

**Kingston Planning Board
Public Hearing
March 15, 2011**

The Chairman called the hearing to order at 6:35 PM. There were no changes to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman
Jay Alberts, Vice Chairman
Ernie Landry
Chuck Hart, BOS representative

Glenn Coppelman
Dan Mastroianni
Adam Pope
Rich St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; Larry Middlemiss, Health Officer; Ellen Faulconer, Administrative Assistant.

Board Business

Critical Correspondence:

- Kingston Business Listing; Mr. Hart asked about the sign ordinance in regards to removal of signs from commercial enterprises no longer in business.
- Board approved adding a new section to the Ordinance Book re: yearly election updates.
- Census report received from Town Clerk.
- Letter received from Conservation Commission asking the Board to reconsider its decision on a proposed research project; Mr. St. Hilaire talked about the information required based on discussion at the Conservation Commission. The Board decided, by consensus, to stand by its original decision.
- Bond Balance List was reviewed.
- Memo from Ms. Faulconer re: the Board getting internet access in the Main Hall.
- USGS Bedrock Wells report
- Wetland Permits reviewed.
- For CIP information, copy of letter from Brentwood BOS re: real costs of Fire Building.
- Email from Danna Truslow regarding next step in the ordinance updates; the Board will discuss at next week's meeting.
- Regulations-update Subcommittee minutes
- Copy of Invoice showing election costs
- Ad received from Building Inspector referencing expansion at former "Sears" building; while the Board was not aware of any approved expansion; Mr. St. Hilaire suggested that the building was already at the square footage noted in the ad.

ACTION ITEM: Ms. Faulconer to double check the "Sears" file to check the size and current approval of the building.

- Updates for the Ordinance Book based on Town Meeting election

ACTION ITEM: Ms. Faulconer to check on costs for 50 new Ordinance Books; get back to Mr. Hart with the costs.

- Email between Lynn Coolen and Ms. Faulconer was reviewed; this will be discussed later in the meeting after the scheduled public hearings.
- Diamond Oaks lot merger was discussed based on discussion with DOT title researcher; lot merger form recorded with taxes owed on the property was “clouding” the title; provided information regarding possible past transfer of property.

ACTION ITEM: MM&S for Mr. Greenwood or Ms. Faulconer to contact Attorney Kalman about writing a letter to remove the lot merger possibly from the Registry of Deeds. (Motion by Mr. Hart, second by Mr. Mastroianni) **PUNA**

- Letter received by Ms. Faulconer volunteering to be the “third” alternate for the Board. Mr. Greenwood and Mr. Wilson explained that other Towns had the Administrative Assistant be an alternate as it helped eliminate quorum issues.

MM&S to appoint Ellen Faulconer to the three-year term of Alternate Board member. (Motion by Mr. Coppelman, second by Mr. Hart) **PUNA**

Mr. Wilson announced that Board business will continue after the scheduled public hearings.

Brox Industries of Methuen, MA
8 Dorre Road

Mr. Wilson opened the hearing at 7:05; he reviewed the Board’s site walk with Board members Mr. Landry, Mr. Pope, Mr. Hart and himself. He stated that the Board was shown the water recirculation; the walk was anticipated with the only item being informed that the applicant was looking for 24 hour operation as most of the paving happens at night. George Hall, manager of real estate for Brox Industries, explained that it is basically the same plant as that being proposed; the recycling system is the same; the building configuration itself may be different; the response to the previous comments had been submitted; the drawings were revised to address the comments; there are still a few outstanding issues.

Mr. Baskerville began reviewing Mr. Quintal’s letter received during the meeting; agreed to note number one; add storage of blocks created by using the excess cement when the trucks returned was agreed to by Mr. Baskerville. He continued by turning to page 2, agreeing with the two permits needing revision or issue and noting on the plan receipt of these as condition of approval; water sampling scheduling, after construction, was the next note; Mr. Baskerville stated that this would be added if it wasn’t already. Mr. Hall said it had already been added; agreed to sampling twice annually and reporting once annually, after the second test; Mr. Quintal said that was acceptable to him but it was up to the Board. This was note #15 on Sheet 3 of 9. Mr. Baskerville moved on to the last and third item by stating that he reviewed Mr. Quintal’s drainage analysis and Mr. Quintal was correct; they did storm analysis for 2-year; 25 and fifty; he admitted that they grabbed the wrong number for the 25 year storm and they will modify that

to use the correct storm; in order for correct drainage, the silt shall need to be less than twelve inches deep which they have no problem with and they will note that on the plan.

Mr. Hall asked the Board if they wanted Mr. Baskerville to review the original comments from Mr. Quintal's comments dated March 4, 2011. Mr. Wilson stated that they did. Mr. Baskerville reviewed it; Note 1 – they have added a note to the plan regarding the trees; Building type, size and location of entrances have now been labeled on the plan; building structure height and surface treatment is now indicated on Sheet 9; type, extent and location of existing and proposed landscaping; Mr. Baskerville said that a lot of landscaping has been added around the dumpster and the building; the site is currently wooded and be left wooded and have tried to buffer particularly what can be seen as someone is driving in, particularly the building and the dumpster. He continued by saying that there is a note about site preparation; they have added the note concerning minimum site disturbance; topsoil and stockpiling of loam during construction has been added to the plan; if additional loam is needed, it will be hauled in as required; appropriate buffer zones have been indicated, the 50 foot non-disturbance buffer that was discussed at the last meeting has been added, it is outside of the 60 foot right-of-way with a note that it is there for the residential buffer. He continued with Item 7, drainage report which has been submitted and reviewed; item 8 is about the drainage analysis which had been submitted and reviewed; a long-term maintenance plan was submitted and is on the plan; a bond estimate has been supplied, Mr. Quintal said there is no problem with it from his point of view. Mr. Baskerville continued with item #11 regarding the annual inspection fee which is to be determined by the Planning Board and is therefore an open item; they will need a septic system and federal permit. They have a letter stating there are no vernal pools on the property; they have limited the percent of disturbance and impervious surface – there will be 6.5% impervious surface and 88% of the site will be untouched; temporary stockpile areas are shown; monitoring wells had been discussed; the reply states that there are currently monitoring wells on the site which will be tested prior to construction, after construction one will be capped and the drinking well will be tested; this is shown and explained on Sheet #3. Details on the fuel oil station have been added; it is a 1,000 gallon double walled tank which acts as the containment; there is a normal 275 gallon tank inside the building for normal heat; the storage area within the building will have a concrete dike to contain any spills, additives and regulated substances will be stored inside the building; raw materials will be stored in the storage bins to the west. He continued with note #6 regarding construction details for the concrete wash area which will be a replica of the one seen by the Board in Hudson; Note 7 references storm water control which has been reviewed and discussed; number 8 references groundwater and detention areas; Mr. Baskerville said that they have revised the detention area and raised the bottom of the pond to elevation 117 per Mr. Quintal's recommendation; number 9 is also about drainage; they will note that silt can not accumulate to more than 12 inches to the plan; their plan is to hold all of the water on site; a method for dust control was described: site will be swept weekly, more frequently if required and a water truck will be used on site to keep the dust down. Construction entrance location is now shown on Sheet 6; a planting re-vegetation plan is needed which is now shown on Sheet 4 including landscaping with no invasive species being used in the planting plan.

Mr. Baskerville reviewed Mr. Greenwood's comments: it's an allowed use; the plans establish a 35-foot buffer by Peter Shower and the Board should decide the action for that although Mr. Baskerville believed that they are 100 foot back; site walk has been done; easement language for

the access road was requested, Mr. Baskerville said that the court settlement documents have been provided. Mr. Baskerville continued with comment #5 regarding 500 foot residence; he stated that there are no other residences except for the one where they added the buffer; # of anticipated employees have now been added to the plan: 2 permanent employees as well as truck drivers, six spaces have been provided for drivers and trucks, drivers will not remain on the site. Mr. Wilson confirmed that it means that there will be 8 employees at its peak.

Mr. Baskerville continued on with Mr. Greenwood's comments: what are the hours of operation; he answered that the site will be able to operate 24 hours a day, 7 days a week although there is no intent to be open 7 days a week, 24 hours, but they want the capability to be able to supply a batch whenever needed; they anticipate 25 to 50 round trips per day for trucks however this is highly variable; excess materials brought back from a job site is poured into forms and used to make concrete blocks which are 2'x2'x6', a hose is used to wash out any residue that goes into the wash area. Mr. Baskerville announced that this was the end of their letter. He added that attached was a copy of the inspection and maintenance plan; each of the BMP's was per the State; description of 1000 gallon tank and protective steel containment dike.

Mr. Wilson commented that the plan still needs to go to the Fire Department for approvals, especially on the fuel tanks; he added, for the record, that the Board did received a letter from Mr. Galloway regarding money owed on resurfacing the road but is not a Planning Board issue but a civil one.

Mr. Alberts asked for information from Mr. St. Hilaire about State plans for lights at the intersection on Rte. 125. Mr. St. Hilaire had the Rte. 125 plans with him; the Board reviewed these plans. Mr. St. Hilaire explained previous meetings on the Route 125 Corridor study; the Brox proposal shows the possible future connection. He stated that the Board of Selectmen, Planning Board and the Town should do its job regarding access to the Industrial zone referencing the Rte. 125 plan, Dorre Road, Roadstone, wider roads, turning lanes, intersection design. He continued that the BOS and Planning Board needs to solve the problem; he discussed different possibilities of road configuration with through Roadstone or through another road on the Brox property which would basically move the proposed intersection 60 ft. north. The Board discussed the possibility of this issue being addressed in a timely manner in regard to the proposal before them. Mr. Galloway and Mr. Torromeo both stated that they would be willing to talk to the Town about the possibilities as did Mr. Hall.

Mr. Galloway discussed his 2003 ROW agreement with Mr. Brox which he stated was for a non-union garage not for a competing concrete plant; he stated that he is in discussion with an attorney to make the ROW null and void.

Mr. Hart discussed the possible costs involved with an engineer laying out a possible road design; Mr. Quintal stated that a conceptual plan would cost approximately \$1000. Mr. St. Hilaire state that while Mr. Galloway would gain frontage on a town road it would move truck traffic away from a residential neighborhood; Town Counsel could look at it for betterment assessment.

ACTION ITEM: Ms. Faulconer to speak with Ms. Grant to add this to BOS agenda.

There was continued discussion on property ownership, easements, costs for improvements, eminent domain, compensation; timely manner on achieving goals. Mr. Hart noted that, at the site walk, the Board was told that the construction of the concrete plant might be sometime between 6 months and two years so there may be time to develop a plan for the road system.

Mr. Greenwood stated that he had reviewed the easement provided by Mr. Hall and it did not have all of the language he would have liked to see; he had an issue with the plant being open 24/7, 365 days per year and cautioned the Board on setting a precedent; he suggested the Town come with a way of dealing with night work.

Mr. Wilson said that he also had an issue with 24/7 operation as it opened up the possibility of everyone else asking for 24/7 hours. Mr. Alberts stated that there was nothing against 24/7 in the ordinances. Mr. Wilson said that the Board had been told that the back-up alarms could be turned off at night. Mr. Greenwood explained that site plan review regulations do allow for the Planning Board to review hours of operation and suggested that 24/7 operation should be negotiated with the Board of Selectmen on a case by case basis. Past decisions regarding hours of operation were discussed. Mr. Pope stated that he did not see an issue of 24 hour operation on this site. Mr. Hall stated that Dorre Road won't be used as an access point to the site. Mr. St. Hilaire stated that he felt that the operation should be allowed 24/7, 365 days, however, in Hudson, the plant had to let Hudson know ahead of time and have the truck route approved. Mr. Wilson suggested that if more than 4 cement trucks had to move after 7 PM then the Town would need notification; there were suggestions for 9:00 PM, 8:30 PM; Mr. Pope suggested complying with the same times as those mentioned in the Noise Ordinance. Mr. Wilson suggested, based on the discussion, of allowing for general operation from 6 AM to 9:00 PM; anything other than 4 trucks needed to call the Board of Selectmen regarding a special project; confirmation was made regarding notification to the BOS for any projects outside of the 6 AM to 9 PM window.

Mr. Wilson read the Health Inspectors comments; Mr. Middlemiss confirmed that his concerns had been addressed during this evening's discussion.

MM&S to accept the plan for jurisdiction. (Motion by Mr. Alberts, seconded by Mr. Mastroianni) **PUNA**

MM&S to continue to April 19th at 7:00 PM. (Motion by Mr. Pope, second by Mr. Alberts) **PUNA**

The Board discussed the possibility of establishing committee for technical review on the road issue; meeting with the BOS with all parties on March 21st at 6:30. Mr. Hart will confirm the meeting.

ACTION ITEM: Per Mr. Wilson, Ms. Faulconer to include 24/7, 365 operating hours for Brox proposal for the next public hearing posting.

Millbrook RV Park
99 Rte. 125

Charlie Zilch from SEC and Associates distributed new plans which included the Operations and Maintenance plan and a new letter regarding aspects of the plan showing the addition of 10 more RV sites including a pavilion and shower/laundry facility. Mr. Wilson confirmed that the site was in the Aquifer Zone. Mr. Zilch stated that he had addressed all of Mr. Quintal and Mr. Greenwood's comments; he had all of the necessary State approvals. He added that all of the Department comments had been addressed. The buffering and landscaping was explained; existing conditions were reviewed. Mr. Wilson asked about the buffering between abutting properties. Mr. Zilch pointed out those areas including the distance to neighboring property. Mr. Zilch confirmed that the island is used for recreational uses such as cook-outs. Mr. Wilson read the Health Inspectors comments. Mr. Zilch will add items to the plan: Note 2 Sheet 1 needs to state Aquifer Zone; minimum lot size of three acres needs to be added as a note; acreage needs to be added. Sheet three's details were reviewed; Mr. Middlemiss stated that the septic system details should not be on that page as it is recorded, giving the impression that it is the approved septic design. Mr. Zilch will re-do page 3, add the septic details to a separate page.

The vegetative buffer and neighboring uses were reviewed. Mr. St. Hilaire noted that abutters had been properly notified, if there were concerns they would have been at the meeting. Sedimentation and Erosion controls were discussed; gravel pads for parking were looked at; Mr. Quintal explained that the drainage calculations presented show no increase in run-off. Mr. Zilch stated that the applicant would like to maintain these spaces as gravel. Mr. Quintal stated that the RV's are not parked there year round but gravel can be a concern since it is over the Aquifer and while the Board should consider the topic, it's probably not the same impact as used cars would be.

Mr. Zilch explained that the note of the soil types was added; maintenance for stormwater was submitted. Mr. Quintal said that the Board needs to review stormwater proposal to protect the brook and the Aquifer. Mr. Wilson stated that is seemed to be the best the Board had received.

MM&S to accept jurisdiction of the plan (Motion by Mr. Alberts, second by Mr. Hart) **PUNA.**

MM&S to approve. (Motion by Mr. Mastroianni, second by Mr. Alberts) Mr. Mastroianni added his motion was for Board discussion on approval.

Mr. Coppelman suggested there be conditions added to the approval; Mr. Alberts agreed. Mr. Wilson confirmed that the gravel sites and buffering were okay with the Board. Mr. Coppelman said that there was still the issue of the septic details being on sheet three; Mr. Zilch said that he would remove that from that page and just show the leach field. Mr. Coppelman continued that notes for Aquifer and lot size needed to be added. Mr. Zilch confirmed that nitrogen loading and other specifics were based on the knowledge that the site was in the Aquifer and conform to those requirements. Mr. Zilch also confirmed that there was lighting proposed for the pavilion but there is a note stating that it will comply with the Outdoor Lighting Ordinance. Mr. Coppelman suggested he review the latest ordinance as any new fixture will need to comply. Motion was restated:

MM&S to conditionally approve the plan with three additional items: Aquifer noted; lot size shown, septic system shown separately from page 3; mylar to be presented for signing 60 days from today. (Motion by Mr. Alberts, second by Mr. Mastroianni) PUNA

Board Business, continued

- Copy of email sent to BOS from Mr. Coppelman re: Article 22 from 2007 re: Alberts property. Mr. Coppelman informed the Board that it had been added to the BOS agenda.
- Lynn Coolen Antique Store: Mr. Pope reviewed the Board's site walk done after visiting the Brox cement plant; he explained that one addition had been done and the owner was planning a second addition. Mr. Wilson suggested that the option before the Board was to approve without a site plan or require a site plan with the possibility of waiving the engineering fees. *<BOARD NOTE: Mr. Alberts recused himself at this time>* Mr. Greenwood stated that while costing the applicant a few hundred dollars, it was in the Town's best interest to have a recordable plan and could be significant for the applicant as well. Mr. Coppelman also thought that it was a good idea to have a recordable plan. The Board continued discussion on whether or not to require a plan; regulation requirements; expansion percentage increase versus number of possible amendments. Mr. Landry noted, for full disclosure, that due to similar business activity, he sometimes shares information and advertising with Ms. Coolen but does do business with her for financial gain. He also suggested that the Board provide the same type of waivers for engineering fees that had been provided to Mr. Mastroianni for the sake of consistency. Board consensus was that it was in the Town and applicants best interests to have a recordable plan. Mr. Wilson again suggested that the Board, if requested by the applicant, could decide to waive the engineering fees.

MM&S to require Lynn Coolen to submit a site plan, prepared by an engineer, so it is recordable. (Motion by Mr. Coppelman, second by Mr. Pope) PUNA

<Board note: Mr. Alberts returned to the Board at this time>

MM&S to approve the January 4, 2011 minutes as amended, with the transcript. (Motion by Mr. Alberts, second by Mr. Mastroianni) PUNA

MM&S to approve the February 15, 2011 minutes as presented. (Motion by Mr. Coppelman, second by Mr. Alberts) Motion carries 6-0-1 with Mr. Mastroianni abstaining.

Board Elections

Mr. Wilson asked Board members if anyone was interested in running for Chairman. Mr. Coppelman stated that under normal circumstances he would be interested but he thinks Mr. Wilson is doing a good job and therefore would not be putting his name forward for consideration for Chairman. Mr. Wilson thanked him for his comments.

MM&S for Richard Wilson to continue as Chairman. (Motion by Mr. Coppelman, second by Mr. Alberts) **PUNA**

Mr. Wilson asked who was interested in serving as Vice-Chairman; Mr. Coppelman and Mr. Alberts expressed interest.

MM&S for Glenn Coppelman to serve as Vice-Chairman. (Motion by Mr. Landry, second by Mr. Pope) **Motion carried 4-2-1** (Mr. Alberts and Mr. Mastroianni opposed; Mr. Wilson abstained).

MM&S for Jay Alberts to serve as Vice-Chairman. (Motion by Mr. Mastroianni, second by Mr. Wilson) **Motion failed 2-4-1** (Mr. Wilson abstained)

Board Business, continued:

- Mr. Greenwood discussed feedback on the re-zoning of lots; Mr. Wilson suggested that Board members make note of any comments. He added that while the intent was to simplify the system, some lots did change.
- Mr. Wilson told Mr. Hart that in light of the Water District being approved, if the BOS needed a sub-committee to consider the Planning Board. Mr. Hart stated that the BOS would be talking to legal counsel.
- Mr. Wilson said that other appointments needed to be done for HDC and CIP. Mr. Coppelman announced his interest in serving on the HDC.

MM&S for Glenn Coppelman to continue as the Planning Board representative to the HDC. (Motion by Mr. Wilson, second by Mr. Hart) **PUNA**

- Mr. Hart told the Board that the BOS would be meeting with the business on Exeter Road on Monday. Signs on the property were discussed as well as unapproved car sales; transport plate request was denied.
- CIP Committee: The Planning Board agreed to reconstitute the CIP Committee for the next update. Representatives for the CIP committee will be determined at the next meeting.

ACTION ITEM: Mr. Greenwood to contact Bruce Mayberry regarding Impact Fees.

- Mr. Wilson reminded the Board that the “to-do” list for next year will be discussed at the next meeting. He asked that the regulation subcommittee bring recommendations to the Board for approval.
- Mr. Pope asked to take some time at the next meeting, if possible, to review the Rte. 125 Corridor plan.
- Mr. Landry asked about the map overlay project status; Mr. Greenwood said that as a TBG grant the project needed to be done by June 30th. Mr. Landry said that the Board needed to schedule time to review them when they were done.

MM&S to adjourn at 10:00. (Motion by Mr. Coppelman, second by Mr. Hart) **PUNA**