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TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

August 20, 2026

Pound School
41 Depot Road
East Kingston, New Hampshire

John Petrucelli, Chair
Tim Allen, Vice Chair
6:00PM

AGENDA

Work Session – Groundwater Resource and Protection Ordinance
Pappalardo Family Realty Trust – Subdivision – Public Hearing – Case# 2026-02
Jason Sentineri – 33 Haverhill Road – Conceptual Consultation

Board Members Present: Tim Allen – Vice Chair, Catherine Belcher – Alternate, Joe Cacciatore – Ex-officio, Christopher Mierswa, and Jonathan Slaven. Absent: John Petrucelli – Chairman, Ellen McIntyre – Alternate.

Advisors Present: Town Engineer Dennis Quintal, RPC Planner Nicole Berry, and RPC Planner Jenn Rowden.

Others Present: Gordon Powers, Sal Ragonese, Barry Giers PE, Adam Barss, Michael Jacques, Jason Sentineri and Alan Roscoe.

Vice Chair Allen opened the meeting at 6:00pm followed by roll call and noting the absence of Chairman Petrucelli and Alternate McIntyre, designated Alternate Belcher as a voting member for the evening.

WORK SESSION – GROUNDWATER RESOURCE PROTECTION ORDINANCE

The board held a work session from 6pm-7pm to review and discuss further a draft of a proposed Groundwater Ordinance that is being fully funded through a NHDES Source Water Protection Grant to the RPC on behalf of the Town of East Kingston. The intent of the ordinance is to develop regulations to protect drinking water supplies and related groundwater recharge areas from contamination, to protect surface waters that are fed by groundwater, and related groundwater recharge areas within known aquifers.

RPC Planner Rowden led the discussion in seeking board preferences for options within the ordinance beginning with designating which land board would be responsible for processing the conditional use permit (planning board or zoning board). Board members compared the application process and appeals process noting appeals under the zoning board would allow an applicant to undergo the motion for rehearing process while appeals under the planning board would go directly to Superior Court. The board will make a decision at a later time.

Discussion then ensued on district boundaries that would cover aquifers and the option to include wellhead protection areas for public or community wells. Board members agreed to include wellhead protection areas and further noted activities that are exempt from the restrictions within the ordinance (hairdressers, mobile salt and sand sanders, heating oil, agricultural pesticides, and residential gasoline containers). A full list of exemptions shall be listed at the end of the ordinance; however, the list shall be published clearly when it becomes time to publicize the ordinance for placement on the March ballot so that the voter can see that the restrictions apply primarily to commercial/industrial-type activities and not typical residential homes.

Under the Use Regulations and Requirements section the board reviewed the maximum site coverage (clarification to be provided on 15% or 20%), noting stormwater drainage also being covered under the town's existing stormwater drainage ordinance, and that spill central response plans (spill kits) will be required with counter measures to be placed on file with the Fire Department.

PFA-related businesses/uses would require a supplemental plan and the town's Site Plan Review Regulations will also need to be updated. The board then reviewed the prohibit uses noting propane is not considered a petroleum-based

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product. Discussion ensued on automotive shops which are currently listed as a prohibited use, but that board members felt this type of business might be allowed as scale and protocols could be implemented to address any concerns about groundwater contamination. They also noted that it might be too burdensome to require conditional use permits for residential subdivisions which create more than two building lots.

Board members agreed that permits should not be transferable except in the case of residential lots to ensure that new business owners understand the requirements set forth in the ordinance. They also agreed to keep the language about performance bonds. It was agreed that enforcement of the ordinance would be through the Board of Selectmen or designee (Code Enforcement Officer).

Circling back to the issuance party for conditional use permits, the board agreed that it should be the planning board and not the zoning board of adjustment.

The work session ended at 7:00pm.

PUBLIC HEARINGS

PAPPALARDO FAMILY REALTY TRUST– PUBLIC HEARING – 14 TILTON LANE – CASE # 2026-02

Vice Chair Allen opened the public hearing at 7:01pm for Pappalardo Family Realty Trust who proposes to create a 17-lot conservation subdivision on property located at 14 Tilton Lane (MBL# 14-3-12) consisting of 42.67 acres. He noted that he will chair the meeting in the absence of Chairman Petrucelli and that Alternate Belcher will serve as a voting member for the evening.

He further stated that at the last meeting the applicant was charged with 1) removing stormwater piping and its associated pieces from the buffer zone, 2) adjusting the road around the Barss property, and 3) investigating improvements to Tilton Lane.

APPLICANT’S PRESENTATION

Professional Engineer Barry Gier stated that they have addressed some of the Town Engineer’s comments from the last meeting and that since the Governor signed into law SB564 which allows for the placement of drainage into buffer areas, they do not feel they need to make changes to the proposed drainage layout. He noted they also provided exhibits for the Tilton Lane cross-section as well as a trip generator memo depicting AM and PM calculations using the Institute of Transportation Engineers Trip Generation Manual. The total number of trips per day are estimated to total 173 for the proposed development and that this calculation falls well within the Minimum Width Travel Way and Shoulder for Two-Lane Local Roads in Rural Areas chart as published by the American Association of State Highway and Transportation Officials. The existing width and shoulder design of Tilton Lane would allow up to 400 trips per day and that no improvement to the road is required per the state.

With respect to the Town Engineer’s July 16th letter stating a note should be added that “no building permits be issued until the roadway construction is completed to base layer of asphalt,” he stated this would be a typical requirement for an occupancy permit but not a building permit. The applicant does not agree to this. He would like to know why this is being required.

RPC Planner Rowden clarified that SB564 as signed by the governor does not go into effect until April 1, 2027.

Vice Chair Allen asked for clarification on the purpose of the trips per day document (safe passage? road wear?) to which Mr. Gier responded it was for the safe passage of vehicles based on the width of the road.

PROFESSIONAL REVIEW

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- 77 Town Engineer Quintal referenced his professional review letter dated August 19, 2026 in response to the newly
78 submitted plans and reports he received on August 10th. He then presented his original comments, the applicant's
79 response (italics) and his new comments (bold) as follows (numbering intentional):
- 80 1. Title & Sheet A1 – Pending NHDES permit approval numbers must be added to these sheets. *The Response states*
81 *that they will be added prior to final approval. Pending*
- 82 2. Perhaps the surveyor will be able to provide a closure printout to prove the open space calculations. *Response states*
83 *that they will be provided prior to final approval. Pending*
- 84 3. Conservation Subdivision Article XI.M – This regulation requires the development to have a 100-foot landscape
85 buffer around its entire perimeter. This plan shows design encroachment of the stormwater treatment areas within
86 this natural buffer zone. *The Response states that the stormwater features have been removed. However, I find some*
87 **grading for both basins, the outlet pipes and riprap are in the open space buffer area which is not to be disturbed.**
88 **Please redesign it to show no impact on the natural buffer zone. Does new legislation allow this? More discussion**
89 **on this is needed.**
- 90 4. Sheets A3 & A4 – Surveyor and Wetland Scientist stamps must be added. Surveyor lot closure statement must be
91 added. *The Response states that they will be added prior to final approval. Pending*
- 92 6. Sheet C1 – Soil Scientist stamp must be on this sheet. *The Response states that it will be added prior to final approval.*
93 **Pending**
- 94 9. The Applicant must consult with the US Postal Service since the mail Kiosk location and design will be required and
95 shown on the plans. If individual mailboxes are allowed, I recommend each mailbox be located off the edge of
96 pavement with a 5' apron between the edge of pavement and the box. *The Response states that they are working with*
97 *the US Postal Service for design & placement. Pending*
- 98 10. Sheets C2 & P1 – The vernal pool is a sensitive area for endangered wildlife species. The road is designed to be
99 very close to the edge of the pool and could impact on its future function. A larger buffer is recommended. The
100 proposed building shown on Lot 11 should be farther from the vernal pool. *The Response states that the design*
101 *maintains the required setback. The Applicant and Planning Board agreed that fencing around the vernal pool during*
102 *and after construction would be sufficient to protect the vernal pool. This will be added to the final plans. Pending*
- 103 14. The soil test pits on this property show fine sandy loam with high seasonal water table. To construct a new roadway
104 over this property and assure groundwater will not impact the long-term life of the road surface, proposed underdrains
105 are shown and should extend fully around the cul-de-sac. The bottom of the proposed underdrains should be 4 feet
106 below proposed finish grade to minimize long term impact to the road surface from freezing and thawing of subsurface
107 soils. Show underdrain on the profile. *The Response states that underdrains have been added. The plan shows the uphill*
108 *starting at station 12+10 but they should go all the way around the cul-de-sac to intercept groundwater from impacting*
109 *the roadway and be shown on the cross sections. Response says, "Please clarify the need". The area at the end of the*
110 **cul-de-sac and beginning of the emergency access road will be less than 4 feet. Underdrain in that area should be**
111 **required. The underdrain on the access road should extend to station 2+00. Some of the underdrain shown at the**
112 **end of Tudor Lane may not be necessary. They will need to look at this.**
- 113 21. Drainage not reviewed yet.
- 114 23. Drainage not reviewed yet.
- 115 24. Sheets D4 & D5 – I recommend sheets D4 & D5 be reviewed by the Fire Department or an engineer who specializes
116 in Fire Codes and requirements. The plan should show proposed grading and drainage needed around the cistern area.
117 Show cross section, water table, and buoyancy calculations. *The response states that this information will be provided*

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- 118 with the final plans. I would recommend that this be provided at this time for review as it is part of the grading and
119 drainage plan.
- 120 27. Section VII.N – Street names must be reviewed and accepted by The Town Emergency Management. *The Response*
121 *states that the name will be submitted for approval by the Town Emergency Management department. Pending.*
- 122 28. Section VII.Q - The Applicant should provide A Construction Bond and Reduction Worksheet for the development
123 of Tilton Village Estates. It must be reviewed and approved by the Planning Board. *The Response states that it will be*
124 *provided prior to final approval. Pending*
- 125 29. Section X.B.4 – Corner Bounds. Lot 15 needs more corner bounds. I recommend any lot line over 200 feet have an
126 intermediate Iron Pipes placed to identify property limit. A Bound Certification of Monumentation must be submitted
127 prior to the final mylar. *The Response states that additional corner bounds have been added. True. But intermediate*
128 *iron pipes have not. As these lots are clustered with homes closer, lot line limits should be easily determined if*
129 *necessary to minimize future disputes. See Section X.B.4.d. requiring monument spacing less than 200 feet. The*
130 *response states that additional monuments will be added prior to final submission. Pending*
- 131 DRAINAGE REVIEW
- 132 Comments 30 – 36 Drainage has not been reviewed yet.
- 133 37. I have concerns for the existing conditions of Tilton Lane. This roadway was constructed many years ago and has
134 been limited to little traffic flow. With all the proposed construction vehicles for developing this site this roadway will
135 not survive without some impact. I believe the Board should consider propose requiring a Bond to cover any ultimate
136 damages. The bond amount should cover total reconstruction as well as 25% inflation cost.
- 137 An Exhibit drawing of existing Tilton Lane is provided with profile and cross sections. **I met with the Town Road Agent,**
138 **Mark Brinkerhoff, to review the current conditions and discuss the need for reconstruction. The culvert pipes should**
139 **show size, material and inverts. Existing contours are shown. Proposed roadside swales must be minimum two feet**
140 **deep on both sides from North Road to Station 6+00, then transition to 1 foot deep at Station 7+00. Trees and brush**
141 **within the right of way must be removed to allow for the swales. Any trees on or off the right of way that have**
142 **branches hanging over the pavement that impede vehicle traffic must be trimmed. Driveway culverts will be needed**
143 **under driveway station 1+50 right and 4+15 left. The Town Standard Road surface width is 24 feet. The roadway**
144 **surface will need to be ground, compacted and resurfaced with minimum 2-inch binder and 1.5-inch top bituminous**
145 **concrete. A two-foot shoulder is recommended. It appears that the crest of the roadway occurs near the driveway**
146 **for the existing Lot 3-18 station 8+00. I recommend more details and spot grades be provided such the grade and**
147 **slope of that driveway is maintained to match the grade at the edge of pavement for the new roadway Station 0+75.**
148 **At that point the new road cross section should match the Town Standard. The revised Exhibit drawing will serve as**
149 **a guide for developing the Bond. Concern is the grading of the road where the existing road meets and the drop off**
150 **at the driveway. The edge of the roadway should match the slope of the pavement going down. Not met/pending.**
- 151 38. All required stamps (surveyor, engineer, soil/wetland scientist) should be on final plans. *Response states that all*
152 *stamps will be included on the final plan set. Pending*
- 153 39. The Stormwater Management Operation and Maintenance Manual should be recorded with the Final Plans.
154 *Response states that the manual will be recorded with the final plans. Pending*
- 155 YIELD PLAN ADDITIONAL COMMENTS
- 156 8. I recommend the Yield Plan be stamped by a licensed Land Surveyor. *Response states plan will be stamped. Pending*
- 157 NEW ADDITIONAL COMMENTS
- 158 11. Any approved Waivers should be noted on the recorded plan. *Response states that all approved will be added*

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159 to the final plans. **Pending**

160 12. I would suggest that the proposed drainage areas be maintained by the Development Association. *The response*
161 *states that the drainage features to be maintained by the HOA. There is a note on the plan indicating such.*

162 14. I would recommend that a Phase Development Plan be prepared and submitted for review. *The response states*
163 *that the Applicant is considering the phasing and will provide prior to final plans. Pending*

164 15. A note should be added that “No building permits be issued until the roadway construction is completed to base
165 layer of asphalt.” *The Response states that the Applicant would like to discuss it with the Board. This doesn’t mean the*
166 **whole road needs to be completed, just to the point of each home that is being constructed so emergency vehicles**
167 **can access those points as needed. Subgrade and gravel roads tend to turn to mud with constant construction**
168 **vehicle and equipment – the point is to keep emergency access to each site as it is being constructed. This should be**
169 **considered during the phasing plan. Pending**

170 16. See comment #37.

171 22. After a brief look at the Post Development watershed plan, I note that on the sub watershed 208 on Lots 1 & 2 the
172 watershed limit is not perpendicular to the existing contour lines. It appears that most of the runoff from the rear of
173 these lots will flow offsite and not into Basin 1. It may not be significant enough to affect the stormwater results, but
174 the limit should be correct. The response states that these revisions will be incorporated into the final calculations.
175 *Applicant requests to discuss the drainage with the Board prior to resubmitting the drainage calculations. Pending -*
176 **The drainage report is still under review.**

177 23. The Time of Concentration Line on Lot 4 shows beginning down slope of the roadway. *The response states that*
178 *these revisions will be incorporated into the final calculations. Applicant requests to discuss the drainage with the Board*
179 *prior to resubmitting the drainage calculations. Pending*

180 24. Sheet D3 shows Basin #1 to be an Infiltration Basin. However, the bottom proposed grade of the basin on the street
181 side is below the seasonal water table and labeled “Impervious Soils”, so this cannot be an Infiltration Basin. **To be**
182 **addressed.**

183 Town Engineer Quintal stated that there a number of items to be completed before the board considers a vote for
184 approval.

185 DISCUSSION ON TILTON LANE

186 Mr. Gier stated that he appreciates the review of Tilton Lane; however, it is the applicant's position that although some
187 offsite improvements are allowed, the ones being posed by the town are not appropriate. He stated the memo and
188 table provided to the board earlier show the existing road can accommodate the capacity of a development ten times
189 what they are proposing. If the road wasn’t constructed properly, or has existing issues, the town should resolve them
190 as it should not be all on the applicant. They will do the offsite improvements that are appropriate.

191 Vice Chair Allen responded that the board needs to determine what the road bond amount should be before it falls
192 apart during the construction phase which everyone knows will happen under the weight of the equipment that will
193 be brought in. In addition to the bond, the board needs to make a determination about what percentage the town
194 should cover as the cost to rebuild that road should not be completely borne by the town. The current road which
195 services two homes currently, would not need to be upgraded for decades given the rate of deterioration to date.

196 Town Engineer Quintal stated that he and the Road Agent noted a number of surface cracks in the road that fill with
197 water and heave during the cold months, that there is very little ditch on either side of the road due to sand and salt
198 filling in the ditches over time as part of its winter maintenance. The important thing about having a surface without
199 cracks is to have proper drainage under the road. The road could be excavated, extra gravel added and then resurfaced,

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or grinding the surface with proper asphalt coat. The ditch lines are very important and the first part of the road shows less than 1% grade which is not to spec. This is part of the problem now as the water sits on top of the pavement causing cracks when frozen. This is its condition with minimal traffic. The road will not stand up to the addition of heavy equipment and trucks during construction or the increase in vehicular traffic when the development is built out. The drainage needs to work properly, which would require 2ft-deep ditches. The culverts are about 2-ft below the surface and there are virtually no ditches, so they are not carrying any of the water to the culverts. Although a full rebuild with a proper base and drainage is best, the Road Agent feels that grinding the surface and paving would suffice. If the board decides to stay with a 20-ft wide road versus the required 24-ft, then 3-foot shoulders should be added even though this would not be consistent with the 24-ft road width required for the new roadway.

Vice Chair Allen recapped for the board that the road works now even with its cracks because it basically serves only one house at the very end (serves as a driveway not a road) but the Road Agent's position is that the road will deteriorate once there is more traffic and that even though excavation and side drainage is best, it may be adequate to do 20 feet of pavement with swales on the side with 3 feet of shoulder. Town Engineer Quintal stated that the swales along the road are the most important as this will provide proper drainage.

RPC Planner Rowden stated that it would generally be deemed unreasonable to require the applicant to fully fund the rebuild of the road, that the board has received feedback from both the Town Engineer and the Road Agent on what needs to be done to make the roadway adequate, and that the next step would be to get a cost estimate for which a reasonable portion of that could be a monetary offsite improvement. This way the town can take those funds and make repairs or redo the roadway once the construction process is finished.

Vice Chair Allen asked the Town Engineer if it was reasonable to conclude that once this project is completed Tilton Lane will be pretty beaten up given year-round construction and wet spring, and if so, will the road bond cover the cost of the asphalt repair or will drainage work (swales) need to be done during the construction process.

Town Engineer Quintal responded that the road will not stand up in the spring as the equipment will tear up the road. The burden during construction would be to make sure the road is still passable. After construction, repairs should be covered by the road bond. The applicants can do the roadwork themselves, or the town can use the bond money to do it.

Mr. Gier stated that Tilton Lane is a public road for which the town is responsible for and construction vehicles drive up and down town roads everyday. It is the Town Engineer's testimony that the road is already cracked and has bad drainage – it is currently in disrepair. He asked what portion of the improvements the town would be responsible for.

Vice Chair Allen restated the discussion in that Tilton Lane, a public road, is perfectly usable right now for its current existing use and that the applicant intends to run heavy construction equipment on it for at least a year (minimum) which will certainly break the road apart, and the applicant is saying that fixing the road is not their responsibility.

Mr. Gier then posed a scenario in which if the single homeowner at the end of Tilton Lane were to tear down and rebuild his house, would the town make him do repairs to the road to which Vice Chair Allen responded the scope and scale of that scenario are not even comparable to a 17-house development. Mr. Gier disagreed but then stated the applicant would be committed to his fair share, but not to the entire length of the road. Requiring them to pay for the repair of the full length of the road would be unreasonable. He said they could go back and look at the proposed improvements as suggested by the Town Engineer and put together a number to discuss at a future meeting as the applicant may want to speak with his attorney about it. He admits the applicant has some responsibility for some offsite improvements, but it's the number that needs to be ironed out, which will not be 100% of the repairs.

Vice Chair Allen stated that the board is looking to see what the applicant is willing to agree to fix if damaged. Should the road be damaged, is the applicant willing to pay to fix it or is he expecting the town to pay for some of it? What

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percentage of the repairs to the road caused by construction damage does the applicant think should be paid for by the town? Mr. Gier responded that he cannot answer that question tonight.

Ex-officio Cacciatore stated he is listening to all the arguments being made and stated in his opinion that the road is in tough shape and hasn't been paved in years. He does not feel the applicant should be responsible for fixing the whole road; the cost should be shared with the town and builder.

Town Engineer Quintal stated they need to come up with a plan of what the road will look like when the construction is completed. The road bond should be adequate to cover a certain percentage of those repairs, and the exhibit (plan) is what the board should see when the development is completed. Payments or shared payments can be determined, but they will need a plan on what the final project will look like first. The specification of that stretch of roadway will need to be determined.

Vice Chair Allen noted that they will need to determine the standard for the road when completed and to that end, he outlined the road agent's stated standard to keep Tilton Lane in use - a 20 ft wide road with a new surface, culverts, and drainage swales.

Town Engineer Quintal concurred and stated these specifications will assist in determining a cost estimate. Once they get the cost, they can set the road bond amount. He noted that an itemized quote for sections of the road would be extremely helpful in setting the bond amount and working out the percentage – these would be separate quotes for resurfacing, grinding, culvert installation, etc. He also noted that it is the applicant's responsibility to ensure the roadway is maintained so that emergency vehicles can make safe passage to the work sites throughout the construction process.

Vice Chair Allen stated he thinks it's inappropriate for the applicant to bear the full cost to rebuild the entire road and asked board members if they agree that the long term goal should be that when this project is completed, Tilton Lane will be surfaced, have a swale on both sides, have the culverts necessary and that even though it may not have an adequate base underneath it, it will be returned to a passable condition with some portion paid by the applicant and some paid for by the town. Board members expressed agreement.

Vice Chair Allen also stated that the cul-de-sac length waiver was predicated on an agreement on what would happen to Tilton Lane with respect to its repair, thus the board needs this plan, and the board needs to put a number to it.

Mr. Gier stated that if they are keeping to the 20-foot-wide road and the comments about resurface, swale, culverts, they would be able to come up with a plan for presentation at the next meeting, then they can come up with a number for that project and then discuss who's responsible for what portion. This would also include a cost analysis for which both Town Engineer Quintal and Mr. Gier will make percentage recommendations.

DISCUSSION ON BUFFER AREA

Vice Chair Allen then opened the discussion on the buffer area noting that at the last meeting the board asked the applicant to remove all of the stormwater drainage runoff components from the 100 ft buffer. He asked Mr. Gier to provide the square footage of area being disturbed in the buffer area which he (Gier) provided (northern most section – 4,473 sf + 1,631 sf at easement #2 = 6,100 sf.). Vice Chair Allen stated that these areas would need to be removed from the open space calculations. It was noted that the emergency egress had already been removed from those calculations.

Vice Chair Allen then stated that without talking about the law change right now, there is 6,100 sf of disturbed area in the buffer zone, and there is 5,200 sf of open space over and above the required number needed for this development which means the open space requirement falls short of the required number by about 1,000 sf. He then asked how these outlets would be maintained without future disturbance of all the vegetation in the buffer, specifically drainage area #2 where they would be hard pressed to get any equipment into that area.

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284 Mr. Gier responded they would go to the basin directly when it was dry. He doesn't feel that is an issue.

285 Mr. Mierswa asked how much maintenance these areas would need to which Mr. Gier responded this is downstream
286 of the treatment area so the water should be clean and that there shouldn't be any maintenance required – it's a
287 plastic pipe that lasts forever, and because it's an outlet of a stormwater basin, there won't be big sticks or anything
288 coming out of it. It still needs to be checked a couple times a year to ensure nothing is coming out of it, which would
289 be the responsibility of the homeowners association. Town Engineer Quintal noted that the pond would also need to
290 be mowed in the summertime.

291 Responding to questions from Mr. Slaven, Mr. Gier stated they will be installing a chain link fence around the basin
292 though it is not needed as the slopes are only 3:1.

293 Vice Chair Allen stated the drainage easement areas with the runout pipe, riprap, and swale area inside the buffer zone
294 are not allowed per the current zoning ordinance. With these devices out in the buffer area, and with the trees and
295 foliage having to be removed, those areas cannot be counted towards open space. Subtracting these areas from the
296 open space calculation leaves the proposal short of the required amount of open space per the Conservation
297 Subdivision Ordinance. These are two things the board must discuss. Although Mr. Gier brought up SB564 which was
298 signed into law by the Governor with an effective date of April 2027, the application was submitted long before the
299 law was passed, and the board is working with an ordinance that was passed by the voters and still in effect. The law
300 becomes effective in April which will allow the board to update its ordinance and present it to the voters in March.
301 Additionally, the board did not grant the cul-de-sac length waiver, also included in SB564, based on the upcoming
302 change in the law. The board granted the waiver for the cul-de-sac length because there were special conditions of
303 the property which are written in the meeting minutes should anyone want to review them. The question before the
304 board now is will the board continue applying the ordinance as it is currently written and worry about the law when it
305 goes into effect next year later or will they need to change something now.

306 He went on to share his personal opinion that the application was submitted before the law went into effect and up
307 until tonight, the board has not referenced that law other than in passing by the applicant, and that the current zoning
308 ordinance should apply. In this case, there are stormwater treatment areas out in the buffer where they don't belong,
309 and there is not enough open space should they remain. Realistically, the board has given up a fair amount to the
310 applicant by allowing them to 1) provide another yield plan when the first plan was based on a denied plan, 2) by
311 allowing them to submit the data showing their lots on the yield plan were sufficient in size even though they were
312 using these little pockets of upland in the wetlands which the board knew was not the intent of the ordinance; it should
313 have been buildable, contiguous land, and 3) allowing them to have a cul-de-sac length that was double the allowed
314 length and in exchange, the board has asked them to follow the ordinance. The applicant has pushed back on the
315 ordinance for the easements. It is unnecessary for the board to yield on these setbacks when the property has the
316 ability to pull the stormwater components out of the buffer – they simply need to remove a lot so that everything isn't
317 measured in fractions of an acre. Just removing one single lot would allow for everything to be pulled back and all the
318 other requirements could be met thus making it an approvable plan.

319 Mr. Mierswa opined that they are short about 1,000 sf which is half the size of this room.

320 Mr. Gier asked if they found the additional 1,000 sf would the board allow them to keep the stormwater drainage in
321 the buffer zone.

322 Vice Chair Allen inquired as to why they wouldn't consider reducing the plan by one lot to which Mr. Gier responded
323 that they have to pay for Tilton Lane for which Vice Chair Allen reminded him the applicant did not agree to pay for
324 Tilton Lane nor have they agreed to yield to anything. He stated the board should not keep waiving ordinance
325 requirements when the applicant has the ability to fix them. Furthermore, the board does not have the authority to

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waive ordinances, the applicant will need to go to the ZBA for that. The applicant has the ability to address these problems by just removing one of seventeen lots – should they remove one single lot then all these problems vanish.

Mr. Gier asked if they found the 1,000 sf of open space would the board approve the plan to which Vice Chair Allen stated they will need to pull out of the buffer zone as this is what the ordinance requires.

Vice Chair Allen then read from Zoning Ordinance Article XI – Conservation Subdivision Development Section K.3 in part:

Restrictions: In no instance, shall any of the following be allowed within the front, side, and rear setbacks: structures of any type, additions to existing structures within the development including garages, decks, or porches; parking areas, walkways, driveways, or any privately owned road or street... septic systems, leaching fields, and back up areas for the same; wells, or back up wells (protective radius for a well may extend into the setback, however, no vegetation within the setback shall be disturbed during the drilling of any well); any other improvements not specifically listed above that would disturb the natural condition of the setback.

In the conservation development, the setbacks shall be left in their natural state with the following exceptions: Upon approval of the Planning Board, cutting of vegetation and excavation may be allowed to improve sight distance along an access from a town or state road in existence prior to submission of application; drainage and utility easements; required landscaping; entrance sign; and any other improvements deemed necessary by the Planning Board to ensure public health, safety and welfare...

He went on to say that no part of what the applicant is proposing with respect to the drainage easements has anything to do with public health or safety; it has to do with maximizing how much stuff can be crammed into that parcel when the applicant has the ability to pull the drainage back out of the buffer. The drainage easement with piping and swales are being pushed into the buffer because there is no other place for it to go.

Mr. Slaven stated that he concurs with the argument about timing of the law in that it does not go into effect until April 2027, long after the applicant submitted his application, and that just because there is an effective date, it doesn't mean it is 100% guaranteed to go into effect as he has seen laws be modified before their effective date.

RPC Rowden stated that this law cannot be modified before its effective date.

With respect to the buffer, Mr. Slaven stated he thought the board was going to get a new plan today showing the removal of the stormwater drainage easements from the buffer area. He stands with keeping to the required open space calculations, not reducing the requirement.

Mr. Mierswa reviewed the issue stating that the applicant has pierced the buffer, that they should not be piercing the buffer and that in doing so that area needs to be removed from the open space calculation. These are two separate matters. Coming up with an additional 1,000 sf of open space solves one of the problems, but it doesn't solve the "no piercing the buffer" issue.

Vice Chair Allen stated that it would actually be more than 1,000 sf as any disturbed area cannot count as open space and unless they plan on constructing the stormwater easements by helicopter, there will be more disturbed areas.

Mr. Mierswa stated that come April 1st the piercing of the buffer will be moot.

RPC Planner Rowden stated that the way the state law is written, they cannot use stormwater easement areas in the open space calculations. If the open space could be made up from some other area, then the proposed plan might work. Furthermore, the ordinance is not as explicit as it does allow for plantings which in itself is a disturbance.

Vice Chair Allen stated that although he agrees with RPC Planner's take on the ordinance, he was a founding drafter of that ordinance and the intent of it is to protect the buffer. He would be on board with her opinion had there been no

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- other options, but there are options here, just not ones the applicant likes. It is inappropriate to ask the board to step away from its own requirement when the applicant has other options to meet the requirement.
- Alternate Belcher stated that the whole point is that the applicant has within his power to meet the requirements of the ordinance and not ask the town to grant another waiver – and in this case they would need to ask the ZBA for a variance to seek relief. They can meet the requirements by modifying their plan. She stated she does not agree with granting more waivers or reimagining the language of the ordinance to fit into what the applicant needs it to be. She agrees with Mr. Slaven about the timing of the law going into effect in April 2027 thus requiring the applicant to meet the current standards within the ordinance, and she agrees with the points made by Vice Chair Allen with respect to modifying the plan by removing one of the lots.
- Ex-officio Cacciatore stated that he doesn't have much input on this as he came to the board when the application was already in progress. He said the only thing that is confusing him is the term "cluster development" as every other cluster development that he has seen has been under two acres per lot and these are each two acres. Vice Chair Allen noted that the yield plan shows two-acre lots, the cluster development plan does not.
- Mr. Mierswa stated that the issue can be addressed by reducing one of the lots and that, if he were them, he would get the numbers for the road first before conceding to losing a lot.
- Vice Chair Allen asked the applicant if he would consider modifying the plan that would pull the stormwater easements out of the buffer.
- Mr. Gier stated that they will look at it as it doesn't sound like the board will follow the new law that has not taken effect yet. They think they can make up the additional open space numbers, but the applicant cannot lose a lot. They have been working to develop this parcel for seven years and time is money and they have spent a lot of time on this. They have no wetland impacts and have only asked for one waiver for this whole project. They will look at the issue more closely.
- Mr. Slaven also noted that there have been a lot of abutter concerns as well to which Mr. Gier responded that the impact regarding the buffer affects no one else but the golf course who has not been to a single board meeting in opposition.
- Vice Chair Allen stated that the board is not going to make decision based on whether or not the golf course has problems with the buffer. The town voted that they want a 100-ft buffer and the board has the responsibility to uphold the ordinance. The board is not being unreasonable; it has allowed the applicant to use upland that has no value except to bolster the yield plan, the board could have denied the application right out of the gate because the applicant tried to use a previously denied plan as a yield plan, and the board granted a waiver from the cul-de-sac requirement – the town has extended grace throughout this process. This application would be a lot easier if everything wasn't jammed into the third decimal point in trying to fit everything in. Having said that, the board is appreciative of the applicant's willingness to take a relook at the buffer.
- PUBLIC COMMENT
- Vice Chair Allen opened the hearing to public comment.
- Michael Jacques of 2 Tilton Lane stated that he appreciates the board's position to follow the ordinance and noted Tilton Lane was last paved in 1995. He provided a brief history of the road in that it was supposed to be a private driveway, but Mr. Ewald used it as a town road so that he could get the town to plow it in the winter. He then raised the following concerns:
1. A preference to have the utilities underground as utility poles will negatively affect the abutting properties.
 2. A request to modify the road ditches at a slope that will allow him to keep mowing along the roadway.

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3. The quoted speed limit of 25mph is not reasonable for that stretch of roadway – it is too fast and there are safety issues associated with the intersection at North Road.
4. His well is less than 25 feet from the existing road and he is concerned about the oil from the construction vehicles.
5. Who will be responsible to relocate his mailbox.
6. There will be landscaping issues along the property lines.
7. The vernal pool has been in existence for 200 years and it is used as a water source for wildlife. Fencing the pool will prohibit some wildlife from accessing it.
8. What will the applicant give back to the town.

Gordon Powers of 26 North Road stated that he has submitted his comments and concerns in writing to which Vice Chair Allen confirmed receipt. He noted concerns about utility poles and his preference for underground utilities. He also stated he has a better idea of what the roadway will look like and has concern about losing some of his trees along his property.

Adam Barss of 14 Tilton Lane thanked the board for their time and then referenced RSA 674:36 regarding the board's authority on subdivision design and stated his repeated request to have the newly proposed road shift away from his property as with the current Tilton Lane design, he will lose 10 feet of this driveway. He spoke about protecting his family with respect to the number of construction vehicles that will pass so closely to his home (he has young kids), about the potential drop in his property value, about remedying some of this by shifting the roadway at the 600 mark, and that his 75-ft well radius is affected by the current drawings. He asked that the board give his concerns serious consideration.

Alternate Belcher inquired of the distance from the edge of Tilton Lane as currently depicted to his house noting that had she not gone on the site visit in April she would not have understood the gravity of the close proximity of the road to the house which further supported the claims that Tilton Lane was originally designed as a driveway.

Mr. Barss responded the house is located 25 feet from the proposed road to which Alternate Belcher noted the current setback is 30 feet and thus allowing the road to be constructed as currently proposed, the board would be creating a nonconforming lot of record.

RPC Planner Rowden stated that this would be considered a pre-existing nonconforming setback as the original right-of-way existed before this current proposal.

Mr. Barss stated that this was the reason he quoted RSA 674:36 as this statute give the board authority to ensure newly constructed roadways are safe.

Mr. Gier clarified that that the cul-de-sac bulb extends past the pavement which is the portion that would be offset from Mr. Barss' property and referenced Sheet A2.

Vice Chair Allen asked Mr. Gier to explain why he is having a difficult time bending the road around the Barss' property while still maintaining the requirements to which Mr. Gier stated that it is the applicant's position that he paid to have the road designed to town standards and there hasn't been any arguments about where the road is or that it doesn't meet town standards. The applicant believes the cost to redesign the road, which currently meets town standards, should be his responsibility.

There being no other public comment, Vice Chair Allen closed the hearing to public comment.

BOARD QUESTIONS AND COMMENTS

RPC Planner Rowden advised the board to provide specific direction to the applicant with respect to what is needed next in order to move the application forward, starting with a phasing plan.

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Vice Chair Allen began to reference a review status report that catalogued all of the issues/concerns/items raised by the board and town engineer, but for time's sake, asked the board to name the most important items that the applicant would need to address for the next meeting. That list included:

- Pulling all of the stormwater management items out of the buffer zone
- Providing a cross section of Tilton Lane for use in determining final product and cost estimates
- Redesign the roadway around the Barss' property to allow for a greater buffer between his house and the roadway
- Provide a phasing plan

RPC Planner also recommended the board clarify the action taken with respect to the yield plan to reflect the board has accepted the yield plan as meeting the yield plan requirements. The switching out of the old yield plan with the new yield plan was approved back in June, but the new yield plan was not officially accepted as meeting all the yield plan requirements thus confirming the parcel could support 17 lots.

Vice Chair Allen then confirmed with Town Engineer Quintal that the lot sizes on the yield plan meet the lot size requirements as this was an issue raised at the June meeting. Town Engineer Quintal responded that the applicant has provided the lot calculations that demonstrate all 17 lots meet the lot size requirement.

MOTION: Vice Chair Allen motioned to further clarify and formally accept the second yield plan that was submitted on June 18, 2026 for 17 lots as presented by the applicant; seconded by Mr. Mierswa. The motion passed 4-0-1 (Mr. Slaven abstained).

At this point, Mr. Gier stated the applicant will allow for a continuation of this hearing to next month.

MOTION: Vice Chair Allen motioned to continue the public hearing for Pappalardo Family Realty Trust, a 17-lot subdivision at 14 Tilton Lane, PB Case #2026-02 to September 17, 2026 at 7pm as accepted and concurred by the applicant; seconded by Mr. Slaven. The motion passed 5-0-0.

Vice Chair Allen closed the public hearing on PB Case #2026-02 at 8:40pm.

JASON SENTINERI – 33 HAVERHILL ROAD – CONCEPTUAL CONSULTATION – 33 HAVERHILL ROAD

Vice Chair Allen opened discussion with Jason Sentineri regarding a change of use for property located in the commercial zone. He reminded Mr. Sentineri that this discussion is nonbinding.

Mr. Sentineri introduced Professional Engineer Alan Roscoe of TFMoran and stated that they are here to represent James Materkowski, President of The Green Cocoon, LLC an eco-friendly (spray foam) insulation company serving both residential and commercial customers throughout NH and MA. Having looked in Plaistow and surrounding areas for a site that would accommodate the growing business, they happen to come across this parcel at 33 Haverhill Road which they believe would be a perfect fit. The commercial building would be used for the storage of insulation materials, the large parking area would be used for the parking and storage of their box trucks and employee vehicles (4-5 employees), and the mobile home would be used as an office. They have no plans to improve or construct additions to the property at this time. They are before the board for direction in the application process and noted that since they are not planning on making any changes to the buildings, they want to know if they need to undergo the full site plan review process.

Mr. Roscoe presented an aerial overlay of the parcel and highlighted the commercial zone boundaries, the cemetery located behind the property, and the setup of the parcel lending itself to a small-scale commercial use utilizing the small structure (mobile home) as an office and the large commercial building as storage. The lot can accommodate 7-10 parking spaces and has a two-entry driveway allowing for plenty of parking spots.

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488 Vice Chair Allen inquired of any site plan changes to the overall layout of the property, including the paving of any
489 areas, clearing of any areas, building of any additional structures, or a change of use from its current use.

490 Mr. Roscoe stated that other than the change of use from a machine shop to storage, there are no other changes, they
491 believe the property is move-in ready. They may want to make changes later once they get up and operating, but
492 nothing for now.

493 In response to Vice Chair Allen's inquiry about the type of products to be stored, Mr. Sentineri stated The Green Cocoon
494 uses a mix of insulation products including a spray foam that comes in a powder (30-50-gallon waterproof steel barrels
495 that is mixed with water using an agitator on site, then power sprayed on site), rock salt, and pink fiberglass insulation.
496 They work mostly in southern NH and northern MA. The business was previously situated in Salisbury, MA. Mr.
497 Sentineri is a friend to Mr. Materkowski and builder and is trying to help him out.

498 He went on to say that the property has enough room for an extension on the back of the building should they
499 determine they need the space.

500 Mr. Slaven asked about the spray foam application process to which Mr. Sentineri stated the product is mixed on the
501 job site as it only has a short time for spraying after mixing for application.

502 Alternate Belcher inquired about the ingredients of the spray foam, any PFAs or PFOAs. Mr. Sentineri stated it does
503 not and they will be happy to provide MSDS sheets. She then noted that this property has been used as a sheet metal
504 manufacturing business since the 1980s and has never had a site plan drawn or record of the layout of the property
505 which means there is nothing for the building inspector to work by. At some point, whether now or at a later date
506 when they go to expand, the town will need some sort of plot plan with a building layout. Though this is a change of
507 tenancy, it is also a change of use within the commercial district and some sort of site plan review seems warranted.

508 Town Engineer Quintal stated that he drives by this property every day and there are typically one or two pickup trucks,
509 and 1-2 employees - this new proposal is a significant change with there being seven 20-ft company trucks, 10
510 employees and an increase in vehicular traffic in and out of the site.

511 Vice Chair Allen stated that some level of review would be required; whether it be a modified review or full scope with
512 surveyed plan and topography, it will be up to the board to discuss. At a minimum, they will require a plot plan depicting
513 the parking layout for both company trucks and employees, the use of the buildings, dumpster location, and other
514 operational items.

515 RPC Planner stated that East Kingston does not have a provision for minor site plan reviews, but the regulations do
516 allow waivers that would allow the board to waive site plan requirements so that at least a minimal amount of
517 information is required. This would allow the board to get the documentation it needs until a full site plan is required.

518 Alternate Belcher suggested they require an engineering plan without the full survey requirement that would provide
519 enough detail (parking, dumpster placement, office, etc.) for the board to make decisions with confidence.

520 Vice Chair Allen agreed that an engineering plan would be best that showed property boundaries, layout of buildings,
521 parking (both company and employee), dumpster locations and notations that provide what chemicals would be used
522 and stored and in what quantities, and a description of the activities/operations on the property.

523 Town Engineer Quintal stated that it would be optimal if the business trucks were parked on pavement in case there
524 are any leaks and the pavement boundaries also be shown as well as the location of the well and septic and water
525 runoff.

526 Vice Chair Allen informed the applicants that a plot plan as described and discussed is needed and that waivers should
527 be submitted for the parts of the site plan review that are not warranted. The waivers shall be in writing, and they shall
528 meet the waiver criteria as outlined in the Site Plan Regulations.

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- 529 Alternate Belcher will send all the information, application, etc. to the applicants that also include the application
530 submittal calendar so that they can aim for placement on the September agenda.
- 531 RPC Planner Rowden noted the board can record the Notice of Decision to memorialize the approval since only plans
532 with a surveyor stamp are permitted to be recorded at the Registry of Deeds.
- 533 With no other questions or comments, Vice Chair Allen closed the discussion at 9:02pm.
- 534 **OTHER BOARD BUSINESS**
- 535 **ZONING AMENDMENTS FOR 2027**
- 536 The board reviewed the list of possible zoning amendments for the March 2027 ballot:
- 537 1. Tiny Homes – the board discussed this topic back in November and decided to continue discussion for possible
538 2027 consideration.
 - 539 2. Home Occupations – modifying the ordinance to acknowledge administrative support for businesses may not
540 require any dedicated space in the residence.
 - 541 3. Clarify the definition of a Yield Plan.
 - 542 4. Clarify uplands as contiguous uplands or change to buildable area.
 - 543 5. Update childcare center language to include regulation by right.
 - 544 6. Buffer area changes per new law effective April 2027.
 - 545 7. Groundwater Protection Ordinance
 - 546 8. Multifamily provisions in the commercial zone.
- 547 Discussion ensued on which items would be drafted by the RPC (all new law changes). This item will be placed on the
548 September agenda for further discussion.
- 549 **CAPITAL IMPROVEMENT PLAN UPDATE**
- 550 Noting Chairman Petrucelli was not present, this item was tabled to the next meeting.
- 551 **REGIONAL IMPACT UPDATE**
- 552 Town Engineer Quintal provided an update on the 150-unit housing development to be located on Depot Road in
553 Kingston noting that the applicants received state DOT/traffic approval that will include a queue for the traffic lights at
554 Route 125, are undergoing a hydrogeological study, are monitoring the water levels, and have submitted several other
555 state permit applications (wetland, terrain).
- 556 **CIRCUIT RIDER UPDATE**
- 557 RPC Planners Rowden and Berry have met with applicants who are looking to develop a 12-lot conservation subdivision
558 on the East Kingston portion of the old Kingston Fairways Golf Course. There is also a multifamily development being
559 proposed for the Kingston side.
- 560 With respect to the Groundwater Protection Ordinance, board members should send their questions and comments
561 to the planners. They plan to hold a public information session in October.
- 562 **MEETING MINUTES**
- 563 The board reviewed the June 18th meeting minutes.

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564 **MOTION: Vice Chair Allen motioned to approve the June 18th meeting minutes as presented in draft form; seconded**
565 **by Mr. Mierswa. The motion passed 4-0-1 (Mr. Slaven abstained).**

566 The board reviewed the July 16th meeting minutes

567 **MOTION: Vice Chair Allen motioned to approve the July 16th meeting minutes as presented in draft form; seconded**
568 **by Mr. Slaven. The motion passed 5-0-0.**

569 **NEXT AGENDA**

570 The board will meet next on September 17th at 7pm. It was noted that Alternate McIntyre, Mr. Mierswa and RPC
571 Planner Rowden will not be in attendance.

572 **ADJOURNMENT**

573 With no other business before the board,

574 **MOTION: Vice Chair Allen motioned to adjourn; seconded by Ex-officio Cacciatore. The motion passed 5-0-0.**

575 The meeting ended at 9:22pm.

576 Respectfully submitted,

577 Catherine Belcher, Land Board Secretary

578 Minutes approved _____.