

## Kingston Planning Board

November 16, 2021

### Public Hearing

### Minutes

Ms. Merrill, acting Chair, called the hearing to order at 6:35 PM; there were no challenges to the legality of the hearing.

Members present:

Lynne Merrill, Vice Chair

Richard Wilson, BOS rep.

Chris Bashaw

Ellen Faulconer, alternate/admin. asst.

Peter Coffin

Peter Bakie (arrived with meeting in progress)

Steve Padfield, alternate

Members Absent: Glenn Coppelman, Robin Duguay

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

Ms. Merrill explained that she was acting Chair, introduced the Board and staff and announced that Mr. Padfield and Ms. Faulconer would be voting members pending the arrival of Board members. Ms. Merrill explained the hearing process. *<Board note: Mr. Bakie arrived at this time.>*

Ms. Merrill suggested taking the third hearing out of order and moving it to be heard first.

#### **Teatad, LLC**

#### **Granite Fields Commercial Condominiums**

#### **Diamond Oaks Boulevard**

#### **Tax Map R3 Lot 4 Land Unit 1**

Ms. Merrill read the letter requesting a continuance.

**MM&S to continue to December 14<sup>th</sup> at 6:45 with the extension of the 65-day time clock with the new plans due by noon on December 2<sup>nd</sup>.** (Motion by Mr. Wilson, second by Mr. Coffin)

**PUNA** (Passed unanimously)

#### **Robert and Janet Dudley**

#### **29 Church Street**

#### **Tax Map R30-7**

#### **Walter and Donna Carter**

#### **26 Church Street**

#### **Tax Map R30-6**

Ms. Merrill read the public notice. Mr. Bakie recused himself from this hearing as he was an abutter.

Mr. Dudley explained that the lot line adjustment proposal was to straighten up the lot lines and eliminate the “dog-leg” aspects of the lot. Mr. Greenwood said that it was already a non-conforming lot but the adjustment made the lot bigger and more conforming so it did not require ZBA action and he had no further comments. Mr. Quintal stated that as long as the septic wasn’t

impacted, he had no problems. Mr. Greenwood said the lot line is moving farther away from the septic.

**MM&S to invoke jurisdiction.** (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

Ms. Merrill read the Department comments received from Highway, Health and Building. There was no public comment.

**MM&S to approve the Lot Line Adjustment as presented on the plan with the revision date of 9/16/21.** (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

Mr. Greenwood noted that the plan will need to be recorded.

**Berkshire-Dominion Holdings (AKA Saddle Up Saloon)**  
**92 Rte. 125**

**Tax Map R8 Lots 40 and 40A**

Ms. Merrill read the public notice. Mr. Waters, property owner, explained that the engineer on the project, Charlie Zilch, couldn't attend this evening's meeting. Mr. Waters suggested that the outstanding issue was the watershed issue. He stated that the proposed detention pond is cost prohibitive and they are trying to design an alternative plan. He would like more time to present something that the Board can agree with. Mr. Wilson explained that the State and Federal governments are mandating that this issues be addressed, not just asking that it be done; if not done, the Town can be fined.

Mr. Wilson noted that the Board is still waiting on documentation on the possible use of the floating dock; there was discussion on the information still pending on the use as well as State and DES permits. Mr. Wilson said that he just wanted to make sure it was on the record that this was still an issue. Mr. Bakie talked about needing DES approvals. Mr. Wilson said this was discussed 2 or 3 meetings ago. Mr. Wilson added that there are signage concerns still needing permits/compliance. Mr. Waters said that he found out sign permits weren't approved when he found out the site was not in compliance.

Mr. Wilson stated that there would also have to be a deadline to get the site in compliance as a condition of approval; there would need to be compliance for the entire site by a specific time in the Spring and there could be no outside seating until the site was completely in compliance with the approved plan.

Mr. Bashaw suggested the owner take Mr. Quintal's feedback and request an extension to address the comments.

Mr. Quintal read his comments that included:

- The long-term Operation and Maintenance Procedures document must be recorded in the Registry of Deeds
- Article 907 regarding Performance Guarantee for the ground work proposed; is it required and the estimate should be provided by the applicant

- The date for completion of the proposed site work should be established
- 904.11 – an engineering bond is required to cover the cost of inspections during construction
- He cannot agree with the proposed drainage scheme as proposed as it will not work to protect the pond near the inlet to the culvert that goes under Old Coach Road. He noted that the previous design meets the Town's requirements. He added that the trench on the slope proposed won't detain the water on the lot and be slowly released and filtered into the ground or keep the contaminants from entering the pond; the run-off in the parking area needs to mitigate the run-offs and contaminants to improve the conditions on the site. He stated that he was not saying that a trench system can't be done, not just this proposal. Mr. Waters started to discuss other possible proposals. Mr. Quintal stated that the goal this evening is not to sit here and design things but to bring the information to the engineer to come up with a better design.

Ms. Merrill read the letter regarding the current proposal from the designer. Mr. Bakie questioned why the applicant's engineer wasn't talking with the Town engineer and suggested that they contact Mr. Quintal directly. Mr. Quintal said that this has happened in the past and he didn't know what it didn't happen this time; he said that he would discuss a design with the design company.

Ms. Merrill read the letter from Charlie Zilch regarding the changes per the September hearing; the outdoor entertainment note was removed from the plan.

Ms. Merrill read the department comments: Health – no comment; Building: signs not in compliance, floating dock use still an issue; ice cream window with no building permit; second floor usage concerns, show stormwater compliance; letter from BOS regarding deferring Road Agent's comments.

Mr. Wilson suggested that the applicant should make the engineer happy to make the Board happy. Ms. Faulconer asked if the Board thought there was anything to be gained by adding a note that there would be no outside entertainment to eliminate any question in the future. Mr. Bashaw had concerns about adding a note about what wasn't allowed. Ms. Merrill said that the Board had done this previously. Mr. Coffin said that adding the note will clarify that the operation is not allowed. The Board will review at the next hearing. Ms. Faulconer stated that the Bond balance sheet indicates that additional fees would need to be added; she will confirm with the finance officer.

The applicant suggested that it would make more sense to continue to January.

**MM&S to continue to January 18, 2022 at 6:45 with new plans in the Planning Board office by noon on January 6<sup>th</sup>.** (Motion by Mr. Bashaw, second by Mr. Wilson) There was a discussion regarding the 65-day clock; Mr. Greenwood said the applicant is asking for the continuance to the extension of the time clock is assumed. Vote on the motion: **PUNA**

## **Board Business**

### **Correspondence:**

- Review of AAAL by Danna Truslow, dated 10/28/21: summary is that the PRB's and monitoring are working as designed.
- Town and City Magazine
- Update of lighting at Bresnahan storage facility: Mr. Wilson stated that he is still working on it.
- Letter from Sarnia properties, owners of Carriage Towne Plaza regarding his approval of outdoor seating at C.T. Bar and Grill; Mr. Greenwood will contact him about needing a site plan review prior to that use.
- Construction Cost Estimate reduction, dated 11/10/21 of Solar Hills; Mr. Quintal explained the work that had been done with the reduction proposal of \$129,284. Mr. Wilson questioned whether the monumentation had been put in to be able to continue with this request. He will follow-up on this.
- Engineering report for Fieldstone was received by e-mail.

Ms. Faulconer spoke to the Board about an application that was received following ZBA action but since the action was being challenged it would not be on the upcoming agenda.

Ms. Merrill noted that there was no other business before the Board.

**MM&S to adjourn at 7:35 PM.** (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA**