

**Kingston Planning Board
Public Meeting
April 6, 2010**

MINUTES

Meeting called to order at 7:00 PM by Vice-Chairman Richard Wilson. Members present were Ernie Landry, Jay Alberts, Dan Mastroianni, Glenn Coppelman and Rich St. Hilaire. Also present were Selectmen's Representative Chuck Hart and Town Engineer Dennis Quintal.

Correspondence:

Brian Kennedy is seeking an Occupancy Permit for a new house located at 25 Great Pond Road. Road Agent, Rich St. Hilaire, said Mr. Kennedy wants to place his driveway right on the property line. Access is through 12th street because of the ledge on Great Pond Road. Mr. St. Hilaire said this is a "postage stamp" lot. Mr. St. Hilaire is not comfortable with the driveway location. Mr. Coppelman asked if there were any other options to help mitigate the situation. Mr. St. Hilaire said we could give a ten foot wide driveway as opposed to a twenty foot which would allow a ten foot setback from the property line. Mr. St. Hilaire said he was not sure where the old driveway had been located. The new driveway would be paved. Mr. Coppelman noted that the 20 ft. setback is a regulation not an ordinance and therefore does not require a zoning variance. It does require action by the Board or its designee. Mr. Coppelman said in this case, it would be the Road Agent. Mr. St. Hilaire said the driveway was always off of 12th Street. It is hard to tell where it was because so much construction has been done. Mr. St. Hilaire wants to keep the driveway at least 10 feet from the property line. Mr. Coppelman moved to grant a ten foot driveway setback with the Road Agent to determine the configuration; second by Mr. Alberts. Mr. Hart felt a letter should be sent to the property owner explaining why the Board did not favor placing the driveway right on the property line. Mr. Coppelman feels ten feet is a good compromise. Motion passed.

Two letters received from Virginia Morse, Chair of the Historic District Commission. The first letter said Dan Roach would be attending the April HDC meeting. The second letter said Mr. Roach would not be attending since Hannaford has withdrawn its proposal. A letter from Cleveland, Waters and Bass was also received regarding the Hannaford project. It states that even though Hannaford has withdrawn, Konover Development is keeping the proposal alive and may return to the Board for other options.

Mr. Wilson reminded the Board that a letter had been previously received from Travis McConnell regarding an Occupancy Permit for Patriot Park. He wrote that the Building Inspector had his application for three weeks and had not acted on it. Robert Steward, the Building Inspector, wrote a two page reply. He stated that the plan had been divided up a little differently than the original and he wanted verification of fire walls and the sign to be in legal compliance. He said he told Mr. McConnell he needed more information. He is requesting an accurate detailed scaled plan of units 1,2, 3 and 3A before any Occupancy Permit is issued. Unit 3A is new. Mr. Hart said that Mr. McConnell had met

with Selectmen and showed them that the Occupancy Permit had been signed by all Inspectors except Mr. Steward. Mr. Hart informed the Board that Mr. Steward had suffered a heart attack last Friday and consequently would not be immediately available to review the plan. Mr. Hart said that Selectman Heitz would review the project. Mr. Hart noted that there are still units in that complex that are operating without Occupancy Permits. He did not know Mr. Steward's reasons for not signing on these units.

Mr. Wilson also stated that a letter from the Health Officer, Larry Middlemiss, had been received relative to 42 Church Street. It stated that the small sign that was displayed has been removed and therefore the matter is resolved.

Mr. Wilson also noted correspondence had been received regarding available grant money.

An invoice from Green Power Management for \$247.50 was approved for payment. This was for a drainage study for Family Pools.

It was noted that copies of the new Lighting Ordinance had been sent to all utility companies by the Board of Selectmen. Mr. Coppelman said it has been suggested that this information should also be brought to the public's attention.

Motion by Mr. Coppelman to accept Minutes of March 2, 2010; passed with 4 in favor, none opposed and three abstentions.

Storm Water Management and Ordinance Book Discussion:

Mr. Coppelman asked if the Board wanted to vote on the Stormwater Management Proposal. Mr. Wilson and Mr. Coppelman noted they did not have copies of the proposal at hand. Mr. Quintal said they could discuss the proposal and vote on it next week. He said most of it talks about procedures and basic regulations. He further said Section 908.17 goes into industrial or commercial discharges and the inspections required as well as the stormwater pollution plan that needs to be in place. He questioned if all the commercial areas needed to be inspected or just the larger industrial areas. Mr. Quintal said it talks about general regulations and then goes into more specific issues under industrial or construction activities. He asked if these could apply to larger residential developments and other commercial sites not just industrial. It needs to be clarified what needs to be inspected on a regular basis so that Selectmen can enforce the regulations. Mr. St. Hilaire said he felt any project which disturbs 10,000 sq. ft. or more of soil would be subject to these regulations. This would apply to residential as well as commercial or industrial activities. Mr. Quintal questioned why two sections on definitions were needed. He felt all definitions should be in the front of the book as did Mr. Wilson. Mr. Hart questioned how the management program would be funded. Mr. St. Hilaire said there is presently a line item for \$10,000 for Storm Water Management. Adjustments will need to be made whether in a bonding process or a yearly charge. Mr. St. Hilaire said it is a Federal Law that towns enforce Stormwater Regulations. There was also a discussion of the numbering of the amendments. Mr. Quintal said to reference the article either by title or by number once the Board has determined the number. Mr. Coppelman

withdrew his first motion and moved to continue this discussion to May 4th, 2010 at 7:45 PM; second by Mr. Alberts; motion passed unanimously.

Mr. St. Hilaire informed the Board that he will not be here for the next two meetings.

Ordinance Book – Proposed Changes:

Mr. Quintal said he believed that the Board left off somewhere around Section 909. He said he had proposed changing 909.11a to having all four corners marked with monuments also list a “certificate of Monumentation” somewhere in the index. The certificate should be signed by a licensed surveyor and an inspection should be done by the Town. There was discussion on who would do the Town inspection. Mr. Quintal said in some towns, such as East Kingston, the Building Inspector does the inspections and signs the certificate. Mr. Wilson mentioned the Town Engineer as a possibility.

Mr. Quintal said he has not made any changes to erosion sedimentation regulations. It would go in section 9.10. Stormwater regulations would go in 9.11. Access Management is part of 9.12. Sketches are also in there for Mr. St. Hilaire to review. Section 9.13 has excavation regulations. Section 9.13-07 should make reference to the Stormwater and Erosion Sediment Control regulations.

Mr. Quintal asked if excavation plans should be recorded at the Registry of Deeds. Mr. Wilson stated he felt anything over 10,000 sq. ft. should be recorded. Mr. Coppelman asked if there was a common practice to record excavation plans as we do site plans. Mr. Greenwood said it varies from town to town. Kingston’s history has been to record excavation plans which have been done in conjunction with active site plans. We have not recorded gravel pit permits as these have been grandfathered. Mr. Coppelman said that the excavation plan for Misery Hill has been recorded because it was part of an active site plan. Mr. Greenwood if we had a new proposal, the Town’s regulations would kick into effect. The proposal would be recorded. An engineer’s drawing of the proposal and a reclamation plan would be included.

Carriage Town Bible Church - 4 New Boston Rd. (R26-1-2):

Carriage Town Bible Church is seeking a partial return of their bond money. Mr. Greenwood said he had a long conversation with Pastor John Paul and Pastor Paul was adamant about coming to tonight’s meeting even though Mr. Greenwood said there is no guarantee that the Board will discuss the issue. Board had lengthy discussion of problems at the site. Mr. Quintal said he had met with surveyor and discussed the problems with the driveway and the culvert. They concluded that the culvert should be lowered and have the water easterly. Mr. Wilson said he thought the Board had decided not to release any money until the problems were corrected. Mr. Greenwood said this would be the prudent thing to do. Mr. Quintal the bond should have enough money to cover the landscaping and the drainage. Mr. Wilson said he did not see anything there that would release money. Mr. St. Hilaire said there is definitely a water problem there. Also, paving has not been done but a lot of dirt has been moved around. There was further discussion on the amount of the bond. In response to Mr. Greenwood’s question, Mr. Quintal said he did not believe it is necessary to re-open up the site plan process. He

would have the surveyor submit a sketch of the grading of the culvert. The culvert needs to be lowered so the water can flow through as it always did. Things must be removed and filled in in a compact. There must be uniform layers and compaction. This is for the owner's benefit. Michael Mondalto, 85 Main Street, joined the discussion. He is an abutter. He had talked to Pastor Paul and got the feeling that a new plan had been drawn. The Board has not seen a revised plan but Mr. Quintal will contact them and ask them to submit the plan for the Board to review. Mr. St. Hilaire said he had told Mr. Mondalto to come in to register his complaint. Mr. Mondalto was concerned with possible future problems. His property was heavily flooded this year. Mr. Quintal said with the culvert and drainage problems corrected, Mr. Mondalto would see his property return to what it was. Mr. Mondalto said the church has installed a trench to the right side on its property. Mr. Mondalto asked if there was any drainage at the rear of the property to bring that water to the retention pond. Mr. Hatch said the natural pitch in the back of the property should direct it to New Boston Road. It will eventually get back to the new culvert. Mr. Coppelman asked if the work was being done in accordance with the plan that the Board had approved. Pastor Jon Paul said it was being built according to their engineer's plan. Pastor Paul said they had spent a lot of money for their plans.

Ordinance Book Discussion Continued:

Mr. Quintal Stormwater, sediment and erosion control could be included in Section 913.07

Mr. Quintal said the next thing he wanted to discuss were items to be potentially incorporated into regulations. He said there were nineteen items but some have already been discussed. He said the Board has already talked about other Departments' processes prior to a Public Hearing. They've also discussed procedures for revoking plans that do not meet requirements of active and substantial development. Also discussed was a time-line for submitting revised material to the Board. Mr. Wilson thought time-lines would be a good thing; Mr. Quintal agreed if done on a case to case basis. Mr. Quintal also brought up the need for the applicant to check with the Registry of Deeds about the applicability of the mylar before presenting it to the Board. Mr. Greenwood said the Board does that now but it is in the application packet not in the Regulations. Mr. Wilson said this requirement should be added to the Regulations; Mr. Coppelman agreed. In regard to time limits on conditional approvals, Mr. Quintal said he felt it was worth having this in the Regulations. Mr. Coppelman, Mr. Wilson and Mr. Landry agreed. Mr. Wilson said it will be put in the Regulations that a time-frame is required. Mr. Greenwood said that most Planning Boards give a time-frame of one year when a time-frame is required. There was general discussion on the status of Konover Development Project now that Hannaford has withdrawn. Mr. Alberts will bring additional information to the next meeting. Mr. Wilson said it seemed that a year's extension could be appropriate if the Planning Board approved. Mr. Quintal asked what the procedure would be if an applicant to the Planning Board was found to need a variance from the ZBA. Mr. Greenwood said the whole application comes to a close and the applicant must re-apply after receiving a variance from the ZBA. Mr. Quintal asked why the applicant cannot just continue. Mr. Greenwood said at times the ZBA thinks the Planning Board is presumptive but that is not the Planning Board's intent. Sometimes the applicant's main

objection is the additional cost for the re-notification of the abutters. Mr. Coppelman said there have been joint meetings with the ZBA if all parties agreed. Such meetings can expedite the process. Mr. Wilson said the Board will not just continue when a variance is granted. The applicant must re-apply. He said the Board may want to think about this procedure. Mr. Alberts asked why there was a need for a denial from the Planning Board before going to the ZBA when there was clearly an ordinance violation. This may be discussed at another time. Mr. Quintal asked if it was ever considered to assign case numbers to the applications; it is done in other towns. Mr. Coppelman said the Board presently files by Tax Map number. If it is a site that has had multiple applications to the Town, it could have appendices of "a, b, c, etc". Further discussion of Ordinance Updates was continued to May 4, 2010 at 7:45 PM prior to the Stormwater Management discussion.

Pastor Jon Paul joined the Meeting. Mr. Wilson said the Board was not ready to discuss his project at this time and it was his understanding that Pastor Paul had been discouraged from coming tonight. Kevin Hatch of Cornerstone Survey spoke for Pastor Paul. He is requesting that the Board review the proposed bond reduction. Mr. Wilson said the Board had received nothing on the bond reduction because it was not aware that Pastor was coming tonight. Mr. Hatch said essentially the bond reduction is to take of some of the up-front work. It would still leave in some of the paving and landscaping work. He also said they have developed a better plan to take of the drainage in the front of the property. They have developed a line item of \$5,000 to take care of this. This is item 16; everything else was on the original. Mr. Wilson proposed referring the proposal to Mr. Quintal and Mr. St. Hilaire. Mr. Coppelman asked if it was his request that the bond be reduced to \$45,429.70. Mr. Quintal said they found they only needed to do half of the original proposed tree removal. Mr. Coppelman questioned if the proposal was meant to supplement the original buffer. There was discussion of the road going around the back right side and drainage swales as well as erosion control. Amount of the original bond was discussed. Mr. Hatch assured the Board that the driveway would be paved and the Town would not need to take the bond for the church's driveway. Mr. St. Hilaire said this is the first time the Board has seen the bond reduction request. Mr. St. Hilaire said he wanted to know if the water situation is being addressed and its effect on the neighbors. Mr. Hatch gave Mr. Quintal a field revision plan that shows the culvert will be reset and will be higher. They will do their best to control the water that goes from the westerly side of the property to the easterly side. Mr. Quintal said he had talked to Mr. Hatch about putting some kind of erosion control at the property line. Mr. Quintal will write a report back within a week. Mr. Quintal will sign the approval for the bond reduction when conditions are satisfied as will the Planning Board Chair. It will then be given to the Selectmen for final approval. It was determined that Mr. Quintal could sign on behalf of the Planning Board and the bond reduction request could then go directly to the Selectmen. This will expedite the process.

Other Business:

Mr. Wilson asked Mr. Greenwood if he knew how many would be attending the site walk on Saturday. Mr. Greenwood thought there would be ten to twelve attending.

Workforce Housing Ordinance:

Mr. Greenwood wanted to discuss landscape buffering. This issue is of great concern to abutters. Mr. Greenwood distributed his proposals and asked that the Board take these home and review them. These can be discussed next month. Mr. Greenwood noted that Workforce Housing is a commercial use. Mr. Coppelman said he thought buffers were to be discussed at the first meeting in May.

Meeting adjourned at 9:25 PM.

Respectfully submitted,

Ann T. Sullivan

*** Minutes transcribed from tape.