

Kingston Planning Board

August 3, 2021 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:44 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Lynne Merrill, Vice Chair
Robin Duguay
Richard Wilson, BOS rep.

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

Members Absent: Chris Bashaw, Steve Padfield, alternate
Also present: Glenn Greenwood, Town Planner
Absent: Dennis Quintal, Town Engineer

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

Teatad, LLC Granite Fields Commercial Condos. Diamond Oaks Boulevard Tax Map R3 Lot 4 Land Unit 1

Charles Zilch, SEC Engineering, appeared before the Board representing the applicant, Jim Dufresne/Teatad, LLC. He referred to sheet 2 of the plan and described the property location within the C-III zone. Mr. Zilch stated that this land unit shares a parking area with the Sports Recreation Unit and Golf Course and supports an existing garage for the golf course operation. He added that other land units can cross the parking area; he explained that there is a wetlands complex on the property and the limits were delineated in the report prepared by Tim Ferwerda. Mr. Zilch continued that there is a portion in the Aquifer Protection District in the outer limits of the development. Mr. Zilch described the proposed building as a 4000 square foot two-story metal on-slab units accessible by the upper area and lower area; the parking is at the upper floor at the shared parking area with 8 spaces per unit and handicap parking; there is no parking in the back lower area, there is just access to the units only. Mr. Zilch continued by referring the Board to sheet 3 and reviewed the drainage and erosion control plan; he noted the area of the infiltration basin in the northwest corner. Mr. Zilch stated that sheet 8 gave an idea of what the building would look like. He explained that the units will be marketed toward the "trade" business but would also be available to any permitted business in the C-III zone that complied with the parking and sewage loading. Mr. Greenwood said that he had received and reviewed the condo. docs. but they hadn't been reviewed by the Board's attorney yet. Mr. Zilch stated that he had met with the Conservation

Commission and seemed to be in favor of the project but he had to get back in touch with them. He continued that both septic and condo. conversion had been applied for approval from the State and received. Mr. Coppelman questioned the elevations and confirmed with Mr. Zilch that there were 4 overhead doors on each of the buildings. Mr. Zilch said that vehicles could be stored in the units but they were not to be used for vehicle maintenance and there would be no outside storage. He stated that the 600 gallons per day (gpd) for the septic design was geared to Trade business. He confirmed that the interior could be fitted as needed and could be more office space than garage.

Mr. Coffin questioned the elevations on sheet 3 and Mr. Zilch explained how the pavement and catch basin would work to catch the roof run-off; he explained the drainage; he explained that the proposed erosion control would be kept in place until established. Mr. Coffin questioned whether the soil type designated as very poorly drained was clay; Mr. Zilch said that there was sandy soil with a high water table that transitioned to glacial till; the well is at the end of outwash with a deep casing. Ms. Merrill asked about the location of the chain link fence. Mr. Zilch said that it was just around the dumpster; he re-iterated that this proposal was for professional office space, trades and would have no outside storage.

Mr. Coppelman read Mr. Quintal's comments that included a description of the items reviewed to make the comments. His comments included the following:

- Buffer table review was in error which would increase the setback to 60 ft.
- Significant alteration of buffer zone; retaining wall should be considered
- More detailed planting scheme to restore impacted wetland zone.
- Raised sidewalk with berm
- Fire suppression requirements; water source; turn-around
- Performance bond requirement
- Parking calculations
- Recording of Stormwater Management Manual
- Inspections for water quality protection
- Designation of parking spaces
- "No Parking" sign in lower drive
- Drainage design – test pit
- Catch Basin capacity concern
- Bottom area of basins noted
- Berm amendment
- Specify PVC pipe between basins.
- Specifics of Rip-rap
- Pre-construction meeting required
- Show retaining wall on plan
- Detail for erosion due to roof run-off
- Sewage disposal plan and State approval
- Future shed should be changed due to snow storage
- Provisions for mail delivery

Mr. Zilch stated that about half are easy to take care of; he suggested the wetland scientist refer the comment made by Mr. Quintal regarding the error of the wetland setback as it would impact the design. He suggested that the disturbance of the wetland might be a mix of techniques that could contain a retaining wall. Mr. Zilch spoke about the infiltration pond and said that he met with the Conservation Commission (ConsCom) and they said that they are okay with using the area noted as an Infiltration Pond; he concluded by saying that he thought he could address Mr. Quintal's issues fairly easily.

Mr. Coppelman read the ConsCom comments, dated July 12th, that included concerns about additional run-off and substantial impervious surface abutting a large wetland complex which is part of the Little River; they recommend a wetland scientist do an independent determination of the buffers and impact of the additional impervious surface on the wetlands and river; how the project will comply with MS4. Mr. Zilch said that it had been 5-6 months since he had met with the ConsCom; he will follow-up with them.

Mr. Greenwood explained to Mr. Zilch that the wetland report actually confirms Mr. Quintal's interpretation of the value of the wetland buffer; there just appeared to be a math error when adding up the values; this would make the buffer requirement be 60 ft. Mr. Greenwood said that the report could be reviewed by Mike Cuomo.

Mr. Greenwood read his 14 comments that included:

- Project in Aquifer Protection District (APD) requiring a CUP (Conditional Use Permit)
- Advise a site walk
- Discrepancy in wetland buffer formula that should be addressed
- Shared parking; ownership is by SUSC with a Hampton address; there have been no easements offered and no information allowing applicant to share the parking lot; should be parking lot landscaping.
- CUP for the construction of the infiltration basin within the wetland buffer area with required input from the ConsCom and BOS; additional report required
- Waiver request re: preliminary review
- Condo. docs. missing wording requiring Planning Board approval of any proposed amendments
- Snow storage in conflict with a proposed storage shed
- Site walk to review rudimentary landscaping plan
- Need explanation of how emergency vehicles, delivery vehicles would turn around in lower area
- Dumpster fence height of 10 ft. in conflict with regs.
- Threshold for substantial improvement
- Fire protection for the buildings
- Fire Department approval for parking up against the buildings.

The Board reviewed the language in Article 202 regarding CUP requirements that included a report from the applicant's wetland scientist describing whether the wetland is significant with copies to the BOS and ConsCom for their input.

MM&S that the Board agrees with Mr. Greenwood's interpretation of the CUP requirements of the Wetland permit requirements of the buffer study which would be provided to the BOS and ConsCom per the requirements of Article 202. (Motion by Mr. Wilson, second by Ms. Faulconer) Discussion: Mr. Greenwood stated that the Board would have to ask ConsCom for input prior to the Board's discussion. Vote on the Motion: **PUNA** (Passed unanimously)

Ms. Faulconer questioned whether the Board would be requiring an independent review; she suggested that the Board would need the ConsCom input and they requested an independent review; it would be beneficial to let the applicant know it would be required now rather than waiting to the next time they appeared before the Board. Mr. Coffin stated that Ms. Faulconer made a good point about bringing these issues up front.

MM&S to have RCCD (Rockingham County Conservation District) review any wetland reports once they are all submitted. (Motion by Mr. Coffin, second by Mr. Coppelman) Discussion: Ms. Merrill wanted to make sure that the reviews would be done together at one time and not require two separate reviews. Mr. Coffin brought up a concern regarding soil/test pits but suggested that it was a separate issue that Mr. Quintal can evaluate. Vote on the motion: **PUNA**

Mr. Coppelman read the Department comments: Building- none; Highway – additional parking is needed based on observed actual daytime usage.

Public comment began at 7:50; Mr. Coppelman read a letter received from Pamela Jahngen of Hillside Drive who expressed concerns with the use, noise and traffic and would like answers. Mr. Coppelman suggested that many had been answered during the discussion; Mr. Greenwood will contact her on Thursday. There was no further comment; public comment was closed at 7:52.

Mr. Greenwood confirmed that a site walk did not require the Board accepting a plan for jurisdiction. Mr. Coffin stated that he did not think the plan was ready to accept for jurisdiction, Mr. Coppelman agreed. The Board reviewed possible dates for a site walk.

MM&S to schedule a site walk for Granite Fields on Saturday, August 28, 2021 at 8:00 AM. (Motion by Mr. Coffin, second by Ms. Merrill) **PUNA** Mr. Coppelman explained that the site walk is open to the public; the Board will gather in the parking area.

Further comments: Mr. Wilson questioned the abutter list suggesting that there was not the need to include the amount of abutters. Mr. Zilch said that the issue was that there were land units on one property, like condos. Mr. Greenwood said that they have been sold and have condo. rights. There were questions about the shared parking. Ms. Faulconer stated that Mr. Zilch's earlier comments stated that the parking area was shared and that information should be available in the condo. docs. which would clarify any parking and any easements. Mr. Zilch said that he will get that information to the Board. Mr. Coffin noted that the parking spaces were right in front of the overhead doors. Mr. Zilch said that each unit will have 8 spaces and, per Mr. Quintal, will need to be designated; the parking spaces in front of the unit doors will be designated for that particular unit; he said that they are asking for 32 spaces instead of 48. Mr. Wilson said that he has been on

the site for events and the existing lot has been full. Ms. Faulconer added that the Highway Road Agent noted an issue with the parking. Mr. Greenwood said that the Board is dealing with a parking lot that might need to have landscaping considered. Mr. Zilch said that there is no expansion of the space except for the sidewalk. Ms. Merrill asked Mr. Zilch to confirm that there is no parking in the back area; Mr. Zilch said that there is no room for parking in that area. Mr. Coppelman suggested that for better clarity it might be best to include language identifying possible uses. Mr. Zilch said he will have Attorney Cleary add this to the condo. docs.

MM&S to continue the hearing to Oct. 19, 2021 with revised plans to the Planning Board office by noon on Oct. 7, 2021. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**

<This portion of the hearing ended at 8:15; the Board took a brief recess. The recess ended at 8:24.>

Berkshire-Dominion Holdings (AKA Saddle Up Saloon)

92 Rte. 125

Tax Map R8 Lots 40 and 40A

Mr. Coppelman read the public notice; no new plans had been submitted. Mr. Greenwood said that he had no new comments; he added that data had been received regarding the sound check.

Mr. Zilch recapped the previous meeting; he stated that they had made significant progress and had been granted 2 CUP's. He said that due to bad weather in July only one sound report had been done; Mr. Wilson corrected him by stating that 4 had been done and taken on an abutter's property; the report had been received this evening. Mr. Zilch wanted to review the RAP (recycled asphalt product) used on the property as it does have some impermeability and they could hopefully keep it; he wants to re-address the infiltration pond due to its cost and therefore they are not 100% ready this evening and asked for a continuance. Mr. Wilson explained that he was mistaken about when this hearing date was so the BOS had granted an extension for the outside live music until August 17th; he said that some outside live music activity had been noted on a Thursday night which hadn't been approved. Mr. Wilson said that he spoke with DES (Department of Environmental Services) and they agree with the Town about the RAP which was different than Mr. Zilch's information; he suggested that there should be a discussion for better clarity. Mr. Wilson addressed an additional issue, with information from DES, regarding another gazebo that had floated downstream from the restaurant and it was their responsibility to remove it. Mr. Waters suggested possible use; Mr. Coppelman said that if they were serious about using it, they would need to update the plans and have it reviewed by the Fire engineers. Ms. Duguay reviewed the Noise standards to clarify that readings taken in the C-III location that abuts residential use reverts to the lower levels in the residential zone which the sound tests all exceeded. Mr. Wilson and Mr. Coppelman agreed with this statement. Mr. Bakie confirmed that the property was in the C-III zone. Ms. Duguay said that the lower levels apply for residential use.

Mr. Wilson suggested a motion to continue the music trial period to August 17th which was withdrawn. Ms. Faulconer suggested the Board could consider voting on the proposed live music use at this time. Mr. Coffin stated that the applicant had asked for a continuance and suggested voting for all of the aspects of the plan at the same time. Motion to continue was offered and held while public comment was opened.

Public comment: George Leate, 90 Rte. 125, stated that the volume is lower and if it remains this low he has no complaints.

Stacy Dion, 30 Morning Dove Road, asked if the sound checks were done on the other side of the pond instead of just at the abutting property; she suggested that the water is amplifying the sound. She stated that she has heard live music from Saddle Up at her property since the last hearing in June. She provided her contact information to use her property if needed for the sound check; Ms. Merrill suggested property at 28 Morning Dove and provided contact information for that location. Ms. Duguay referenced the Noise Ordinance regarding sound receiving property. The Board agreed to have additional readings taken at the locations discussed.

MM&S to continue to September 21, 2021 at 6:45 with new plans due by noon on September 9, 2021. (Motion by Ms. Merrill, second by Mr. Wilson) **Motion carried 6-0-1** with Ms. Faulconer abstaining.

<This portion of the hearing ended at 8:55 PM.>

Board Business

Correspondence:

- Sarnia Properties: letter received re: use at Carriage Towne Plaza, Church Street – Antique Store replacing Self-Defense business.

MM&S that no further review is required by the Planning Board per the information in the letter of July 26, 2021. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

A letter will be sent regarding this action with a reminder that permits are still required.

- Letter received from 1 Chase Street regarding use as a dental office.

MM&S that no further review is required by the Planning Board per the information in the letter reviewed by the Board and dated August 3, 2021. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

A letter will be sent regarding this action with a reminder that permits are still required.

- Two invoices from the Town Engineer signed by the Chair; Dan Parks and Berkshire Dominion
- RCCD Annual Report
- Contract from Danna Truslow regarding mapping reviewed.

MM&S to amend contract to \$2600 so it doesn't go over the \$3000 approval due to potential 15% increase. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**

Budget: The draft budget prepared by Ms. Faulconer was reviewed by the Board. A new line for emails for the Board members had been added, \$4/mo x 12 mo. x 9 members for a total request of \$432. The Board agreed, by consensus, to level fund Contracted Services, Engineering Consultant and Test Pit/Soil Scientist and accept the remainder of the budget as presented.

MM&S to approve the budget draft as amended. (Motion by Ms. Merrill, second by Mr. Coffin.) **PUNA**

Board Procedure: Language was reviewed concerning previous action of the Board regarding ending the meetings at 10:30; continuing any hearing not being heard by 10:00; starting the meeting at 6:30 with hearings beginning at 6:45. The language as proposed was accepted with the change of the word “applications” to “applicants”.

MM&S to accept the procedure change as amended; add this language to the Board’s by-laws and procedures under “Order of Business”; post for adoption at the August 17th hearing. (Motion by Ms. Merrill, second by Mr. Coffin) **PUNA**

The Board agreed to add a notation to all meeting/hearing agendas: “If this meeting is postponed for any reason, it will be held at a time TBD that will be posted at the Town Hall, on the Town’s web site and the Town’s cable channel bulletin board.”

Minutes: June 20, 2021: Correction noted to add to the end of a motion on p. 5 “second by Mr. Wilson. PUNA”

MM&S to accept the minutes of June 20, 2021 as amended. (Motion by Ms. Merrill, second by Ms. Duguay) **PUNA**

MM&S to adjourn at 9:37 PM. (Motion by Ms. Merrill, second by Mr. Wilson) **PUNA**