

KINGSTON PLANNING BOARD
February 2, 2021
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. Bashaw provided the call-in number for the hearing. 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	Peter Bakie, alone
Robin Duguay, alone	Steve Padfield, Alternate, wife in room
Chris Bashaw, alone	Ellen Faulconer, Alternate, alone
Richard Wilson, Board of Selectmen (BOS) rep., alone	

Also present: Glenn Greenwood, Planner; Dennis Quintal, Town Engineer; Danna Truslow, hydrogeologist.

Board Business

Mr. Coffin asked about a letter sent by Ms. Truslow regarding AAAL (All American Assisted Living) and the nitrate levels. Ms. Truslow said that she was contacted by AAAL and they are willing to resample the wells around the septic field and they voluntarily agree to move forward; Mr. Wilson will follow-up on this.

Mr. Coppelman reviewed the items that had been sent out to the Board for review at the hearing: memo from Ms. Truslow, memo re: updated traffic study, updated Dept. comments.

Berkshire-Dominion/Saddle Up Saloon
92 Route 125
Tax Map R8 Lot 40, 40A

Mr. Coppelman read the public notice and the request from the applicant to continue to March; dates were reviewed by the Board.

1

PB Hearing

Feb. 02, 2021

Accepted as written, 3/16/2021

MM&S to continue to March 16th conditional upon new plans being submitted to the Planning Board by noon on Thursday, February 25th (Motion by Mr. Coffin, second by Ms. Merrill) Discussion on the motion: The Board discussed compliance concerns, further continuances, possible additions to the motion. Roll Call vote on the motion:
Glenn Coppelman – yes Richard Wilson – yes Lynne Merrill – yes
Peter Bakie – yes Chris Bashaw – yes Robin Duguay – yes
Peter Coffin – yes **Motion passes unanimously (PUNA)**

266 Route 125, LLC
266 Route 125
Tax Map R41 Lot 17-1

Mr. Coppelman read the legal notice for the hearing. Karl Dubay, representing the applicant, stated that there was a lot of data and information given but no new plans were submitted. Mr. Quintal said that he had received no new material to review so will go by his last comment sheet; some drafting issues needed to be addressed but he had nothing further at this time. Mr. Greenwood said that he sent a note out to the Board this afternoon so the members could have an easier place to look to review the Shoreland CUP (Conditional Use Permit); the most recent memo from Ms. Truslow was received that also addressed the CUP for the Aquifer. Mr. Coppelman reviewed Department comments: Chief Briggs requested a note be added to the plan: if peak traffic is significantly higher on an on-going basis, the owner will pay for an officer at peak times until addressed or the officer is no longer warranted. Mr. Coppelman addressed Mr. Greenwood to confirm that Chief Briggs' comment would be flagged as a condition when it came time for a vote. Mr. Coppelman noted that the Board had received two comments from the Conservation Commission. He explained that the January 24th comments reviewed a meeting held with Mr. Dubay: there is property on the north side of Little River that was previously designated as Conservation land; Mr. Dubay said that it will be in the next revision; #41-17-1-C will also be conserved and part of the revision. They will also be fixing the proposed fence: it will be shorter and curved to better address wildlife. Mr. Coppelman continued that today's memo referred to future use of Lot D as the snow storage is being moved to this lot and this restriction needs to be added to the revision; on p. 37 there is a reference to utilities and that easement is being removed. Mr. Dubay added that they are open to input from the Conservation Commission regarding the plantings; he stated that he had previously seen the comments. There were no further comments from Conservation.

Conditions of approval would include recommendations from the second traffic review memo from Mr. Pernow; copies had been sent to the Board; recommendations include a notation that any change of use would require an amended traffic study; submit a proposed TDM management scheme that conforms to the Pernow traffic study. The traffic recommendation report will be reviewed to add any recommendations as conditions of approval.

Danna Truslow, consulting hydrogeologist, reviewed her memo dated 2/1/2021 that had been sent to the Board; her information had also been reviewed with Doug McGuire, representing the applicant. Ms. Truslow noted that upon review, they came to an agreement that there is recharge sufficient to say that it is pretty equal to pre-construction recharge; she explained that it was not all clean water as some is from the septic and the drainage ponds but there should not be any significant change in recharge on the site. Mr. Coppelman stated that this addresses the first issue with the 10% difference issue. Ms. Truslow added that the over-infiltration at the infiltration basins was not previously considered which brought it closer to 90% infiltration instead of the 50% infiltration; some of the pervious surfaces will go to these basins and concentrated in the infiltration basins instead of being spread out.

Ms. Truslow continued that the road salt and de-icing is the one water quality impact that is tough to take care of; it comes down to good operation and management and BMP's (Best Management Practices) and training of contractors and following UNH and DES standards. She added that it needs a lot of oversight; there will be some chloride impact but the applicant has worked to minimize any impact; any impact from septic, due to the discharge standards, brings it to less than the below 10 mg. standard. Ms. Truslow stated that these were the big items when it comes to the CUP; 4 out of 5 are well satisfied. She addressed the one issue of water quality by stating that there is no way that she can say that there will be "no change" whatsoever with water quality.

Mr. Coppelman asked Mr. Dubay if he had any comments. Mr. Dubay thanked the Conservation Commission for meeting with them over the weekend. He reviewed a list of compliance and criteria in the Shoreland, which they had discussed with Conservation. He reviewed some proposed changes on a "Figure 1 Sketch" – they are taking away a little more pavement (7000 sq. ft.) and adding guard rails as suggested by Scott Ouellette; they shifted septic tanks slightly away from the river. Mr. Dubay said that they had no issues with the 4 items from Mr. Quintal; he stated that they are making adjustments to the plan set and would like the next plan set to be a final administrative plan set; there are a lot of recording, bonding requirements, etc.; he said that he sent a 27-point memo to Mr. Greenwood; he confirmed that he had received Chief Briggs comments. Mr. Dubay said that they typically review a conditions list that they provide to the Board; they develop the restrictions; it sets for the logistical items. Mr. Dubay thanked the reviewers, engineers and scientists for the back and forth that ended up with a good product; he said that the Town's reviewers weren't easy but it leaves a better product.

There was Board discussion regarding the process and whether to have public comment prior to addressing the pending CUP's; the Board agreed to address public comment and commit to addressing the CUP's during this meeting. Ms. Duguay suggested that based on some of the comments, there might be some misconceptions about the Board's responsibilities and it might make sense to address those versus "feelings" and other things

that might have no bearing on the tasks before the Board. Mr. Coppelman explained that the Board was elected to make decisions on Ordinances and regulations with information supplemented by experts to help the Board with decision making; this particular proposal's scope and nature generates a lot of discussion. Mr. Bashaw added that the information is a judicial part of the Board's process; the Board needs to rely on experts and not just feelings.

Mr. Coppelman briefly noted public comment received either through mail or email that had been previously sent out to the Board:

- Mr. Dehart, 16 Monarch Way – inadvertently missed at the last meeting – issues: environmentally sensitive flora and fauna; trucks, traffic, sound, impact on Rte. 107.
- Paul LaLiberty – sound barrier; Mr. Coppelman asked Mr. Dubay to review during the hearing
- Richard and Yvonne Tracy – sound barrier and fencing, higher fence around the truck area
- David Buehler and Lark Hammond – 4-page letter previously sent to the Board, assorted issues, water quality
- Andrea and Almus Kenter, 23 Marshall Rd., question of conflict of interest; Mr. Coppelman noted this was not a Planning Board issue
- Muriel Ingalls, Main Street, sent to letters to each Board member expressing concerns with traffic and preservation of wildlife.
- Hans Kruger, 52 Main Street, large scope of development, traffic concerns

Mr. Coppelman opened the hearing for public comment, explaining how the process works via the chat function and asking any public to type in their name and address and they'd be called on to address the Board.

- Mike Norton, 49 Little River Road, asked if there was going to be any direct delivery to individual businesses throughout New England from this site. Mr. Dubay answered that a warehouse distribution center does delivery to individual businesses as it is what they do but they don't deliver to homes; he said they could deliver to a retailer or a warehouse; he clarified that it was not a point of sale delivery to an office; if ordering a pallet of something and it is a normal supply chain it could be, but this is not a fulfillment center.
- Richard Tracy, 17 Monarch Way, said he was still checking on the fence as it hadn't been updated and Mr. Dubay said that he would add the acoustic panels at the last hearing; he asked if the note would be added to the plan. Mr. Dubay said that there is a panel that can be installed and it does provide more sound absorption; he said that Mr. Tracy is correct and it is something they should do. He stated that they would mitigate any noise ordinance requirements that they didn't meet. After some additional discussion, Mr. Dubay agreed to put up the additional acoustic panels and add that to the detail of the fence. Mr. Coppelman confirmed that this will be a condition for Mr. Greenwood to include on the list.
- Martha Jaquith, 16 Reinfuss Lane, asked that there be a note added that there will be no drone use. Mr. Dubay said that everyone uses drones as a tool, such as for taking

a picture of the site, but there would not be drones used for deliveries or for every day-to-day use. Ms. Jaquith asked that the 4th property in the subdivision that was not currently asking for another driveway/curb cut have a note added that there would not be a curb cut at this location. Mr. Dubay said that needing a driveway for that lot would require a site plan application and a DOT (Department of Transportation) review. Steven Pernaw said that if a third driveway is an issue, it would come up with a new site plan. Mr. Coppelman said that the current proposal includes this lot as a subdivision but use of the lot itself was not part of the application. He added that DOT has control of access onto a State highway. Ms. Merrill noted that if a company changes the use, it needs to come back to the Planning Board.

- Muriel Ingalls, Main St., stated that there are so many technical aspects it is overwhelming; the issue is that the project is out of character for the quality of life and character of Kingston; she commented that the Planning Board members are being held responsible for any changes to the Town as it is deplorable.
- Hans Krueger, 52 Main Street, said that the project is very large for the roads around Kingston; he asked for clarification regarding Planning Board purview and wondered if it also needed Selectmen and Town approval. Mr. Coppelman explained the Board's responsibility.
- Kathy Radford said her family has been in the trucking and warehousing business and the Town is jumping in way over their heads; she stated it was too far away from highways; she expressed concern over the increase in pollution and accidents and the possibility that the company was tied to high-tech and where the Town would find the money if needed to fight them in court.

As there were no further comments, Mr. Coppelman closed the public comment portion of the hearing at 8:15. He made a general comment about the application and the process:

- Yes, it is a large project
- Planning Board is the reviewing entity on this and granted this authority by State law.
- The Board members are obliged to follow the ordinances and regulations.
- The Zoning allows this; the zone was approved by the Town voters.
- Like it or not, this use is allowed.
- This zone allows CUP's and that will be the bulk of the Board's discussion at this hearing.

review. Ms. Faulconer noted that just as the public comment section ended, Mr. Marley tried to comment. Mr. Greenwood stated that he tried to contact Mr. Marley but he was no longer on the call.

<Board note: the Board took a 5-minute break; returned at 8:27 PM.>

Mr. Dubay shared the screen to show the Shoreland District which extended 300 ft. from the high water of the Little River. He reviewed aspects of requirements of the CUP: all of the steep slopes were identified; they can modify up to 25% of the slopes and they are only

disturbing 13%. They are not disturbing any of the 75-foot vegetated buffer; they had originally proposed some disturbance but listened to the comments made and now are not disturbing any of it. He said that the septic is allowed in the overlay but not within 150 ft. from the river; there is no new building proposed in 150 ft. or 300 ft.; there are existing, grandfathered buildings but no new buildings. He continued that 20% coverage is allowed but the weighted average is 14% of impervious surface. He added that in the entire 300-foot buffer, at least 50% minimum is not disturbed and the weighted average is 59% not disturbed. For meeting State requirements, they meet the “excellent” criteria for the State. Mr. Dubay continued that they meet the criteria for a landscape plan and buffer; there is no snow storage in the buffer area. He explained that a buffer protects dissimilar uses from one another and they more than meet the requirements.

Mr. Dubay addressed the 5 CUP criteria for Article 205: #4 – comply with 205.4, use regulations A-E; #3 – no undue damage to spawning grounds or wildlife habitat as they are providing enough buffer for this and a wildlife corridor; #2 – it is just domestic wastewater, basically just employee bathrooms; there is no hazardous or toxic waste. He reviewed item #5: it agrees with 205.1 (Authority and Purpose: A-D): A) meet all the criteria and protecting water quality, B) not touching aquatic and terrestrial habitat associated with the Shoreland, C) not touching recreational and aesthetic values; no impact to the river and associated wetlands, D) encouraging uses appropriately located adjacent to the Shoreland which they are doing with the buffers and protective measures. He added that Item #1 is met as they are not detrimentally affecting surface water; there are drainage designs for extra protection; the drainage designs and hydro calculations make sure that they are in balance with volumetrics and recharge design; there is no result of unhealthful conditions with the extra protections provided. Mr. Coppelman noted that Mr. Greenwood provided the Board with a memo specific to the CUP’s. He read the premise for granting a CUP per the ordinance.

MM&S to affirm that 205.6.B.1 does not detrimentally affect the surface water quality of the river, or result in unhealthful conditions due to the applicant’s design; specifically referring to the Drainage calculations of the applicant and Stonehill Environmental hydrogeology reports as well as findings of Danna Truslow/Town consultants, the treatment design, replenishment and recharge design, and volumetric mitigation controls as presented on the plans. (Motion by Ms. Merrill, second by Mr. Bashaw) Discussion on the motion: Ms. Duguay asked for input from Ms. Truslow as she read her comments differently. Mr. Coppelman suggested that Ms. Truslow’s comments as read on p.4, bottom paragraph states that water quality could be impacted and therefore item #1 is not affirmed. Mr. Bashaw stated that anything “could” affect it but doesn’t say “will”. Ms. Merrill suggested that strict adherence and implementation of BMP’s would monitor impacts and she believes it could be done. Mr. Bashaw re-iterated that it doesn’t say if definitely won’t control. Ms. Duguay stated that presumably any commercial or industrial use would potentially cause an issue. Mr. Bashaw stated that anything could do something. Mr. Coppelman suggested bringing Ms. Truslow into the discussion as her report addresses

this. Ms. Merrill said that there is already chloride in the pond and is not a drinking quality concern; although salt is a health concern; she added that the river is not necessarily drinking water. Ms. Truslow said that the impact of road salt is the toughest part, especially with this type of parking; groundwater discharge to surface water will contain chloride; it is not treated by natural degradation; the only way is through dilution and that's when it decreases. When groundwater levels are low there is less dilution and chloride issues kick in on aquatic impacts. Ms. Truslow said it is difficult to quantify whether there will be impacts; it is likely that they will have some impacts to water quality. She stated that she thinks there is an effort with the Green Pro Snow program that will help with the impacts but she can't say that there will be no impact as road salt is a thorny issue. Mr. Bashaw asked if Ms. Truslow could state, in her professional opinion, whether the proposal would detrimentally impact the river. Ms. Truslow answered that it hasn't been shown that there will not be an impact as it is hard to quantify. There will be some impact; will Green Snow Pro have the positive impact. Mr. Stone stated that he is in general agreement with Ms. Truslow; he reviewed his data; water entering and leaving the site is just about identical; he saw no meaningful increase in chloride in the Little River and doesn't expect to see an increase due to post-development. He continued that the Snow Pro is an intensive program and he agrees with Ms. Truslow that there can't be a site developed without some impacts but they are as minimal as can be expected from a commercial activity. He added one last item that proposed establishing a monitoring program to meet the State and Federal criteria. Mr. Stone said that he fully expected, with systems in place, that the Town will not see an increase.

Ms. Faulconer asked Ms. Truslow if a monitoring system were in place, as just mentioned by Mr. Stone, would it address the issue of future possible contamination. Ms. Truslow said that a monitoring program, established collaboratively, would show whether anything detrimental was occurring and remediation could be required. Mr. Stone and Mr. Dubay said that this could happen. Mr. Coffin said that having a monitoring program would mean that any issues could be managed; there is information that the proposal "may" detrimentally affect but no information that it "will" affect; he is basing this on a monitoring program that would require mediation. Mr. Bashaw stated that requiring a monitoring program should be a condition of approval. Mr. Coffin agreed. There was discussion regarding this project being part of the Stormwater Management Program (SWP) for the Town. Mr. Greenwood said that the monitoring program is another item; there is a lot of Stormwater Management (SW) relative to the volumes, flows and other issues. Mr. Coffin said SW relative to volume, not quality. Mr. Wilson believes SW may evaluate quality as well.

Roll Call vote on the motion affirming Condition #1 is met.

Glenn Coppelman – no

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion carries 6-1 with Mr. Coppelman opposed. Mr.

Coppelman explained that his vote was based on Ms. Truslow's report concerning contamination.

7

PB Hearing

Feb. 02, 2021

Accepted as written, 3/16/2021

MM&S to affirm that 205.6.B.2 as required, no nondomestic wastewater is discharged, and no storage or disposal of hazmat or toxic wastes are involved. The septic designs include employee domestic flows only, and meet the requirements of the Town and NHDES. (Motion by Ms. Merrill, second by Mr. Wilson) Roll Call vote:

Glenn Coppelman – yes	Richard Wilson – yes	Lynne Merrill – yes
Peter Bakie – yes	Chris Bashaw – yes	Robin Duguay – yes
Peter Coffin – yes	Motion passes unanimously (PUNA)	

MM&S to affirm 205.6.B.3 as noted in reports of Gove Environmental Services, no undue damage to spawning grounds or other wildlife habitat will occur. (Motion by Ms. Merrill, second by Mr. Bashaw) Roll Call vote:

Glenn Coppelman – yes	Richard Wilson – yes	Lynne Merrill – yes
Peter Bakie – yes	Chris Bashaw – yes	Robin Duguay – yes
Peter Coffin – yes	Motion passes unanimously (PUNA)	

MM&S to affirm 205.6.B.4 as the use complies with section 205.4 and all other applicable sections of this article as clarified in notes from Mr. Greenwood and Mr. McGuire regarding lot size, lot coverage, setbacks, surface and buffer alterations. (Motion by Ms. Merrill, second by Mr. Wilson) Discussion: Mr. Coffin stated that the Town’s reviewer, Ms. Truslow, agrees in her report. Roll Call vote on the motion:

Glenn Coppelman – yes	Richard Wilson – yes	Lynne Merrill – yes
Peter Bakie – yes	Chris Bashaw – yes	Robin Duguay – yes
Peter Coffin – yes	Motion passes unanimously (PUNA)	

MM&S to affirm that 205.6.B.4 is consistent with the intent of the purposes set forth in section 205.1 (Motion by Ms. Merrill, second by Mr. Bashaw) Discussion: Ms. Duguay stated that it is the same argument about safely saying it won’t detrimentally affect the site; she questioned how the Board can say it will enhance the water quality. Ms. Merrill answered that all the work being done on the existing property in the SP Zone such as the drains being removed and the new septic systems is protecting the quality that is not in place now. Mr. Bashaw said that “intent” is a tricky word; property can be developed with restrictions and the intent it to allow for developments being done safely. There were no further comments or questions. Roll Call vote on the motion:

Glenn Coppelman – yes	Richard Wilson – yes	Lynne Merrill – yes
Peter Bakie – yes	Chris Bashaw – yes	Robin Duguay – yes
Peter Coffin – yes	Motion passes unanimously (PUNA)	

MM&S to grant the CUP for the Shoreland Protection District as all of the criteria are met. (Motion by Mr. Wilson, second by Mr. Bashaw) Roll Call vote:

Glenn Coppelman – no	Richard Wilson – yes	Lynne Merrill – yes
Peter Bakie – yes	Chris Bashaw – yes	Robin Duguay – yes
Peter Coffin – yes	Motion passes 6-1 with Mr. Coppelman opposed.	

<Board note: The Board took a 5-minute break at 9:50 PM.>

Mr. Coppelman stated that the Board would next be reviewing the CUP in the Aquifer Protection District (APD). He referred the Board to Ms. Truslow's report that includes detail and comment on each of the conditions. Mr. Dubay reviewed the 5 criteria in the CUP.

D – complies with all other applicable sections of this Article – he noted that the proposal met all of the use requirements in 201.4 referencing minimum lot size, hydro study, maximum lot coverage, septic, no prohibitive uses. He noted that all the design and operational guidelines in 201.6 were met. Mr. McGuire reviewed the Green SnoPro requirements and BMP's within that program that included use of salt brine which shows a 30% reduction in salt use; pre-treating uses less salt overall and reduces de-icing chemicals needed by 30%. He reviewed the watershed areas noting that 26 acres are subject to snow management; he reviewed areas within the watershed. Tim Stone reviewed the Groundwater Contour Site plan showing the groundwater flow. He stated that no water supplies are at risk from this site; an on-site supply well is sampled annually; monitoring wells along the edge of the Little River will be part of the monitoring program; he added that they are bringing the site into greater compliance in respect to the groundwater. Mr. Stone stated that groundwater quality has been impacted by the current system which they will be improving. He added that he is pretty much in agreement with Ms. Truslow's 2/1/21 memo with the only sticking point being the water quality issue and the chloride which has already been discussed. Mr. Stone continued that the site needs to comply with DES (Department of Environmental Services) guidelines for groundwater quality and he is confident that the handling of stormwater along with infiltration and the septic system design can provide no detrimental impacts and he suspects the site will be managed more effectively than any other site in Kingston. He said that he and Ms. Truslow will come up with a monitoring program in case there is a rare instance of something needing mitigation. Ms. Truslow referred the Board to p. 4 and p. 5 of her report which has some additional information regarding adherence to BMP's; she added that water quality is the big question and the impact is hard to pin down; she said an issue is the consistency of the SnowPro contractors and their adherence to BMP's. She noted that this is still a considerable amount of coverage for any site.

Mr. Coppelman referred the Board to Article 201, APD, Section "G" for the CUP requirements, Article 201.4 (G) a-e. Mr. Coppelman read item (a).

MM&S to affirm that the proposed use will not detrimentally affect the quality of the groundwater by direct pollution or long term susceptibility to potential pollutants for the same reasons discussed for the last CUP. (Motion by Ms. Merrill, second by Mr. Wilson) Discussion: Mr. Coppelman felt that this was an important issue and should be discussed. Mr. Coffin questioned whether the conditions protected the aquifer. Ms. Truslow said the issue was whether the controls in place would allow the statement to be true. She answered that it would depend on what re-remediation could be done if the controls didn't work; for the monitoring program it would depend on what measures could be taken to

reverse the contamination of chloride, as an example. She continued that there would have to be a means to reverse the trend; specifics on how it could be managed. Mr. Dubay said that the GreenPro program has a training and certification program and is now a subset of the Certified Salt Applicator program; UNH (University of New Hampshire) does the training and refined the program. He continued that if there was an issue, they can find it out and they can stop and address the issue; these facilities are usually managed better than what is currently there; they can quantify and control it. He assumes that the Town will hire someone like Ms. Truslow and there will be a lot of checking and there should be. Mr. Stone said that there are standards that are established and in the NH Code of Administrative Rules; they have to look at these standards established for health and aquatic standards; if any problems, they would have to take mitigation action. Mr. Dubay referenced the Voluntary Salt Applicator Program and ENV WQ 2200 and when monitoring comes up it will be referenced. He added that Operation and Maintenance requirements require quantification of the amount of salt product issued and adjustments can be made on-site. Ms. Truslow said that the site managers can provide assurance and make it part of the monitoring; if chloride increases there will be pro-active action and monitoring on the site. Mr. McGuire stated that the theory is we won't get to that point; there is no problem to have logs and review being part of the monitoring plan. Mr. Coffin said that this is relative to the Aquifer and lateral movement. Ms. Truslow explained that it is saturated sand material like at the beach, with slow-moving groundwater; it travels about a couple of feet/year. She explained the land surface and groundwater surface explaining that it is about 55 ft. to the impervious level with about 20 ft. of saturated material. She described it like a saturated sponge slowly moving to the river. She added that there is a fractured bedrock Aquifer where wells are drawn from; the area gets more permeable as it gets near the landfill. Ms. Faulconer noted Mr. Dubay's inability to state who the owner will be but asked if the future owner is aware of and agrees to all of these stipulations. He said they did. Mr. Stone said that proposals are seeing more sophisticated approaches to operations of their facilities. He added that sites like this have sophisticated requirements that are just not walked away from; there is a new landscape with respect to monitoring and maintaining compliance. Ms. Truslow said that in terms of monitoring, it depends on an agreement on a comprehensive program that includes providing documentation and co-operation, which is up to the owner, and a professional organization should carry out the monitoring requirements; it would need to be a solid agreement. Mr. Bashaw asked Mr. Wilson if a code enforcement officer would follow-up on this; Mr. Wilson said absolutely. **Roll Call vote on the motion:**

Glenn Coppelman – no

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – no

Motion passes 5-2 with Mr. Coppelman and Mr. Coffin

opposed. Mr. Coppelman explained that the Board is dealing with the most significant resource in Town and he can't take the risk and thinks it will likely increase. Mr. Coffin agreed with Mr. Coppelman adding that this part of the Aquifer has lateral movement that is almost still and once it is contaminated it won't go away. Mr. Wilson said that this is making a bad situation better.

Mr. Coppelman read item “b”. He noted that this has changed since Ms. Truslow’s first report and is now nearly equal to pre-development recharge. Ms. Truslow stated that she feels really comfortable with this and that she had underestimated the additional recharge from the detention basins.

MM&S to affirm the proposed use does not cause significant reduction in long-term water volume contained in the aquifer or the storage capacity as confirmed by Danna Truslow in her report dated 2/1/2021. (Motion by Ms. Merrill, second by Mr. Wilson) Roll

Call vote:

Glenn Coppelman – yes

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion passes unanimously (PUNA)

MM&S to affirm condition “c” that the project does not involve nondomestic wastewater or hazardous material based on the Truslow report dated 2/1/2021 and they do comply. (Motion by Ms. Merrill, second by Mr. Wilson) Roll Call vote:

Glenn Coppelman – yes

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion passes unanimously (PUNA)

MM&S to affirm condition “d” that the use complies with the requirements of this Article based on the Truslow report dated 2/1/2021 that confirms that they do comply. (Motion by Ms. Merrill, second by Mr. Wilson) Roll Call vote:

Glenn Coppelman – yes

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion passes unanimously (PUNA)

MM&S to affirm condition “e” based on receipt of a hydrogeologic study that includes the evaluation and analysis per the regulations, as required and finds no detrimental impact and that has been peer reviewed. (Motion by Ms. Merrill, second by Mr. Wilson) Roll Call vote:

Glenn Coppelman – yes

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion passes unanimously (PUNA)

MM&S to grant a CUP for the APD based on affirmation that all five (5) criteria are in compliance. (Motion by Ms. Merrill, second by Mr. Bashaw) Roll Call vote:

Glenn Coppelman – no

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – no

Motion passes 5-2 with Mr. Coppelman and Mr. Coffin

opposed.

Mr. Coppelman stated that all three requested CUP's have been granted. Mr. Bashaw stated that based on the CUP's being granted, he believes that the plan is complete enough to being a conditional approval; he suggested that Mr. Greenwood comply a list for the Board to review for a conditional approval and have a new plan provided by Mr. Dubay with the changes discussed and referred to this evening; with this list provided for the next hearing. Mr. Coffin agreed but thought all the issues were not discussed; he didn't feel the Board had discussed the traffic study; he questioned where the traffic might be coming from and that impact; he suggested establishing some type of condition regarding the maximum number of vehicles per hour or per day that will trigger an action such as the Police Department's comment; he questioned the impact on other towns. Mr. Coffin added that the presumptions in the traffic study need to be mandated. There was discussion amongst the Board members as to whether this had been determined in the traffic study and whether some of the information was not within the Board's wheelhouse; Mr. Bashaw suggested that there is some information that we don't have legal access to. Mr. Greenwood added that Mr. Pernow's traffic study does say where the traffic will be coming from. Ms. Merrill said that if there is traffic backing up on the highway, the Police Chief will handle that. Mr. Coffin wanted assurance that the traffic plan and recommendations were part of the approval as that had not been stated. Mr. Greenwood said that the traffic study gave proposed numbers that gave the Board a number of recommendations and the Board's conditional approval will include those recommendations; the Board was provided with a report based on technical and scientific knowledge which was reviewed by the Town's expert which include recommendations; the Board's conditional approval needs to include that report and recommendations. Mr. Coffin said that in reading our consultant's review, he suggests that the applicant submit a TDM scheme as part of the conditions of approval. Mr. Bashaw suggested is to continue to comply with all of the conditions. There was discussion regarding the next date for continuance. Mr. Dubay said that the pages needing updating were basically 5 sheets; the Board did not require 20 new sets; three sets would be sufficient to be provided to the Board. Mr. Dubay said that they were keeping track of conditions. Mr. Greenwood confirmed that he would be able to compile the Conditions of Approval list and send to the Board for review a week before the hearing (2/9).

MM&S to continue to Feb. 16th at 6:45; the Board wants new plans in to the office by Thursday, Feb. 4th. (Motion by Ms. Merrill, second by Mr. Bashaw) Roll call vote:

Glenn Coppelman – yes

Richard Wilson – yes

Lynne Merrill – yes

Peter Bakie – yes

Chris Bashaw – yes

Robin Duguay – yes

Peter Coffin – yes

Motion passes unanimously (PUNA)

Mr. Dubay confirmed that, per the State, the light being installed at the intersection needs to be in place prior to getting a Certificate of Occupancy.

Mr. Coppelman adjourned the hearing at 11:07 PM.

12

PB Hearing

Feb. 02, 2021

Accepted as written, 3/16/2021