

Kingston Planning Board

July 20, 2021 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:37 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Lynne Merrill, Vice Chair
Richard Wilson, BOS rep.
Steve Padfield, alternate

Peter Coffin
Peter Bakie
Ellen Faulconer, alternate/admin. asst.

Members Absent: Robin Duguay, Chris Bashaw
Also present: Glenn Greenwood, Town Planner
Absent: Dennis Quintal, Town Engineer

Mr. Coppelman introduced the Board. He announced that due to the absence of two Board members, Mr. Padfield and Ms. Faulconer would be a voting members this evening.

Board Business

MM&S to approve the June 15, 2021 minutes as written. (Motion by Ms. Merrill, second by Mr. Coffin)
PUNA

Correspondence:

- Three invoices from the Town Engineer – approved by consensus and signed by the Chair.
- Letter from Partners Bank dated 6/25/21

MM&S that no further review is required per the information in the letter dated 6/25/21. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

The Board agreed to take the hearings out of order due to an applicant's request to continue.

Berkshire-Dominion Holdings (AKA Saddle Up Saloon)
92 Rte. 125
Tax Map R8 Lots 40 and 40A

Mr. Coppelman read a letter received from the applicant's engineer requesting to continue to the next available date.

MM&S to continue the hearing to August 3, 2021 at 6:45, second on the agenda, with the 65-day clock continued to September 2, 2021. (Motion by Ms. Merrill, second by Ms. Faulconer) **PUNA**

Campers Inn
154 Route 125
Tax Map R21 Lot 16

Ms. Merrill recused herself from this hearing; stepping away from the Board and sitting with the public. Barry Geier of Jones and Beach represented the applicant; Eddie Unger, Regional Manager of Campers Inn was also present. Mr. Geier explained that they were proposing to expand the parking lot onto this property which was in CIII and the Aquifer Protection Zone (APZ). He explained that it is currently undeveloped with an old shed; the parking lot/display area will have a connection to Rte. 125 and the property will merge with the existing Campers Inn lot. Mr. Geier explained that they have to merge the lots to avoid ZBA action due to the requirement of 1,000 ft. between vehicle sales lots. Mr. Coppelman said that in the order of actions, the Board would need to vote on the merger prior to the site plan. Mr. Greenwood said that the voluntary lot merger could be a condition of approval. Mr. Geier said that they need a CUP (Conditional Use Permit); they received the Town Engineer comments and have no issues with complying with all of them. Ms. Faulconer asked if the lots were merged, did they keep the access to Rte. 125. Mr. Geier said that they don't lose the access.

Mr. Greenwood read his comments that included: a typographical error in the tax map description but the address was noted correctly, note re: the Aquifer Protection District (APD), maximum lot coverage not to exceed 35%, Lighting information missing and required, CUP required per Article 201.4G, Voluntary lot merger required for compliance with zoning – will need new deeds, ownership notation needs correcting, two waivers requested, 904.7 requirements are missing re: test wells, gas traps, wash area; local driveway permit is needed, plan needs to have metes and bounds which are missing and a licensed land surveyor stamp. Mr. Geier said that he will add in the gas traps; the metes and bounds are done but just didn't print; he will provide this information. He re-iterated that he had received the Town Engineer's comments and they have no problem addressing his concerns.

Mr. Coppelman reviewed Mr. Quintal's comments that included: surveyor's stamp needed, groundwater test wells, gas traps, bonding requirements – submit the bond cost for review, lighting plan and show lumen plan, operation and maintenance manual to be recorded, revision of Plan sheet D1, soil test pit in the area of the Infiltration Basin, weir structure and square foot area of the basin, pre-construction meeting requirement, public service easement, questioned relocation of access.

Mr. Geier said that the proposed lights are dark-sky compliant and they can show the lumens on the plan. He noted that the 50 ft. setback is almost entirely vegetated; there are 13 total parking spaces which he will clarify and note correctly. They will comply with all of Mr. Quintal's comments. Mr. Greenwood re-iterated the need to correct the ownership of the "Kolias" residential property on the plan.

Mr. Coppelman read Department comments: Building – none; Conservation Commission noted that the parcel was in the APD and would like to see detailed plans for spill, run-offs and they noted that the percentage of coverage exceeds the limits of coverage in the APD. Mr. Coppelman noted that the Board has brought up the coverage issue as well as the gas traps and drainage. Mr. Bakie stated that the applicant has a lot of administrative things to address easily and be corrected. Mr. Coffin suggested that it was sufficiently complete to accept jurisdiction; Mr. Greenwood said that the 65-day clock gave them sufficient time address the issues.

MM&S to accept for jurisdiction. (Motion by Mr. Coffin, second by Mr. Bakie) Discussion: Mr. Coppelman said that he was not in favor of the motion as there was a lack of completeness; the length of items in the memos is very long and some items are missing completely; he questioned how the plan got to the Board for a hearing with the number of items missing not making the application complete. Mr. Bakie thought the list appeared to be administrative especially concerning the merger. Mr. Coppelman said the merger

wasn't his issue, it was the number of other important items that were missing. Ms. Faulconer said that under other circumstances, she might agree to not accept but the applicant has stated that they accept all of the Town Engineer comments and will address all of them; she said by continuing, the Board would have a full set of updated plans by the next hearing. Mr. Wilson agreed.

Vote on the motion: **Motion carries 5-1** with Mr. Coppelman opposed.

Mr. Coppelman noted that the 65-day clock starts now. He opened up the hearing for public comment.

Thomas and Laura Newton, 4 Stoney Brook Lane, addressed the Board. Ms. Newton stated that many of their questions had been addressed; they questioned the status of the tree-line that created privacy. Mr. Coppelman said that the proposal is to not touch the tree-line adding that it may become a condition of approval as that is the stated intention. Ms. Newton said that lighting is a concern; they would not want a light on a giant pole. Mr. Coppelman explained that the Board is expecting a plan that shows the lighting fixtures that would show the foot-candles and light spillage; they are to be fully shielded and casting downward and dark-sky compliant. The Newtons said that it would be better to have the entrance on Rte. 125 due to the configuration of Stoney Brook; while they had a concern about their property value, they didn't think this proposal impacted it. Mr. Coppelman noted that all of the lots are zoned C-III with certain allowable uses. Ms. Newton asked if both sheds are being removed clarifying that one is shown but there are two on the property. Mr. Geier said that both are being removed; there are no structures proposed on this property. Ms. Faulconer asked if removing both structures would impact the vegetated buffer. Mr. Geier said that he would confirm that removing the structures would not impact the vegetated buffer. Ms. Newton asked about notification of construction. Mr. Coppelman said that there is no formal notification process of the activity. Mr. Geier said that they will try to contact them to let them know when the construction will be happening. Mr. Coppelman closed public comment.

Mr. Greenwood explained that the first waiver request was for the preliminary review requirement; Mr. Coppelman read the request for the waiver with the reasoning being that the project was minor in nature.

MM&S to waive Article 904.4 per the reasons stated in the waiver request. (Motion by Ms. Faulconer, second by Mr. Wilson) **PUNA**

Mr. Coppelman stated that the second waiver request was for Article 904.15.B.5.10, landscape requirements for a parking area. Mr. Greenwood said that he believed those requirements were for much bigger areas. Mr. Geier explained that the required installations would severely reduce the usable area.

MM&S to grant the waiver to 904.15.B.5.10 as stated in the letter. (Motion by Mr. Wilson, second by Mr. Bakie) **PUNA**

Mr. Greenwood reminded Mr. Geier that the waivers needed to be added to the plan. The CUP, on p. 201.8, Article 201.4 (G)3 was discussed. Mr. Coppelman said that it had to be Industrial and Commercial uses not otherwise prohibited; Mr. Greenwood noted that this use was not prohibited. Mr. Coppelman began reading the requirements of the CUP. Ms. Faulconer suggested putting off voting on the CUP until the next hearing to get a more favorable report from the Town Engineer which would allow a more positive vote from the Board. Mr. Coffin said the Mr. Quintal could review changes based on his comments which could be taken care of for the next meeting. Mr. Geier agreed with the comments about waiting to address the CUP. Mr. Coppelman reviewed the requirements for the CUP in case there were any issues the Board wanted to address or question. Mr. Geier said that he will address all of the

requirements and be all set for the next meeting. Mr. Coppelman confirmed that the CUP will be addressed at the next meeting. There were no further comments from Mr. Greenwood or the Board members.

MM&S to continue to August 17, 2021 at 6:45 with revised plans due to the office by noon on August 5th. (Motion by Mr. Wilson, second by Mr. Coffin) **PUNA**

Board note: Ms. Merrill returned to the Board. The Board took a 5-minute recess at this time.

Board Business, continued

Correspondence:

- Letter from Danna Truslow re: Aquifer Map Update proposals and estimates; the Board consensus was the proposal using GIS would provide better information: Mr. Wilson noted that the Town was trying to update access to information. During the discussion and concerns with Town maps, Mr. Greenwood suggested that the Town get a new map company to provide maps electronically; the Board discussed the tax maps and multiple concerns.

ACTION ITEM: Mr. Wilson will get together with the Selectmen's Administrative Assistant to talk about Town map updates; the next scheduled update.

MM&S to approve an amount not to exceed \$3000 to create maps per option 1, that includes the GIS system, as proposed by Danna Truslow in her letter of July 7, 2021 for the update of the Aquifer Protection Zone and tax map. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

- Letter received from Albert Brien, 19 Marshall Road, re: Carriage Museum; Mr. Wilson said that he had dozens of people asking about it, questioning whether there were permits, Planning Board approval and he had to say nothing was done; Mr. Wilson spoke with Mr. Brien. Mr. Coppelman read the letter into the record; Mr. Brien proposed operating the museum for 4 hours every Saturday from 10 AM to 2 PM requesting a small stipend to offset the cost of the driver for a carriage ride; he had 12 carriages inside, a number of carriages in tents outside; there is parking in the farm's front field; he anticipates 25 people each week. Mr. Greenwood explained that this does not qualify as agritourism, it is in the C-II zone and it's a stretch as a permitted use; it is low impact except for the way that it isn't low impact; there is one tent located in front of the building. The Board reviewed the options about this use. The Board decided that this was a commercial use that would need a site plan; Mr. Greenwood and Ms. Faulconer an explain the process and advise him on asking for modifications to the site plan requirements. Mr. Wilson will float the idea of a special event permit one weekend a month to the Board of Selectmen to see if it is a possibility. The Board consensus is for Mr. Brien to provide a site plan for review with Mr. Greenwood and Ms. Faulconer helping him out with the plan. Mr. Wilson will get back to the Board about the possibility of a special event permit.
- The Board reviewed multiple release of fund requests which were signed by the Chair.
- Report from Town Engineer regarding activity at Fieldstone, dated 6/29/21
- Waiver request received on behalf of Fieldstone to waive the requirements of 904.17.B.2(b) and grant an extension of the conditional approval; Mr. Coppelman noted that the Conditional Approval deadline date had already expired.

MM&S to grant the waiver request and the conditional approval extension request for 180 days. (Motion by Ms. Merrill, second by Mr. Bakie) **Motion carries 6-0-1** with Mr. Wilson abstaining.

- Waiver request received on behalf of 266 Rte. 125 Warehouse Distribution facility; requesting waiver of 904.17.B and 905.6.B and grant of an extension of the deadline of all of the conditions of the conditional approval for the site plan and subdivision to the timeframe of 2/16/22; the applicant will provide written updates monthly.

MM&S to grant the waiver request and the extension of the time to meet the conditions of approval to 2/16/2022 with monthly updates as noted in the request. (Motion by Ms. Merrill, second by Mr. Wilson) PUNA

Board Business, miscellaneous:

- Mr. Greenwood committed to having the CIP complete and able to be reviewed and accepted by August 17, 2021 with the paperwork provided to the Board for review by August 5th.
- The Board reviewed previous discussions regarding an end time for meetings; Mr. Bakie suggested no new business after 10:00 with the meeting ending at 10:30. Ms. Faulconer suggested keeping the first Tuesday available for continuances from the public hearing and for work sessions. Mr. Coppelman suggested that language needed to be crafted to add to the Board's rules and procedures; it would need to be added to legal notices. The Board consensus was to require that any hearings need to be started prior to 10:00 PM with the meetings ending at 10:30; the applicant can choose to continue rather than start at 10:00 knowing that the hearing would end at 10:30. Ms. Merrill suggested a limitation on the amount of time allowed for each speaker; 3 minutes was suggested. Mr. Wilson added that the Conservation Commission is having a second meeting if required to review plans.

ACTION ITEM: Mr. Coppelman and/or Ms. Faulconer to come up with language for these changes for the next meeting.

- Standardized forms for Conditional Approvals were reviewed; communication issues were discussed on follow-up for conditions; "precedent" and "subsequent" conditions were discussed; the Board agreed to utilize the Town's Conditional Approval checklist with the possibility of adding additional criteria as noted in hand-outs used by other Towns.
- Ms. Faulconer reviewed updates to Right-to-Know law and recommendations suggested by the NHMA including email addresses solely used for the Town business purposes; non-public meeting updates.
- Mr. Wilson asked for assistance with issues regarding water supply for rental properties; Mr. Bakie suggested the tenant do a water test; Ms. Faulconer suggested contacting the Housing Authority.
- Board confirmed requiring electronic versions of plans as part of the application process to continue placing on the web site.
- There was discussion regarding possible warrant articles; Mr. Coffin suggested a discussion on a Food Truck Ordinance with the Board determining what it wants to accomplish with an ordinance; Ms. Merrill said that other items discussed included: wetlands revision, impervious surface and pervious pavement, setback use, condo. floorplans, definition of "structure", definition of the word "enhance" in the APZ, definitions. Mr. Coppelman suggested that interested individuals can begin as a sub-group and bring proposals to the Board. Mr. Greenwood noted that he and Ms. Merrill were going to speak about definitions; Ms. Faulconer said that she sent out a list of concerns with definitions to Ms. Merrill and Mr. Greenwood; she can send again.

MM&S to adjourn at 9:43. (Motion by Ms. Merrill, second by Mr. Bakie) PUNA