

Kingston Planning Board Site Walk

92 Route 125

Kingston, NH 03848

Tax Map R8, Lots 40 and 40A

June 24, 2018

8:00 AM

Minutes based on compilation of notes taken by Glenn Coppelman, Planning Board Chair and Ellen Faulconer, Planning Board Administrative Assistant.

Mr. Coppelman called the site walk to order at 8:00 AM.

Board Members Present:

Glenn Coppelman, Chair	Peter Coffin, Vice-Chair	Peter Bakie
Chris Bashaw	Carol Croteau	Robert Pellegrino, Alternate
Lynne Merrill	Karen Layne, Alternate	Ellen Faulconer, Alternate/Admin.

Town Officials Present:

Greg Senko, Kingston Conservation Commission
Linda Foss, Kingston Conservation Commission
Bill Seaman, Fire Chief
Sandy Seaman, Budget Committee/FD
Dennis Quintal, Town Engineer

Property Representatives:

Charlie Zilch, Engineer
Joe Spano
Bob Pagliarulo, owner
Colleen Johnson, property manager

The Planning Board met on the site. Mr. Zilch explained that there was a change of use request before the Planning Board for live entertainment and other changes to the approved site plan. It was noted that the site plan was last amended on 2/3/15 for the current owner, Berkshire-Dominion Holdings, LLC.

The Site Walk started at the southern end of the property (main parking lot area) where chain link and post & chain fencing has been replaced with a wooden post and board style fence. Fencing has been extended to create an enclosed "corral" where patrons can play yard games such as "corn hole". A 10 foot opening with a chain across it has been left in the fence for equipment to access the area for snow storage in winter. Mr. Coppelman noted that the amended plan must show the change in type and extent of fencing; it is not clear if a building permit was obtained for this change/activity.

At the southerly end of the main parking lot, a "subdrain" is required (per the approved Site Plan), but is unclear if it was ever installed; questions were raised as to whether the berm near the outlet was installed and maintained. Mr. Coppelman noted that this should be verified and corrected, if necessary, to comply with stormwater management on the site. Members of the Conservation Commission raised similar concerns. Mr. Pagliarulo stated that customers do not use this area for activities yet except to come out and look at the pond; there were a couple of picnic tables adjacent to

the area. Mr. Quintal noted a dry well had not been installed with a suggestion regarding enhancing the area possibly with shallow trenches; he added that while grass is okay in this area in protecting run-off of surface waters, use has a tendency to create a hard-packed surface which would change the percolation; it would be necessary to maintain a good quality grass so barren ground does not get compacted and have sheeting from any water. Mr. Quintal said another issue is that in the Shoreland Protection area, landscaping needs to be maintained as natural; he added that this is within the 50 foot setback and the State is critical within this 50 feet. It was confirmed that the State DES had not been contacted. Mr. Quintal continued that a grass seating area is unstable for chairs and with long-term use, the area becomes compacted; he was told that there is no seating in the "corralled" area.

The fire egress for occupants on the second floor was noted; it was unclear if emergency access on second floor of building (fenced, flat rooftop) is being used as part of business activity, or only for emergency; Ms. Johnson stated that the public is not allowed upstairs; it is a private office. Mr. Coppelman noted that this should be indicated on the Plan. Chief Seaman stated that this part of the building is compliant without any stairs; it is an "area of refuge". Mr. Zilch will remove the stairs that are currently on the approved plan. It was noted that the existing well is the water supply for the restaurant. Questions were raised regarding the berm and other features being built properly as there were no inspections; the applicant will provide pictures to confirm that it was done correctly. Mr. Quintal will confirm this.

Mr. Coppelman noted that some of the outside lighting is not fully shielded as required by Zoning; he stated that all exterior lighting should be shown on Plan, in needs to be downcast and shielded in compliance with the Town's Lighting Ordinance.

The Board viewed the proposed outdoor seating against the approved plan; the outside patio on the northwest side of building has already been modified. The surface has been changed to crushed stone and patio blocks. Mr. Coffin asked what was under the gravel; the answer was "natural sand and gravel". It was noted that there were two "paving block" areas; one near a door and one near the fence near the water. Chief Seaman confirmed that the fire protection engineers did require that ADA access for life safety required a hard surface; the blocks near the water were not a requirement for life safety. The flow rate of the area with the new "pavers" near the fence area near the water needs to be determined. Fencing has been changed from chain link to wood. Lamp posts have been removed. Tiki torches have been added to the fence posts. The Gazebo has been removed, but may be re-installed; outdoor entertainment will be proposed to be in the gazebo. Eight picnic tables have been added to the patio for outdoor dining. Mr. Coppelman stated that all of these changes must appear on the Plan. The total number of seats for the restaurant remains at the approved 250; additional outside seating does not increase the total number of approved seats. Mr. Coffin stated that he had been at the restaurant within the past month and there had been outside seating and an outside band. The owner suggested it was a children's event; Mr. Coffin stated that it was all adults in the seating area. The owner said that the entertainment will be acoustical only with a very low decibel level. Mr. Coffin

explained that while the Life Safety codes allow 299 seats per square footage and live entertainment codes, the approval is for no more than 250 seats due to the limited parking; he noted that the current standards for 250 seats would require 182 parking spaces. He reviewed parking issues and State property parking; Mr. Quintal noted that 51 spaces were shown in the “event” parking area. Mr. Coffin stated that parking is a big issue on the site. He asked how many employees were on site at any time. The answer was 10-12 employees; they park at the house. Mr. Pagliarulo stated that no one parks on the road. Ms. Faulconer apologized for having to correct him adding that the statement was not true; she has witnessed parking on the road; the Highway Department commented on problems with parking on the road. Mr. Coffin added that he has also seen cars parking on the road for the restaurant. Mr. Pagliarulo said that the corner area of Mill Road and Rte. 125 was utilized for parking per the owner of the property, Shane McKeen. Mr. Coppelman explained that if the use of someone else’s land was to be used as a provision for parking, it needed to be shown on the plan. Mr. Quintal said that if parking areas require crossing a road; markings should be put up for a legal crossing.

There was discussion regarding total seating and not exceeding the 250 total. Ms. Johnson explained that the big dining hall is not utilized for seating as shown on the approved plan; they are not looking to change the original approved number and will never exceed 250. It was noted that the original gazebo fell apart when being moved and it is just being replaced; it is approximately 12 x 12.

A new animal “shed” and fencing has replaced an area on the plan previously identified as “4’ post & rail fence”; it is located near the event parking area, and beside the outflow from Mill Pond. Mr. Coppelman noted that this is not part of current approval; Mr. Zilch confirmed that it was definitely an altered configuration. There were questions regarding this structure and corral as a permitted use as it is in close proximity to water; Ms. Merrill questioned its application within the Shoreland Protection rules; Ms. Croteau stated that a plan to have animals in the corral with the shed so close to the water could be an issue. Ms. Faulconer thought the State would also find it an issue. Representatives from the Conservation Commission noted that vegetation has been removed within 50 feet of the Shoreland and groundcover within 50 feet of the Shoreland is not to be removed. Also, a white PVC drain pipe was observed coming from under this area, exiting at the Pond outflow/stream embankment; its inlet could not be located; it is not on the approved plan. Mr. Coffin suggested capping it; Mr. Zilch suggested the possibility of removing it. Mr. Zilch added that the “pen” could be relocated. Ms. Merrill noted that she spoke with “Wanda” from the Pondview who stated that goats had been on the property but not with any approval; they were just pets. Mr. Coffin stated that the shed/pen needed a building permit. The owner confirmed that he had not received a building permit. Ms. Faulconer suggested that a State permit might also have been required. Mr. Coffin re-iterated that pets may not be allowed due to the proximity of the brook/lake. Mr. Bakie suggested they contact Eben Lewis at the State.

There was much discussion regarding the “event parking” area. Ms. Faulconer noted that the proposed plan called for gravel parking; the current surface has been done with a recycled asphalt

product. Mr. Zilch said that it was recently re-surfaced with a ground asphalt mix over the existing gravel. Mr. Zilch stated that it overlaid hard-packed gravel; he will get the information from the installer regarding material and permeability. Questions asked including such things as: to what degree is this surface now permeable; does this change the impervious surface calculation for the site; was a permit obtained for this work; is it in compliance with State Shoreland regulations; is this area to be used only for events (as labeled), or as general overflow for normal business (current approved plan note #16 states that it can only be used for primary parking if spaces within DOT right of way on Route 125 are discontinued, and only by permission of the Planning Board). Questions also arose regarding emergency access to residential home on lot 40A if event parking lot is not better controlled. An employee stated that the driveway is always open; they leave an access to the house. Better signage was suggested to direct patrons to this parking area. Mr. Coppelman re-iterated that parking has apparently also been made available at the lot across the street (R-8, Lot 45) as stated by the owner, and this should be shown on the plan, as well as adding pedestrian crossing signage and striping on Old Coach Road. Mr. Zilch questioned whether the "event" parking, if it became full-time parking, would have to be paved. Ms. Faulconer suggested that this would be a discussion when proposed through the next plan. Mr. Coffin re-read the notes on the approved plan regarding "event" parking and changes to that designation requiring site review. Mr. Zilch said that the previous restaurant always had parking up there. Ms. Faulconer said that the Board might agree but it hadn't been discussed yet; there might be Stormwater Management issues to be addressed with it. Ms. Merrill suggested additional lighting on the area leading to the restaurant from the parking area; she added the stairs looked a bit rickety; Ms. Faulconer noted that the Building Inspector suggested some low-level lighting; Mr. Coffin suggested solar lights.

Mr. Coffin noted the approved hours of operation were closing at 11:00 on weekdays; midnight on Fridays and Saturdays adding that this didn't agree with the hours posted on the restaurant's web site that said closing was at 12:30; an employee of the restaurant said this could be changed. Ms. Faulconer asked if the correct hours were posted on the door to the restaurant.

Mr. Quintal stated that he wanted the plan to comply with the Town and State regulations; he wants to review an accurate plan; he added that what the site is approved for is what you have to live with for the future. Mr. Bashaw said that the Board is happy to see the business thriving; it is part of the duty to review those issues that had been brought to the Board. He continued that it is a liability for the Board to sign off on something without doing our due diligence; the Board has to hold everyone to the process. Mr. Zilch asked to deal with Mr. Quintal directly. Mr. Quintal explained that the plans and applications get sent to the Planning Board for review; he can't say whether a plan will be acceptable but is willing to help give options. Mr. Zilch asked if Mr. Quintal could take a cursory look at the proposal; Mr. Quintal said there would be limitations. Mr. Coppelman stated that Mr. Zilch can reach out to Mr. Quintal; the Board would leave the determination of involvement up to Mr. Quintal. Mr. Bashaw added the Mr. Quintal has a good idea of when something is appropriate. Mr. Quintal added that the time would be billable to the applicant.

Mr. Coppelman observed that the business at this site appears to be very popular and successful which is a good thing. He added that it must comply with all Town requirements including an approved Site Plan showing ALL changes and existing conditions. He noted that this is also an environmentally sensitive site (adjacent to Mill Pond and its outflow) which adds additional considerations for uses, stormwater management, etc.

Mr. Coppelman noted that updated plans would need to be submitted by July 3, 2018. The site walk adjourned at 9:20 AM.