

**Kingston Planning Board
Public Hearing
June 21, 2011**

The Chairman called the hearing to order at 6:30 PM. There were no challenges to the legality of the hearing.

Members in attendance:

Richard Wilson, Chairman	Ernie Landry
Glenn Coppelman, Vice Chair	Jay Alberts
Adam Pope (joined the meeting in progress)	Richard St. Hilaire, Alternate
Mark Heitz, BOS rep. (joined the meeting in progress)	

Members absent: Dan Mastroianni

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

**Library Trustees
Public Library
56 Church Street
Tax Map R-33-21-2**

Ms. Hume introduced those in attendance representing the library: Library Trustees Leslie Hume and Danielle Genovese; Library Director Sarah Sycz and Ron Lamarre, architect for the Library. Mr. Wilson noted that this was a meeting to catch the Board up and see the changes since the preliminary meeting.

<Board note: Mr. Heitz arrived at this time.>

Ms. Hume explained that the Trustees had been working with the Department Heads and Town Engineer on the plan which had been changed to reflect their comments and concerns. Mr. Lamarre described the changes made to the original proposal due to those discussions:

- Entrance drive now includes a 24' road with 5' shoulders, drainage being built to Town road specs in order to be accepted as a Town road
- Met with abutter regarding entrance; amenable to proposal
- Have moved the building back an additional 20 feet to accommodate concerns of the Police Chief
- Met with Road Agent and Town Engineer to address drainage and engineering issues as are now reflected on the plan.
- Tests pit have been done
- Will comply with Dark Skies Lighting ordinance; lighting timers/movement sensitive lighting will be discussed with the Chief.
- The design of the building itself is essentially the same plan.

Mr. Wilson asked if the site work was beginning on July 5th; Mr. Lamarre said that it was hoped that tree cutting would begin then; the bids are due next week.

Mr. Coppelman asked to address Mr. Greenwood's comments regarding the aisles in the parking area ending in a terminus and the need for more parking. Mr. Lamarre said that they could create another back-up spot at the terminus; he said that there will be times when there is not enough parking due to special events; they planned for the average daily use. Mr. Greenwood stated that in reviewing area libraries, the issue becomes parking; he continued that for a building to be used as a community facility, it would be a shame to get the reputation of not having enough spaces; he re-iterated his belief that more spaces were needed. Mr. Lamarre said that this could be addressed if needed. Mr. Heitz stated that previous information provided about library use indicated a certain amount of trips per day; Ms. Sycz recollected that it was about 27,000 visits per year. Mr. Wilson said that calculated to about 74 people per day based on 365 days per year. Ms. Faulconer encouraged extending the parking lot; she stated that the parking should be built to accommodate regular library use and the need for parking for meetings scheduled at the same time; while it might be nice to have abutters accommodate the library's need for additional parking, it shouldn't be built with that assumption. Mr. Lamarre noted an 80 ft. space that could be used to extend the parking lot. Mr. Heitz suggested bumping the septic system out a little to not restrict that area for the future. Mr. Coppelman suggested that if the budget didn't allow for asphalt, perhaps something else could be used. Mr. Lamarre mentioned reinforced turf; Mr. St. Hilaire suggested that plowing was an issue with that material. Mr. Wilson asked about the possibility of gravel for the extended section; Mr. Coppelman agreed with using gravel with the possibility of future paving, depending on the usage. Mr. Lamarre said that the intent was only to clear the amount actually needed but he would speak with the Trustees about this discussion. Mr. St. Hilaire said that it would not cost any more to clear 25,000 sq. ft. as it would to clear 15,000 sq. ft. Mr. Wilson stated that he was hearing the Board say to clear that section and gravel the area for additional parking. Ms. Faulconer noted that the turning area in the front of the building was also a problem and the last space shown should also be marked as no parking so cars could turn around as discussed for the side section of the parking area. Mr. Lamarre agreed.

Mr. St. Hilaire stated that the road being built had no cul-de-sac, was not located in the center of the ROW; it will be a Class V road with 35 mph driving speed; he added that it is being designed properly so everything works correctly; he continued that there is a 60 ft. ROW and the parking area encroaches in the ROW but it's a Town road on Town property so it is okay. He said that the road would be used as egress to the property in the back area; he continued that if it was a subdivision or site plan he would argue against it but it is Town land so he isn't. Ms. Hume explained that there were specific terms agreed to in developing the library site on the deed and the language used left a lot of ambiguity; the abutter has agreed with the interpretation of the language and the placement of the road with met the intention of the agreement. She noted her appreciation for Mr. St. Hilaire's help in getting them where they were at this point. Mr. Wilson thanked the Library group for coming to the Board.

<Board note: Mr. Pope arrived at this point.>

Board Business

Correspondence:

- Letter from Brox Industries asking to continue their public hearing to August 16th to allow the town to work of access issues. Mr. Heitz asked if the Board had received a copy of the legal opinion; he left the meeting momentarily to try to get a copy.
- Letter received from Mr. LeClaire re: opening a restaurant in the current Rick's Café and Grille. The Board discussed the letter; Mr. Coppelman suggested that he come in to speak with the Board to review the specifics; Mr. Alberts agreed that it wouldn't hurt for him to come in. Mr. Middlemiss stated that both he and the Building Inspector had spoken with the owner about the activity which would include take-out. Mr. Coppelman said that by virtue of adding take-out this might increase traffic.

ACTION ITEM: Ms. Faulconer to invite Mr. LeClaire to meet with the Planning Board at next week's meeting; adjust the agenda to accommodate Mr. LeClaire's schedule.

- Any further "old" checks to be checked by Ms. Faulconer in conjunction with Ms. Kenerson and then disposed of appropriately.
- RPC announcement re: training series.
- Mr. Wilson announced to the Board that Mr. Coppelman was elected treasurer of the RPC; a plaque thanking Mr. Weyler for his service was presented by Mr. Wilson on the Board and Town's behalf; a picture of this will be in the paper in the near future.
- An email from Mr. Coppelman was received concerning trucks as portable signs; this will be on next week's agenda.
- An invoice from RCCD for the Brox proposal was signed by Mr. Wilson.
- The Board discussed a sign at Bump and Grind advertising a different business not located on this site.

ACTION ITEM: Fill out Enforcement Compliance request for illegal sign at Bump and Grind; give to BOS.

- Copy of letter sent from BOS to Debra Smith
- Invoice signed for plaque given to Mr. Weyler

**Brox Industries
8 Dorre Road
Tax Map R2 Lot 3**

Mr. Wilson confirmed that Mr. St. Hilaire will be a voting member this evening. Mr. Wilson read the letter received from Brox Industries requesting a continuance to Aug. 16th.

**MM&S to continue the Brox Industries public hearing to August 16, 2011 at 6:45 PM.
(Motion by Mr. Coppelman, second by Mr. Pope) PUNA**

Brenda Galloway asked about the status of the issue concerning eminent domain and the access. Mr. Wilson explained that the access issue was being pursued by the Board of Selectmen, not the

Planning Board. Mr. Heitz stated that no final decision had been made; the next BOS meeting is on July 11th.

Board Business, continued

Correspondence, continued:

- Copy of notice from NH Division of Historic Resources re: the library.
- Copy of Enforcement request re: Russo Earth Care; Mr. Heitz stated the BOS had tabled that for the time being.
- Bond Balance list received from Financial Officer.
- DOT notification of driveway permit at 40 Marshall Road.
- First Congregational Church's wetlands permit.
- RCCD announcement

ACTION ITEM: Ms. Faulconer to check FCC's conditional approval date.

ACTION ITEM: Ms. Faulconer to follow-up on adding link re: Stormwater Mgmt. to the Town's web site.

An amended ordinance page was distributed to the Board members to replace in their Ordinance Books.

MM&S to accept the May 3rd minutes as written. (Motion by Mr. Landry, second by Mr. Coppelman) **Motion carried 4-0-3 with Mr. Heitz, Mr. Alberts, Mr. St. Hilaire abstaining.**

MM&S to approve the May 17th minutes as written. (Motion by Mr. Coppelman, second by Mr. Landry) **Motion carried 5-0-2 with Mr. Heitz and Mr. St. Hilaire abstaining.**

Mr. Coppelman suggesting establishing a date for the "Land Purchase" sub-committee.

ACTION ITEM: Ms. Faulconer to notify "Article 22" Land Purchase members about the meeting scheduled for June 28th at 7:45; post meeting.

The Board discussed the Accessory Family Apartments Ordinance in reference to Rural Residential Zoning; Mr. Greenwood confirmed that only the amendments to the ordinance go forward for Town vote; if the Board wanted any changes to move forward, this would need to be done at a public hearing in the Fall.

ACTION ITEM: Ms. Faulconer to add the Accessory Family Ordinance to upcoming meeting for discussion.

Mr. Alberts reviewed the ZBA hearing for the Board.

Mark Lepage
158 Rte. 125

Tax Map R21-18

Mr. Wilson noted that this was a continuation of the June public hearing. Mr. Nichols handed out new plans and reviewed the items from the last meeting addressing Mr. Greenwood's and Mr. Quintal's comments. He believed that he addressed all of the comments. He discussed some of the changes:

- Calibrations done for 50-year storm event to show no increase in flow
- 20 ft. building setback added along Stoney Brook Lane to prevent future owners from building too close to the road
- A basic landscaping plan was added; tree planting detail revised
- Monitoring well was relocated
- A note was added to the plan and site maintenance report stipulating the type of tests to be done.
- G-1 is the page being recorded; a note was added that states there are other plans and sheets that are on file at the Planning Board office in Kingston.
- Another catch basin was added
- Grading was revised; Building was raised to have at least 2% slope
- Man-hole detail shown on D-2
- Hood outlets specified; drainage outfall revised; drainage swale detail revised
- Lighting plan revised; poles decreased from 20' to 16' to keep candle-power within the lot; fixtures lowered to 12' to keep lighting within the lot.
- Curbing at rear of building removed to as not to hinder plowing and drainage; pavement has been added right up to the building; pavement added behind the building for a better turning radius
- Holding tank moved outside of well radius
- Snow storage area shown at the rear of the site; no snow to be paved into the Town ROW.

Mr. Coppelman asked about the cut sheets for the lighting fixtures; Mr. Greenwood stated that he had not received them from Mr. Nichols; a copy was provided to Mr. Coppelman. Mr. Coppelman asked if it could be verified that they met the Town's Lighting Ordinance.

Mr. Nichols discussed the waiver requests; a waiver is required for the entrance which had been lowered from 8% to 6%; the Town requires 4%; Mr. Quintal had no issues with granting of the waiver on this site. Mr. Nichols stated that there was also a request for the 50' vegetated buffer requirement which was being reduced to 20 ft. with the addition of a fence. Mr. Wilson noted that during the site walk, the abutters were in favor of this compromise.

ACTION ITEM: Mr. Nichols will send lighting cut sheets and other documents submitted by email to Mr. Quintal to the Planning Board office for the property's records.

Motions were made to address the waiver requests; they were amended to correctly reflect the correct sections in the ordinance.

MM&S to waive the requirement of 904.15.E to allow for the 6% grading on the Lepage site. (Motion by Mr. St. Hilaire, second by Mr. Alberts) **PUNA**

MM&S to waive the 50 ft. buffer requirement in 904.6.D to 20 ft. with an 8 foot fence.
(Motion by Mr. Alberts, second by Mr. St. Hilaire) PUNA

Mr. Pope noted that Mr. Quintal's comments refer to the need for three waivers. Mr. Quintal explained that the Board waived the slopes on the parking but not on the entrance. Mr. Nichols added to the waiver request list to reflect this addition.

Mr. Coppelman returned to talking about the Lighting; he stated that the pole lights are downcast and labeled as Dark Sky compliant but the wall packs are just labeled as downcast and he is not sure that they are Dark Sky compliant. Mr. Coppelman read section 302.4 regarding no light above the horizontal plane that is usually labeled Dark Sky compliant. Mr. Coppelman stated that the applicant needs to either verify that the wall packs are Dark Sky compliant and if not, replace with something that meets the ordinance. Mr. Nichols said that he believed that they were compliant but will verify.

MM&S to waive the slope requirement of 904.6.J. (Motion by Mr. St. Hilaire, second by Mr. Alberts) PUNA

Mr. Coppelman referred the Board to Mr. Quintal's comments suggesting that the site could be better landscaped. Mr. Lepage said that he didn't want to cover up the display area; used cars need to be displayed. Mr. Coppelman said that Mr. Quintal's comments were that some lower vegetation could be added to enhance the property and not block the view. Mr. Lepage said that more plantings than shown will probably be done.

MM&S to accept the plan as presented this evening contingent on verification that the proposed wall packs are compliant with the Town's Lighting Ordinance and if not should be changed so they are compliant; condition to be completed within 90 days; condition includes receipt of mylar and recording fees within that timeframe. Additional conditions include a note added to the plan stating that the property must comply with the management plan; final plans include a note acknowledging the waivers; all sheets in the final complete plan set must be signed by the appropriate professionals and submitted to the Board to be signed and dated by the Planning Board Chairman. (Motion by Mr. Alberts, second by Mr. Coppelman) PUNA

Barry and Lynn Coolen
21 Bartlett Street
Tax Map U9 Lot 34

Mr. Alberts recused himself for this portion of the hearing due to a small pecuniary interest with this applicant. Mr. Wilson stated that Ms. Faulconer will be a voting member during this application.

Mr. Wilson stated that members of the Planning Board had previously done a site walk on this property. He read Department comments from the Police Dept. and Building Inspector; they had no comments; he had received no other feedback or comments.

Mr. Nichols explained that this was an update of a previous site plan; there was an addition to the existing building. He added that the plan included changes to the previous site plan: fence, shed, parking; there is a 20 ft. vegetative buffer abutting unused Town property; notes were added regarding the entrance and lighting which is per the Ordinance.

MM&S to accept the plan for jurisdiction. (Motion by Mr. St. Hilaire, second by Mr. Coppelman) **PUNA**

MM&S to accept the plan as presented conditional upon receipt of the mylar and recording fees back to the Board within 90 days. (Motion by Mr. St. Hilaire, second by Mr. Landry) **PUNA**

Mr. Alberts returned to the Board at this time.

Board Business, continued

Gravel Pits: Mr. Early and Mr. Magnusson had both presented the paperwork asked for by the Board. Mr. St. Hilaire and Mr. Quintal had not prepared an estimate for the Bond amount for the Early pit. Mr. Quintal, in asking for input from the Board, stated his opinion that for a Bond amount, the plan does not need to be done 100%, the property would need to be stabilized; seeding, topsoil, jute-matted for steep slopes and the Board should have that covered by the Bond amount; re-iterating not necessarily completing the site. Mr. Wilson said that the Board agreed with that philosophy.

ACTION ITEM: Mr. Quintal will contact Mr. Early about meeting him on the site to determine the Bond amount for the Gravel pit.

Since the meeting was being televised, Mr. Wilson explained that the Board's last action of the evening was going to discussing a legal matter in non-public session and that after the vote to go into non-public session, the meeting would go off the air.

MM&S to go into non-public session to discuss a legal matter. (Motion by Mr. Heitz, second by Mr. Alberts) Per RSA, each Board member was polled individually about the motion. Mr. St. Hilaire – yes; Mr. Pope – yes; Mr. Wilson – yes; Mr. Alberts – yes; Mr. Landry – yes; Mr. Heitz – yes; Mr. Coppelman – yes **Motion passed unanimously.**

The Board entered non-public session. The Board discussed a legal matter regarding access issues to Industrial property. No motions or decision were made.

MM&S to come out of non-public session. (Motion by Mr. Coppelman, second by Mr. St. Hilaire) All members were polled: Mr. St. Hilaire – yes; Mr. Pope – yes; Mr. Wilson – yes; Mr. Alberts – yes; Mr. Landry – yes; Mr. Heitz – yes; Mr. Coppelman – yes; **Motion PUNA.**

MM&S to adjourn at 8:55 PM. (Motion by Mr. Coppelman, second by Mr. Pope) **PUNA**