wilson, second by Mr. Bakie) Roll Call vote on the motion:

| | | |
|--------------------|---|-----------------|
| Mr. Coppelman – no | Ms. Merrill – no | Mr. Wilson – no |
| Mr. Bakie – no | Mr. Coffin – no | Mr. Bashaw – no |
| Ms. Duguay – | Motion fails unanimously (FUNA). | |

Per Mr. Coppelman's request, Ms. Merrill gave a quick recap of the recent site walk. Ms. Merrill stated that it was extremely well-attended even though it was pouring rain. She continued that they walked the site and the area where the new building would be, the back driveway and back to the existing buildings; the site was very well explained.

Mr. Coppelman invited the applicant's representatives, Karl Dubay, Steven Pernaw, Tim Stone and Doug McGuire, to give a quick summary of where they were with the plans. Mr. Dubay said the process was working well and very productive. Mr. Dubay reviewed the site walk which included 54 people and it was very cordial and professional; he stated that they incorporated some of the suggestions heard that day; he felt they were down to a handful of technicalities. Mr. Dubay noted that Mr. Stone had submitted the hydro study and Mr. Pernaw had updated the traffic study. He added that there were three CUP's (Conditional Use Permits) that they had to go through; the Board's scientist is reviewing Tim Stone's report and has already asked for additional information and they are providing the information as requested. He continued that Rte. 107 has been redesigned and there is only a 20 ft. wide drive for NFPA emergency access; the access will not be used by any vehicles including construction vehicles other than those needed to construct the driveway and there will be no additional tree cutting there, it will be well-landscaped. He reviewed the existing waterline easement where there would be some cutting into the slope but not filling anything which will retain more trees; it will be heavily landscaped for undercover, too with groundcover and native species. He reviewed the shoreland buffer and grading for the outlets; only necessary work within the 100 ft. buffer was proposed which was less than 1%. He stated that they had submitted reports that reflect the Ordinances; the Wetlands

Conservation criteria are met. He felt that they have met both the quantitative and qualitative aspects of the ordinances. He said that the Shoreland Protection District had different setbacks for different things adding that they met the criteria for maximum lot coverage, setbacks are met, surface alteration percentages are met, vegetative buffer alterations within 75 feet are met adding that tables on the plans are shown. He said that they are "touching" 3% in the outer edge of the buffer and most is being restored and not touching 97% of the buffer; they meet all the criteria even when cutting up the lots; he said that the maximum allowed impervious is 20% and 50% undisturbed is met as well. He noted the wetland buffer and shoreland buffer criteria are met. He said that the first part of the CUP is whether the quantitative and performance criteria are met and this was submitted. He added that the drainage performance was worked on stating that Mr. Quintal asked for some aggressive things and they took those items to heart and did them.

Doug McGuire reviewed the drainage report as there had been concerns about treatment and recharge. They reviewed and tightened up these areas for the CUP's. He pointed out the large ponds as they had been adjusted and pulled away from the buffer; they increased the overall infiltration on the site; they transformed 2 design points to increase treatment substantially and increased recharge; there is no water coming out of the ponds that he reviewed. He stated that there is a huge recharge to the Aquifer and it is spread out in the site, not just in one location. Mr. McGuire said that they added some areas of porous pavement in non-high truck areas. He reviewed the reduced volume and rate of a two-year design storm. He noted that Mr. Quintal's comments were down to 11 from 51.

Mr. Quintal expressed concerns about treatment; the current reduction in volume in a common storm was about 28,000 gallons which is the approximate amount of water in an in-ground swimming pool which is not a major reduction. Mr. Quintal questioned the potential impacts of downstream abutters and wells. He ran the calculations coming off site which has been reduced by 3% to 856,000 gallons. Mr. Quintal reviewed increase of run-off for 25 and 50-year storms, the recharge volume and run-off rate. He noted that the State requires a certain volume to be recharged and in this case it is 300,000 gallons based on the impervious surface area during a common one to two-year storm event. He noted the recharge for 10, 25 and 50-year storm events. He stated that run-off rates are manageable due to infiltration; they have a nice blend of recharge and reduction in the rate. Mr. McGuire stated that pre-treatment had been added to supplement the treatment by proposing hooded outlets, adding pre-treatment chambers (hydrodynamic separators) and natural filtration without a point discharge. He stated that drainage has been extended and developed to be above and beyond basic practice.

Mr. Dubay asked Mr. Pernaw to comment on some public questions regarding Rte. 125 improvements, traffic study data and site design comments. Mr. Pernaw addressed the traffic study and traffic mitigation; he noted that they prepared an Addendum #1, dated 12/4/2020 to answer some of the questions. He stated that they did a speed survey with the

85th percentile speed is 58 mph (miles per hour) while the road is posted at 55 mph; there is 600 feet of sight distance which is more than adequate. Mr. Pernaw said that DOT (Department of Transportation) will review and comment on the plan and the details will be under their jurisdiction; they will work on RPC's (Rockingham Planning Commission) suggestions on curving but it is in DOT's purview. Mr. Pernaw said that they did a preliminary review of a roundabout which could have capacity problems in 2032 but they will defer to DOT; there had been a suggestion to include the Main Street/111A Intersection and they reviewed a study done at that area and the results are in the addendum. He added that the 107 driveway plan is changed so no employees will be arriving or departing; the updated projections are in the addendum; he referred to page 7 of the report and re-stated that the driveway originally proposed at Rte. 107 will be for emergency vehicles only.

Mr. Dubay referred to questions being asked about sound and sound barriers. He stated that the tree clearing is not being done near the drive which will be for emergency access and won't be used for anything but emergency access; the notes are on the plan; they have added additional buffer plantings; the distance from the operation to Kings' Landing is 600 feet and separated by wooded areas. He continued that this is a big distance and they have to meet local Noise Ordinance requirements and Federal requirements for emissions. Mr. Dubay reiterated that there is not access at Rte. 107 so there shouldn't be anyone turning around looking for an entrance; there is no employee or truck traffic at this drive; the gate is locked with a Knox box system for emergency vehicles.

Mr. Pernaw reviewed the effect of COVID on traffic numbers; he stated that they adjusted the July 2020 numbers up by 20%. He reviewed the traffic percentages; he stated that most of the traffic will be employees going in and going out but it won't change his recommendations. He noted that page 6 of report has a graphic with the traffic volumes; it is the raw DOT data, not their data, from July of that year.

Mr. Dubay clarified that this project is not delivering packages to people's houses; it is not a fulfillment center; if it changed, it would need a different review. They noted that they are not a competitor for any of the area small businesses. When it came to emergency services near Brentwood, Mr. Dubay said that there is emergency access and cross connections within the site itself. He noted financial aspects of impact fees and tax revenue. Mr. Dubay noted that trucking on the site has been an allowed use in this zone for years and this site has been set-up and zoned for the proposed use. He said that they will abide by all BMP's (Best Management Practices) and all "401" requirements; no fueling areas are proposed; stormwater practices and compliance with MS4 are governed by site specific permits in place for the site. He continued that the AoT (Alteration of Terrain) permitting process is well-founded and overdesigned; there is certain criteria, beyond Kingston's, that they have to comply with. With regard to questions about the SELT (South East Land Trust) property, Mr. Dubay answered that they did not know where that was and was not impacting any parking that they were aware of. He noted that the lighting is dark-sky friendly; they need to meet

noise ordinances for back-up sounds; idling is applicable to federal and state regulations. He clarified that all truck terminals are 24-7 terminals; they won't peak out at 2:00 AM. Mr. Dubay re-iterated that the driveway on Rte. 107 is closed off completely except for emergency vehicle use and there won't be any traffic coming in and out; all operations will access Rte. 125. Regarding Kingston being a quaint New England town, Mr. Dubay said that this complies with what the Town voted; they are in the northerly part of Town that is zoned commercial. He stated that the wetland permit is in place; the Army Corps of Engineers reviewed and issued their permit and referenced mitigation; they are buying a property in Kingston for the mitigation as allowed by the State. He said that they have 3 CUP's for the Board to digest and can get to at the next hearing.

Tim Stone gave a brief overview of the hydrogeologic study; he noted that Danna Truslow has the report and is reviewing for the Town. He stated that the road salt application will be in accordance with the NHDES "Green" program. He added that the site is in Aquifer Zone B; they are using the Bioclear system which has a good track record; there are no down-gradient abutters except the Little River; the site will have several water supply wells; very little irrigation proposed; very little net loss of water withdrawals; no significant hydrogeologic issues. He stated that they had received one comment regarding soils at the abandoned leach field which will be looked at and handled appropriately. They will wait for Ms. Truslow's comments.

Mr. Dubay said that there will be no cafeterias or food treatment on the site. He would like to review for the CUP's and get advice on that. Mr. Coppelman said that he had hoped that the applicant would ask for a continuance pending the 2nd review of the traffic study and the hydro report as there are still a lot of unanswered questions.

Mr. Greenwood said that he does have some comments that he can send out to the Board; he has spoken with the Board's traffic consultant who has reviewed the amended report but Mr. Greenwood asked for a formal memo that he hopes to receive shortly and send out to the Board. He told the Board that he, Danna Truslow and a representative from Stonehill did a site walk on Friday. Mr. Coppelman said that Ms. Truslow usually does her best for a timely review; this is a major item and the Board is awaiting the report. Mr. Greenwood said that he would send the report to the Board.

Mr. Quintal reviewed his comments of plans received 12/4/2020 which were provided to the Board and Mr. Dubay. His comments included items concerning the CUP's, snow storage that doesn't appear sufficient, stormwater drainage and MS4 requirements. Mr. Quintal noted that using porous pavement was not usually allowed in parking areas by the Board; he expressed concerns that should be addressed for wells, farmers and home owners during dry times, wetland/wildlife and other "what if" impacts. Other items included establishing a bond for inspections, performance guarantee in place prior to construction, recording, vortex location change, overflow spillways not shown but a detail is included, rip-rap,

drafting correction. Mr. Dubay asked to meet with Mr. Quintal; Mr. Coppelman noted that the Board had already agreed to that.

Mr. Coppelman read two department comments from the Fire Department and the Conservation Commission. Fire Chief Pellerin's comments included the need to comply with NFPA codes that would require a third party review; he requested that the Route 107 entrance be kept to be used for emergency use only. Ms. Nathan, Chair of the Conservation Commission (ConsCom), read the comments submitted by the Commission; two maps of wildlife corridors were included; they took issue with the points determined by Luke Hurley and asked that NH Fish and Game review those comments to see if they concur; they recommend that no CUP permit be issued for the proposal.

Mr. Coffin made a motion to have a review of the wildlife plan by Fish and Game. He said that he was moving the motion at this point to get the review started to not delay the project. There was much discussion on this proposal that included Mr. Bakie questioning the timing of the ConsCom's comments and not getting them prior to the day of the public hearing, Mr. Bashaw expressing concern that the applicant did not have the comments ahead of time; whether it would be Fish and Game or a wetland scientist, interpretations of the visuals provided. Mr. Dubay explained that a review by Fish and Game is now part of the AoT review and they've already started the process for this review. He added that he would be happy to meet with the ConsCom. Ms. Nathan explained that the comments were recently submitted as some of the issues were realized during the site walk. Mr. Coffin withdrew his motion as it appears to be redundant.

Mr. Coppelman asked the Board for comments or questions. Mr. Coffin questioned the need for the emergency access and whether it was an insurance requirement; he noted that it was the biggest intruder in the wetland area and there are two other entrances that would handle the largest fire trucks; he stated that it seems like overkill and questioned that it was necessary. Mr. Coppelman said that it was a highly-regarded request from the Fire Department due to a multitude of reasons due to possible incidents due to its size and they strongly recommended keeping it for emergency use. Mr. Wilson stated that it didn't take many fire trucks to clog an entrance and the emergency access is an asset. Ms. Merrill asked for clarification for what seemed like opposing views on run-off and flooding. Mr. Quintal said that this intent is to match pre-development conditions and his suggestion is to look off-site; he has no objection to the on-site design; his question is to look off-site to determine any impact; it would be best to do the downstream review to determine if there is an impact to an area wetland or other property. He explained that he is not supposed to be the one to look downstream, it is up to the applicant. Mr. MacGuire stated that the way he looked at it, a 3% reduction essentially matches the existing condition; they need to review drainage to treat and mitigate. He thinks this opens a dangerous door; they know they are recharging the Aquifer; he doesn't expect a reduction in the Aquifer; he needs feedback from the Board as to how to proceed. Ms. Faulconer suggested that the Mr. Quintal, Mr. Greenwood and the

applicant wait to meet until Ms. Truslow's report comes back and that all four of them meet as there may then be some information that would be pertinent to the remaining issues. Mr. Greenwood agreed that it would be good to meet to review the plans and likes the idea of including Ms. Truslow in the review.

ACTION ITEM: Mr. Greenwood will arrange and coordinate the meeting with the design team, Dennis Quintal, Danna Truslow and himself.

Mr. Coppelman stated that he was opening the meeting for public comment and explained that any member of the public that wanted to address the Board needed to put their name and address in the "chat" function that was now available.

Public comment:

Scott Ouellette, 189 Main Street, stated that he wished to make two points. He referred to the first hearing as a great example of an appropriate CUP. He stated that this project is a new construction project and there is not a hardship; they don't need to be in the Shoreland. Items 1, 3, and 5 are false; they are pushing snow into the river causing contamination and should observe the 300 ft. setback. He said that for #3 – wildlife habitat is affected; #5 – the Master Plan has a theme of protecting the Shoreland. He noted that a property owner has a right to develop but they can meet the criteria with a minimally smaller building; he noted that the back access being essential to the development of the land is not true and that no alternate route is feasible is not true. He cautioned the Board to think about these CUP's. His second point concerned the description of a warehouse/distribution center and the term "high-cube" warehouse which is a lower standard than a distribution center; he suggested that they put the "no drones/no deliveries" note on the plan; he suggested looking at A-3 to see how many doors are on the plan as a warehouse storing "stuff" would not have that many doors and they should be using the higher standard of a "distribution" center. He suggested that it was easier to address issues now rather than wait for enforcement. He re-iterated his suggestion for the Board to look at what the plan is designed for and use the higher standard for review.

Brad Withan, 4 Black Alder Drive, agreed with Mr. Ouellette's comments. He stated that he spoke with other Kingston residents who were unaware of the project and suggested the Board put the review on hold until Zoom meetings were no longer necessary. He expressed concerns over comments made by Board members referring to ConsCom's comments as late after the applicant had submitted several changes to the project design. He reiterated his suggestion to table the review until the public can attend a meeting; he feels it is being shoe-horned without adequate public input and was very distressed that it was happening under COVID-19 protocols. Mr. Coppelman stated that under the present circumstances, a virtual meeting is the safest way and has had better attendance. Mr. Witham disagreed.

Shelly Sullivan, 4 Castle Court, stated that lighting is a concern and it looks like a new storage facility that is very bright; she asked about the fencing around Rte. 107. Mr. Dubay said that there is vegetation and fencing. Mr. Coppelman stated that the plan sets are on the Planning Board's page on the Town's web site to be able to review the buffering.

Richard Tracy, 17 Monarch Way, agreed with Mr. Witham's comments. He questioned the buffering and noise; he said that there is a 50 ft. soft buffer and stockade fencing; the edge of the building to Kings' Landing is about 1300 ft., he thinks there will be noise; the stockade fencing is behind the existing trees and many of them are so old that the limbs are 20 ft. in the air and the deciduous leaves are not there at all. He said there should be a design change for the stockade fence as the designs were set in the 1980's; he suggested adding a highway-type fence with sound-proof material; he continued that the evergreens in the buffer are at about 6 feet and will have no significant effect for at least 6 years. He referenced the State laws about idling and needing to shut down after a specific time and questioned who enforces that. He said he was just asking the Board to protect the residents as much as possible.

Paul LaLiberty, 23 Castle Court, agreed with Mr. Tracy and Ms. Sullivan and the buffer area and said that there should be something more than a stockade fence; he shared the screen with a plan showing a proposed area for better buffering with highway-type sound barriers; he believes there will be a lot of truck activity at night and it is critical that there be significant noise mitigation.

Jocelyn LaVoie, 17 Castle Court, shared similar concerns as others, specifically noise and light mitigation. She agreed that the area was commercial but questioned whether there was anything about size. She asked if the Board only decided on empirical numbers or on the impact to abutters and quality of life and property values. She asked how many trucks would be coming and going on a daily basis; the hours and impact on Rte. 125. Mr. Coppelman said that many answers are in the traffic study and referred Ms. LaVoie to that. He explained that the Board uses many things to consider during the review and they must meet site plan and zoning requirements; he added that there is some discretion to a Board member and in review of the Master Plan and "purpose".

Andrea Kenter, 23 Marshall Road, wrote a letter recently received by the Board and stated that she will let the letter stand for itself for the Board to review; she doesn't think that the CUP requirements can be met; she noted that the AoT has issued new guidance which is included in the letter. The hydro study met the nitrate analysis adequately but fell short.

Mike Norton, 49 Little River Road, expressed concern over the name that the project is using; his background includes warehousing operation and he has a problem with the description. He said that this is not a warehouse and the Board should look at the docks and the size of the building. He said that it would either be a warehouse or a distribution center or a

fulfillment center. He noted that with the number of docks, they would be a loss of \$1.5 million in revenue as a warehouse. Mr. Coppelman said that it is not a requirement to tell the Board the tenant's name; the number of employees, etc. are a part of the review and requirements. Mr. Norton asked for clarification of a warehouse of a distribution center. He referenced Table 1, Page 13's description of a proposed warehouse and non-sort fulfillment center. He explained that a warehouse makes money due to storage, a distribution center makes money by processing out of the building; they are opposite of each other and he questions the use of the terms. Mr. Coppelman asked Mr. Dubay for a succinct response. Mr. Dubay said that they have always called it a warehouse distribution center; they aren't saying it is just a warehouse as they have processing and distribution; he said that they aren't hiding anything and have been clear about the docks and warehouse distribution. Mr. Coppelman suggested that if Mr. Norton want to detail his comments in written form, it would be distributed to the Board.

John DeStefano, 26 Monarch Way, said that he was intrigued to hear the amount of review at the first hearing this evening; he said that this is not adding a deck to a house and thinks the Board needs to listen and think to the future. Mr. DeStefano, referencing comments made regarding the ConsCom comments, stated that it is reckless for the Planning Board to criticize another Board. Mr. DeStefano had an issue with the traffic analysis stating that there is a zero record and no credible data as to the impact of 24 hours of continuous operation that will be manned and staffed; he said that commuting has grown on Rte. 125 and the traffic analysis has no credible data. He stated that the Town should not be influenced by a financial gain; there is no clock that needs to be punched; he questioned how Rockingham County would be impacted.

Mr. Coppelman noted that a letter had been received by Dana Akers commenting on traffic and the watershed with questions regarding the smaller lots and whether lot coverage is exceeded. He closed public comment at 11:20 PM.

Ms. Faulconer asked Mr. Dubay about the possibility of better sound mitigation with the use of the previously mentioned highway sound panels; Mr. Dubay said that he would look into it.

Mr. Coppelman commented that the Board took time and due diligence on a previous application this evening which was just the one hearing; he said that this project has had several evenings and was still going forward.

Mr. Bashaw addressed comments that some Board members were critical of other entities and wanted to clarify that they were not a criticism of different commission giving input; some issues to look at are black and white. He noted that Mr. Ouellette touched on some fantastic items and he can say that he will have to be shown that the proposal meets certain requirements; he will have to be shown. Ms. Merrill explained that when the Board members

get the comments earlier than they are able to ask questions and do some research on their own to be able to make better decisions. She added that there is not one person on the Board who doesn't care about Kingston's future. Mr. Bakie stated that the Board is here in the best interest of the Town of Kingston but there is also a responsibility to an applicant; the Board put Monarch Way through when others didn't want it approved.

MM&S to continue to January 19, 2020 at 6:30 with new materials to be in by January 7th at noon. (Motion by Mr. Wilson, second by Mr. Bashaw) Discussion: Mr. Bashaw noted that anyone sending letters to the Board are sent to, and read by, Board members. Mr. Coppelman suggested that the sooner, the better. Mr. Dubay said that they are asking to continue working diligently and will get the information submitted on the 7th and are extending the reviewing time clock. Roll Call vote on the motion:

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| Mr. Coppelman – yes | Ms. Merrill – yes | Mr. Wilson – yes |
| Mr. Bakie – yes | Mr. Coffin – yes | Mr. Bashaw – yes |
| Ms. Duguay – yes | Motion carries PUNA (Passed unanimously) | |

Board Business

The Board agreed to table the discussion regarding the question of use at Bob White Drive until the next hearing.

MM&S to accept the minutes of October 20, 2020 as submitted. (Motion by Mr. Coffin, second by Ms. Duguay) Roll Call vote on the motion:

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|---------------------|---|------------------|
| Mr. Coppelman – yes | Ms. Merrill – yes | Mr. Wilson – yes |
| Mr. Bakie – yes | Mr. Coffin – yes | Mr. Bashaw – yes |
| Ms. Duguay – yes | Motion carries PUNA (Passed unanimously) | |

MM&S to accept the minutes of November 17, 2020 as amended (p. 8, third paragraph, DUP should be CUP). (Motion by Mr. Coffin, second by Mr. Wilson) Roll Call vote on the motion:

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|-------------------------|---|------------------|
| Mr. Coppelman – abstain | Ms. Merrill – yes | Mr. Wilson – yes |
| Mr. Bakie – yes | Mr. Coffin – yes | Mr. Bashaw – yes |
| Ms. Duguay – yes | Motion carries 6-0-1 (with Mr. Coppelman abstaining) | |

Mr. Wilson addressed the Board regarding Fieldstone doing work on the site and asked if they had met the conditions of approval. Mr. Coppelman said that they hadn't complied with the Conditions of Approval. Mr. Wilson said they had clear cut areas and brought in materials. He confirmed that they had not filed an Intent to Cut. Ms. Merrill noted that the day after the Board's conditional approval, there was construction equipment on the site working.

Mr. Coppelman declared the hearing adjourned at 11:37 PM.