



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

Approved MINUTES
Zoom Meeting – June 18, 2020
7:00 pm

The Town of East Kingston Planning Board met remotely through a video conference (Zoom) meeting, Thursday, May 21, 2020 at 7:00 PM. Due to COVID-19, and pursuant with NH Emergency Orders, no public meeting location was utilized.

AGENDA:

Continued Public Hearing for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) - Barry Gier / Jones and Beach

Discussion of the RPC Circuit Rider Contract for the coming year.

Discussion re: light industrial park conditions.

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Dr. Robert Marston, Bill Caswell, Emily Andersen, Scott Orleans, Ex-Officio Bob Nigrello.

Advisors Present: RPC Senior Planner Julie LaBranche, East Kingston Police Chief LePage, Conservation Commission members Dennis Quintal and Vicki Brown.

Also present: Mr. Barry Gier PE / Jones and Beach representing the Wayne R. Ewald Revocable Trust; Applicant Sal Ragonese and various residents of the Town of East Kingston.

Chairman Bath made a statement regarding video bombing:

If tonight's meeting is interrupted by outside sources, this meeting will be immediately terminated and public hearings will be continued and rescheduled to another date and time to be announced and published. This is our third video conference, so we ask for understanding and patience for any technical difficulties that may occur during the meeting.

Mr. Bath explained how the meeting will proceed: He will open the public meeting, role call of members will be called, other town officials will be recognized, minutes will be approved, he will read three letters, and the continued hearing will be opened. Mr. Bath will introduce the applicants, who will give a brief description of why they are before the board, followed by any presentations. Only planning board members will ask questions of the applicants at this point. Once the board members have finished with their questions, the floor will be opened for public comments. Please announce yourself by name and address and make any comments to the board and not the applicant. When public comments are completed, the public comment portion will be closed. Then the board will deliberate and may ask additional questions of the applicant. A motion and second will then be asked for to accept or deny the applicants' request, and there will be a vote of the board members if applicable.

Vice Chairman Allen explained people should be viewing their screen in gallery view, and asked participants to mute themselves unless asking questions to eliminate background noise. If anyone has a problem during the meeting connecting, Mr. Allen provided his phone number so he would be informed that someone could not connect with the meeting and either provide guidance to connecting or terminate the meeting as it a requirement the meeting be available to the public.

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:05 pm by Chairman Bath.

Minutes:

Mr. Bath **MOVED** to approve the May minutes as presented; Mr. Caswell seconded.

Ms. LaBranche asked for an amendment to be made to the minutes on the motion to accept the yield plan. The motion should read as follows: *“Mr. Allen **MOVED** to accept the yield plan for Tilton Village Estates, version dated 5/21/2020 showing vernal pools and additional wetland locations, with the caveat that traffic safety issues at the intersection of the Tilton Lane extension where it meets Route 107 **are unresolved and must be mitigated to Planning Board satisfaction as the project moves forward to the cluster portion of the subdivision project.**”*

Mr. Caswell **MOVED** to approve the May 21st minutes as amended; second by Mr. Allen.

Roll call vote to approve the May minutes with the amendment – Mr. Bath – aye; Mr. Allen – aye; Dr. Marston – aye; Mr. Caswell – aye. Minutes with the amendment - approved with a passing vote.

Continued Public Hearing for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) - Barry Gier / Jones and Beach

Mr. Bath opened the continued Public Hearing.

Mr. Bath noted the Planning Board had received a letter from abutters and two letters from the Conservation Commission and proceeded to read them aloud for the record. All letters read are attached to the end of these minutes.

Mr. Nigrello joined the meeting at 7:25pm.

Mr. Bath invited Vicki Brown to speak to her letter. Ms. Brown noted she was an East Kingston resident and also a member of the East Kingston Conservation Commission. She explained a regionally significant wild-life corridor runs through the proposed subdivision area and connects to neighboring properties on the east and south sides. This information just came to her attention in the last two weeks in the latest Connect the Coast Report. The wildlife corridor designation is based on research by experts and identifies areas in town that are natural features.

This is an opportunity for East Kingston to be thoughtful about the design of the open space for this subdivision and preserve a natural feature that is already there. It is a regionally significant wildlife area and this could be an opportunity to consider more than the 25% for open space.

Mr. Bath opened the floor to Mr. Gier.

Mr. Gier noted at the last meeting the board had voted and approved the yield plan. The Traffic Review letter provided by TEPP was reviewed, and after much discussion regarding the proposed connection to Route 107, the applicant agreed to explore additional concepts. Three additional concepts have been

prepared (and have been distributed to board members for review). The applicant has reviewed these concepts with DOT.

Mr. Gier shared screen shots of the three concepts:

- C2 – is the original concept for the cluster subdivision. Shows where the proposed road would connect with Route 107. This connection was the object of discussion at the last meeting, and therefore the applicant explored several more concepts to present to the board.
- CP9 – shows the road extending through the property and connecting to Route 108. Road access is approx. 440' from the existing intersection. This concept would require a major wetland impact, necessitate more road, and requires additional relief from DOT regarding the number of connections onto Route 108.
- CP10 – shows a cul-de-sac option with an emergency access connection to Route 107. This option was the preferred option from DOT. It required no wetland impact, but would require a waiver for cul-de-sac length.
- CP11- shows the connection to Route 107 closer to the existing wetland, but would not require a wetland permit. DOT questioned why they wanted to change from their already approved location.

The applicant's preference is to move forward with the cul-de-sac option with the emergency access to Route 107. Between the safety and environmental concerns, they think this is a good compromise. The applicant has been willing and patient working with the board on the issues, and would like to move forward with the project and is looking for direction from the board.

Mr. Bath asked the board to verbally review each of the concepts. Mr. Allen noted a discussion on each would be helpful.

Ms. LaBranche referred to the table she had provided the board which denotes any relief each concept would require. She offers no opinions but has arranged the options with findings of fact for each, with a listing of decisions required by the board. C2 is the original proposal, CP11 is a variation on C2, and CP9 and CP10 are new proposals. These are not the only options that can fit for subdivision. An option for CP9 would be to not punch the road out to 108 and create two cul-de-sacs; this option would require no waivers and no special permits. The board is not limited to what was presented and there may be more options to explore.

Mr. Allen offered some overall guidance for the board. The board is not tasked with designing this subdivision for the applicant. He opined they were going over and above to ensure what the applicant puts forth for the board to vote on is closer to what the board and the town may want.

The charter of the board is to ensure that the landowner's rights for the property are respected and protected, but they are also charged with ensuring the town's best interests are considered and the subdivision rules and regulations are upheld. The long-term impacts of this subdivision for the town need to be considered by the board. Extra road, fewer house lots, less profit made, or more cost expended should not be a factor in the board's decision. The town will end up with the subdivision into the future and if they allow something to proceed that is unsafe or leaves the town with some long-standing issue, we have failed to do our job.

Existing residents need to be considered and what the town has said they want out of subdivisions in the regulations, while being sensitive to the fact the owners of the property have to do this. We have no connection or relationship to what the costs or monetary impacts are.

The board should comment on each of the options and if the applicant feels they want to tweak them, they can propose something different. If not, the applicant can choose one of the options and present it to the board to be voted on.

Mr. Bath asked the board to review the items under the Purpose statement from Article XI - Single Family Cluster Development:

- B. Purpose. The purposes of cluster development, and to which any such development must adhere, are the following:
1. To preserve the natural beauty of existing rural roads within the Town.
 2. To provide adequate setback and buffering requirements to protect existing, proposed, and future residential property values.
 3. To preserve the natural and scenic qualities of open space including setback areas, buffer zones, and environmentally sensitive lands.
 4. To establish living areas within the Town of East Kingston that provide for a balance of community needs, such as a diversity of housing opportunities, adequate recreation and open space areas, easy accessibility to those and other community facilities, and pedestrian and vehicular safety.
 5. To provide for an efficient use of land, streets, and utility systems.
 6. To stimulate new approaches to land and community development.

C2: Applicants' original proposal. Mr. Allen – some of the discussion points regarding this option were the addition of accel/decel lanes and widening of the road in that section. During a phone call with DOT regarding the additional lanes, DOT was not fully supportive of the extra lanes at this time and would require convincing they would be necessary (i.e., documentation, diagrams, letters of support from the board, etc. before they would consider this option). They were not supportive as they would need to maintain them. It is not guaranteed this is an approved option. Mr. Bath – DOT noted based on the volume on Route 107, it did not warrant bypass lanes or accel/decel lanes into the development. There would need to be significant effort on the part of the applicant with the Town's support to convince DOT these accel/decel lanes are a requirement. And there is no guarantee even with that information it would be approved by DOT. Ms. LaBranche noted it may also require an additional report from the traffic safety engineer.

CP9: Cul-de-sac and second Tilton Lane entrance to 108/North Road. Mr. Bath – this concept poses some other issues. The 100' buffer would not be met on lots 18-03-05 and 18-03-06. This would also need a special exception from the zoning board and a state wetlands permit. The DOT notes the property on record is supposed to only have 3 driveway entrances onto Route 108; there are currently 5 and this would make 6. Because of the concern from the town, DOT noted they would consider additional entrances. Mr. Allen opined this appears to be the overall safest option as it would remove the penetration on to Routes 107. The subdivision is essentially cutting off the wildlife corridor referred to by Ms. Brown, and would require a major wetland impact. His major concern is the 100' buffer that would be reduced, which would place a road in those properties' backyard. Mr. Bath agrees with the concerns of Mr. Allen and as the potential property owner he would be upset with a road in his backyard.

CP10: Extension of Tilton Lane cul-de-sac with emergency only entrance to Route 107. This is the preferred option from DOT's standpoint. This would create a 2,050' cul-de-sac, which exceeds the 1,000' ft town maximum and would require a planning board waiver. This would more than double the cul-de-sac length. Also, the emergency entrance may require additional safety modifications to handle emergency equipment at the entrance of Rt. 107. This is not desire of the abutters, but does address a lot of the safety concerns brought up by the board. Not to minimize the concerns of the abutters, but currently there are two houses on Tilton Lane with one abutting property. He empathized with the neighbors and the abutters; they need to come up with

CP 11: Relocation of Tilton Lane entrance further west on Route 107 (closer to the fire pond). This option has not been evaluated by the traffic safety engineer. This is the preferred option by the abutters and the neighbors. Mr. Caswell somewhat likes this concept better than C2, but not by much.

Mr. Caswell thanked the applicants for the additional work on the concepts presented tonight. There are two considerations – traffic entering and exiting the development and within the development. He likes removing Rt 107 from the plan. Option CP 9 allows two ways of egress. He agrees there is no perfect solution. He is leaning between CP 9 and CP 10. His main concern is safety.

Mr. Bath asked if Mr. Gier had any comments to the abutters concerns and the review by the conservation commission in regard to the wildlife corridor and open space. Especially item 3 - “*to preserve the natural and scenic qualities of open space including setback areas, buffer zones, and environmentally sensitive lands.*”

Mr. Gier noted they met the requirements set down in the subdivision regulations. If the town wanted this to be a nature preserve, they have the right to offer to purchase the property. The owner is trying to develop this project; they have met the requirements, have exceeded the required open space area, and have worked with the town. He agrees with Mr. Allen in that is not the board’s responsibility to redesign the project. The applicant came to the board with a cluster subdivision project that met the requirements of the subdivision ordinance. We have an entrance onto Route 107 the is permissible by the DOT and in their opinion is safe.

Because the board asked the applicant to, he has spent money to present concepts that might better meet the needs of the town. We have provided those concepts and believe they have one that works very well. CP10 eliminates the full access onto Route 107 and mitigates the length of the cul-de-sac which is in place for safety issues. They have proposed an emergency access which mitigates the safety issue.

The applicant is planning to move forward with the project; it is the board’s right to deny it and also the applicant’s right to appeal the denial.

Mr. Bath opened the floor to public comment.

Chief LePage, East Kingston Police Department – since the traffic study, the state DOT has removed a lot of signs on the roads in East Kingston. They marked signs to be removed; the most noted are the yellow corner chevrons on East Road which are now gone. This will change the traffic dynamic on East Road coming around the corner from Kensington. The other issue is the proposal for the second road coming out onto Route 108 through the wetlands. That adds a third road entrance in distance of ¼ of a mile; part of the road has a 30-mph speed limit which changes to 40 mph. The 40-mph speed limit there should be a concern of the DOT. And there was just a major rollover crash in that area two weeks ago. He opines the option with the emergency access gate (CP 10) seems to be the safest alternative. But there could be issues with the siren pole and the bushes, causing site distance problems. He opined moving the entrance closer to the pond would be more of a problem as it puts the entrance inside the corners.

Michael Jacques, 2 Tilton Lane – From what he is hearing, it appears there are still some issues with the state and the cul-de-sac option. Referring to the option to move the road closer to the pond (CP 11), the line of site issue is the shrubbery that is owned by the developer. If the shrubbery is removed, it would eliminate the problems at that location. It used to be a Minute Man field in the 1700’s where the militia practiced. It appears all the options have not been evaluated, from what I’m hearing from Ms. LaBranche. It seems the board shouldn’t be considering options when they do not have all the facts.

If you choose the cul-de-sac option, all the traffic will be coming out at the same point where Chief LePage just stated there was a bad accident 2 weeks ago. There are safety issues with the Tilton Lane intersection. Traffic is flowing at 40 mph. He said Monahan’s had offered to take the entire bend in the road out, but the state declined. The state said the original option with the road coming out onto Route 107 was safe. He asked if the board could explore the option of the road coming out closer to the pond as a viable option. It appears with the cul-de-sac option, the safety concerns will be shifted to where Tilton lane comes out on Route 108 instead of the East Road location. He is concerned with the consideration of the longer cul-de-sac for safety reasons of emergency response.

Gordon Powers, 26 North Road – he agrees with the comments from Mr. Jacques. The other residents are not happy with the expectation of 200+ car trips coming out of Tilton Lane. It appears they are just shifting the safety concern to Rt. 108 instead of Rt. 107. The speed limit there is high and there was just the rollover accident in that area. There is concern for pedestrians and traffic on Rt. 108.

Mr. Bath noted all comments were appreciated. The board is discussing options proposed by the applicant, and responding to what is submitted. They have tried to steer the applicant toward what they feel would be acceptable. They are trying to come to terms with residents, safety and the zoning requirements. Mr. Allen explained there would not be voting this evening on plans; simply discussing the points of the different plans.

Mr. Bath asked if others had comment.

Mr. Quintal - has reviewed the options proposed, and complimented Mr. Gier for the clear presentations of the options. This appears to be an aggressive development as proposed. For this high-density development, the project should conform to all the town regulations and not impose any conditions which would increase risk to human safety. He does not think waivers, impact to wetlands, or exceptions by the ZBA should be allowed on an aggressive development like this. He agrees with Mr. Bath and Mr. Allen in regard to the intent of a cluster development in the ordinance; the intent must be fulfilled. The board has provided enough information to Mr. Gier and the applicant to let them know they should adjust their proposed development to meet all town requirements. He would be glad to review any additional engineering information provided. He opined any road coming out onto Route 107 would be very difficult for the state to approve without major impacts.

Ms. Andersen – she appreciated the various proposals provided by the applicant. She was hoping the applicant would have eliminated a few houses and shown a loop road that could possibly comply with all the regulations. She appreciates the letter from Vicki Brown. It would be nice to have more open space to preserve the natural beauty of the road. She agrees there are heavy safety concerns for the road coming out anywhere on Rt. 107. There is also concern for impact to the people on Tilton Lane for all the traffic coming out on their road. People in that area are very friendly and came out to help the person in the accident. She doesn't think the development should create a divide in the town; it should provide a good place for people to grow up. She feels there needs to be more consideration given to the options.

Mr. Orleans – he agrees with Mr. Quintal's comments and opines the board should not stray from what the goals are in the ordinance. It appears all the options are a compromise to the ordinance. There has been no compromise in the number of houses proposed. He likes the second cul-de-sac option, but it would eliminate some house lots. He is not in favor of any option with the road coming out onto Rt. 107.

Mr. Allen – The goal of the last meeting was to investigate whether there were alternatives. The hope was for an alternative addressing the safety concerns in regard to Rt. 107, while still maintaining the regulations and requirements of the ordinance and subdivision regulations. All the proposed options require some waivers to the rules. We are evaluating what we see before us. Mr. Allen agrees with Mr. Quintal in that the subdivision should meet all the regulations and the town requirements, and the spirit of the ordinance. He is not in favor of any waivers not required by a hardship. The plan should meet all the town requirements – safety, buffering, setbacks, maintain the character of the town, and maintain scenic vistas. These are all in the subdivision ordinance. The applicant has heard from the board, and should present a plan that meets as much of the ordinance as possible. The are issues with approving a cul-de-sac twice the length of what is allowed in the ordinance. The 1,000 ft distance in the ordinance is for safety concerns.

Dr. Marston – Before the board considers the emergency entrance onto Rt. 107, they should speak to the Fire Chief and the Police Chief. The previous Fire Chief agrees that is a very dangerous area on Rt. 107 for a street entrance and does not agree it should come out onto Rt. 107.

Mr. Caswell – It is apparent that besides applicant and the board, the third player is the DOT and what their opinion is. There is a difference between what the DOT sees as adequate and what the town feels is reason-

able in terms of safety. The town appears to have concerns that go above the baseline of what the DOT has established.

Mr. Bath reported they had previous conversation with the DOT person and had invited them to tonight's meeting. The DOT person stated as long as there was a 400' line of site from 3'6" off the ground, their position is where the entrance is currently proposed is the best location given the site lines. Ms. LaBranche stated just because DOT has given its approval for that location, it does not mean the board has to accept that. Mr. Bath also noted if the town says they do not want an entrance on Rt. 107, they have to submit letters from the Police Chief, the Fire Department, abutters and other interested parties to "make a case" against having the entrance in that location.

Chief LePage asked if it had been verified that the 400' site distance is in all four seasons? Mr. Gier stated the DOT had verified that information, which includes the bushes and the siren pole. Mr. Gordon asked if the scenario for the entrance closer to the pond had been looked at by DOT. Mr. Gier explained that location closer to the pond was the first version of the plan submitted to DOT. When DOT came to look at it, they asked the applicant to move the entrance to where they are presently showing it on Rt. 107; they thought it was a safer location. Mr. Caswell noted 400' site distance at 40 mph only gives a 4 second window of opportunity to make any adjustments needed.

Ms. LaBranche noted that during a conference call with the DOT on Monday, they stated the PB was not focusing only on the line of site. They feel the location is compromised because the road curves and road geometry is very different on paper then if you are actually driving on the road. Stopping going around the corner could also be an issue, coming from either direction. DOT has a narrow window of information it looks at for their determinations.

Michael Jacques – Mr. Monahan owns the house and the land behind. The farm stand is in a trust, but there is a strong possibility the farm could become a development in the future and there would be another road coming out onto Rt. 107. Was mitigating the corner by clearing the brush and moving the pole discussed with DOT? Ms. LaBranche explained they did speak about that with DOT. The Monahan property is in permanent conservation.

Chief LePage asked when the last traffic count was done. Ms. LaBranche ascertained it could be more than 6 years since the last count. Chief LePage noted that downtown Seabrook has been heavily developed in the last few years which is bring more traffic on Rt. 107. Ms. LaBranche noted because of Covid-19 they would not get a realistic count as most people are not traveling to work at this time.

Robert Nigrello – Ex-Officio – It appears three of the scenarios do not appear to meet the aspects of the ordinance for cluster housing development. It appears they all need some sort of relief. Other than the concerns with the road coming out to Rt. 107 as shown in CP 2, do all the other aspects of that plan meet the ordinance? We know the town has many concerns about that entry from a number of entities. Mr. Gier answered it does meet the ordinance. Mr. Allen agreed it meets all the requirements of the town with the exception of safety. The cul-de-sac with emergency entrance requires a significant waiver.

Mr. Gier noted that CP 2 requires no waivers, has no wetland impacts, the DOT says its safe, and the towns' traffic review engineer said it could be made safe. The big issue has been the access onto Rt. 107. The planning board asked for options, which we provided. We think the best compromise at this time is scenario C10 – with the cul-de-sac and the emergency access road onto Rt. 107. It does require a waiver for the cul-de-sac length. The reason for the length requirement is for more than one access for emergency services; this would be mitigated with the emergency entrance onto Rt. 107. The applicant feels he has provided the best compromise at the request of the board.

Mr. Bath noted they were trying to harvest ideas from the various interested parties to come to a conclusion for the best way to deal with the safety issues of the town. The request for the different scenarios was in response to the concerns of the Planning Board, Police Dept, Fire Dept, Road Agent and the residents. Are there any additional things you can propose to meet our safety concerns?

Mr. Gier stated the applicant has done everything to comply with the requests of the board in providing additional concepts. They will be back next month.

Ms. LaBranche noted they were still under the Emergency Orders from the Governor and the waiver from the 65-day timeframe to conclude public hearings. This may change before the July meeting, and the Planning Board should ask for a formal continuance from the applicant.

Mr. Gier stated the applicant agrees to the continuance to the July 16th meeting.

Mr. Bath asked for a **MOTION** to continue the public hearing.

Mr. Allen **MOVED** to continue the public hearing for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) to July 16; second by Mr. Bath.

Roll Call vote – Mr. Bath – yes; Mr. Allen – yes; Dr. Marston – yes; Mr. Caswell – yes; Mr. Nigrello – yes. Motion is unanimous.

Mr. Bath thanked Mr. Gier and Mr. Ragonese for the time and effort to provide the additional scenarios for the board to review, and appreciates their efforts.

Discussion of the RPC Circuit Rider Contract for the coming year. Ms. LaBranche has submitted the contract between the Rockingham Planning Commission and the East Kingston Planning Board for Circuit Rider services. There is no increase from last year's amount. After board discussion, and corroborating the fact they truly appreciate all the assistance from Ms. LaBranche and couldn't do without her, the board recommended to send a letter to the Selectmen to approve and sign the contract.

Mr. Bath **MOVED** to approve sending a letter to the Selectmen to sign the contact between the Town of East Kingston and the Rockingham Planning Commission for Circuit Rider services from July 1, 2020 to June 30, 2021; second by Mr. Allen. Mr. Nigrello asked if this was in the Planning Board budget; Ms. White was sure it was in the budget as it is an annual contract.

Roll Call vote – Mr. Bath – yes; Mr. Allen – yes; Dr. Marston – yes; Mr. Caswell – yes; Mr. Nigrello – yes. Motion is unanimous.

Discussion re: light industrial park conditions.

Mr. Nigrello asked if a letter had been sent to Mr. Masone regrading the concerns.

Mr. Bath had seen a post on the East Kingston Facebook page from a potential tenant of the light industrial park. This person had commented upon a site visit she could not move her business there as the place "looked like a junkyard". This prompted Mr. Bath to take a ride through the park. He has provided some photos which were distributed to the board members.

There is great improvement over what it had been, but there are still areas that need improvement. It would be helpful if Mr. Masone would require the tenants to take a few minutes on a weekly basis to clean up in their areas. This is an issue that needs to be kept on top of. Did the board think another site visit would be helpful?

Mr. Quintal – the wetland restoration was submitted to the Wetlands Bureau. As it is not a top priority and due to Covid-19, it has not been acted upon as of yet. It is a restoration situation. He had spoken to Mr. Masone about a week ago, and mentioned the concerns of the planning board. From a conservation standpoint he is very disappointed that the cleanup has not happened, but he has no enforcement authority.

This appears to be something for the Planning Board, Selectmen and Code Enforcement to take care of. The industrial park should be safe and not hazardous.

Mr. Caswell agreed a site walk could be beneficial, but it would also be good to refer to the checklist the board has put together. Mr. Bath noted there was an order of conditions from the selectmen as well.

Mr. Allen noted he had also driven through the park. To him it did not appear Mr. Masone has done nearly enough. It looks more like a dumping facility than a light industrial park. He is not sure a site walk is necessary; you can drive in and take a look.

Mr. Nigrello asked if there was a checklist of the violation? Ms. LaBranche forwarded some information to Mr. Nigrello, and noted the last site visit was in September of 2018. Some progress had been made, but then winter set in in 2019.

Mr. Nigrello thought it would be beneficial for Mr. Bath and Mr. Allen to refresh the Selectmen in regard to the letter that had been sent to Mr. Masone and that the items had not been completed. Mr. Nigrello asked if a follow-up letter should be sent from the Selectmen.

Mr. Quintal offered that Mr. Masone perhaps should be asked to attend that meeting between the Selectmen, Mr. Bath and Mr. Allen. Mr. Quintal can provide phone numbers for Mr. Masone and the Site Manager.

Mr. Bath had also questioned the berm and fenced-in area not installed for ACV Environmental. Mr. Quintal provided some information. ACV Environmental's intention at one time was to have a recycle operation and use this as second location. If they did, they would follow through and do the work. From his understanding they are only using it as an office at this time; not using it for moving materials back and forth. Mr. Bath noted containers under tarps (which could be construed as hazardous materials) and explained they never gave permission to store hazardous materials under tarps at the location. Mr. Quintal agreed; it should either be inside the building or inside a gated area. Mr. Allen noted they need to look into that aspect.

Ms. LaBranche asked if the July meeting was going to continue as a Zoom meeting or would they be having an in-person meeting. Mr. Nigrello noted the Selectmen have not made the decision to open things up yet. Mr. Bath noted the only location large enough to accommodate a meeting would be the school, which is closed at the present time. It was agreed the July meeting would be via Zoom.

July meeting

Ms. White stated there would be a Change of Use application coming before the board in July. An Art Design Studio wants to move into the space in the rear of Jones' store where Moto Sports Crossing used to be.

As a reminder to the board, the July 16th meeting will be by Zoom video conference. The agenda will specify the Meeting ID and Password for that meeting

Adjournment

Dr. Marston **MOVED** to adjourn, with a unanimous vote.

Mr. Bath closed the meeting at 9:19 pm.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joshua Bath

Chairman

Minutes approved July 17, 2020