



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2007-2008
DAVID F. SULLIVAN, CHAIRMAN
EDWARD WARREN, VICE CHAIRMAN

MINUTES
(Public Hearing of 16 October 2008)
7:00pm

AGENDA:

- ◆ Call to Order and Approval of Minutes
- ◆ **Continued Public Hearing** for a lot line adjustment between Norman and Carol Freeman (Honey Bee Trust), (MBL 09-08-01) 52 Main Street, East Kingston and Granite State Gas (18-01GSGC) (PB #08-05)
- ◆ **Public Hearing** for a lot line adjustment between Betsey Crespi, Natalie Walker and Marjorie Doss, 1 South Road (MBL 14-04-02) and the Town of East Kingston (Union Cemetery), 17 South Road, East Kingston (MBL 14-04-03) (PB #08-06)
- ◆ **Public Hearing** for a lot line adjustment between Joyce M. Bodwell, Joyce M. Bodwell Trust, 79 North Road, East Kingston (MBL 15-03-06) and Naomi & Bradley Poole, 116 North Road, East Kingston (MBL 15-03-14) (PB #08-07).
- ◆ **Public Hearings** for change recommendations to the Zoning Ordinances, Subdivision Regulations and Building Code (1 ordinances, 2 regulations, 1 building code).
- ◆ Annual Review of the Elderly Housing ordinance.
- ◆ Selection of a consultant to work on the Inclusionary Housing Ordinance.
- ◆ Annual review of the Master Plan.

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:03PM.

ROLL CALL: Mrs. White called the roll.

Members present – Mr. R Morales, Mr. D Sullivan, Mr. E Warren, and Mr. D Pendell, ex-officio.
Dr. RA Marston was not present.

Alternate members present –Mr. J Cacciatore; Mr. R Forrest.

Advisors present – Dr. Jill Robinson, PhD., Planner, Rockingham Planning Commission (RPC)
Chief Sam Richard, East Kingston Fire Chief
Ray R. Donald, Building Inspector

Voting members – As Dr. Marston was not in attendance, Chairman Sullivan noted there was not a full voting Board and appointed Mr. Forrest as a voting member for the meeting.

Mrs. Cathy Belcher, Mr. Roby Day and Mr. Richard Smith had been invited to attend to comment on the elderly housing ordinance. Mr. Day and Mr. Smith have declined; Mrs. Belcher is in attendance tonight.

Minutes. Mr. Sullivan asked for a motion to approve the September minutes. There were no changes offered.

MOTION: Mr. Pendell **MOVED** the Planning Board approve the 18 September 2008 minutes as written. Mr. Warren seconded, and the motion passed unanimously.

PUBLIC HEARING FOR A LOT LINE ADJUSTMENT BETWEEN GRANITE STATE GAS (18-01GSGC) (PB #08-05) AND NORMAN AND CAROL FREEMAN (HONEY BEE TRUST), (MBL 09-08-01) 52 MAIN STREET, EAST KINGSTON.

Mr. Sullivan opened the public hearing.

Live Free or Die

Mrs. White reported that she had received a copy of the two deeds via e-mail, and had distributed a memo and sketches from Mr. Erik Newman, representing GSGC, showing two scenarios for the fenced in area. GSGC would like the Board to approve one of the configurations for the fence so they could proceed with the setting of bounds and installation of the fence.

Mrs. White reviewed that Sheet "A" shows the area as it is at the present time. The crosshatched area (Tax Map 18 Lot 1 – GSGC) denotes the presently fenced in portion and shows the entire area. Sheet "B" shows GSGC's option for enclosing the second pump area and attaching the new fence to the existing fence. It is offset some, as the pumps do not line up. Sheet "C" shows only the new pump area fenced in.

Mrs. White also read an excerpt from the 26 June 2008 ZBA minutes which states:

"Mr. Newman continued that if they were granted the variance by the ZBA, it was the intent to pursue a lot line adjustment and to fence in the entire area; presently the valve is chained and locked. The new area is 15x35 feet, an area totaling 525sf. The entire area would be fenced in. They would be taking that area from the Freeman's lot and since it was a pre-existing, non-conforming lot, it was why they were before the ZBA for the variance."

Mr. Morales asked where the scenario promised to the ZBA was. Or was it Sheet "D", which was not shown - the configuration of what she had just read? Mrs. White stated it looked as if it was Sheet "D" which was not shown. The lighter cross-hatched area that goes from side to side appeared to be the 15x35 area Mr. Newman had been speaking of to the ZBA.

Mr. Warren asked if the Board had not stated that they wanted to see one continuous fence at a previous meeting. The Board agreed that was what they had discussed previously. They thought that configuration would be more beneficial for all. It would contain all the above ground facilities into one area and was large enough to allow GSGC to mow around the valves.

The Board conferred, and it was decided that the fence should encapsulate both areas of gas valves and enclose the entire area from bounds to bounds.

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor to abutters.

MOTION: Mr. Warren **MOVED** the Planning Board approve the decision to have GSGC enclose the entire area from bounds to bounds with fencing. Mr. Pendell seconded, and the motion passed unanimously.

Mrs. White will call Mr. Newman Friday and let him know of the Board's decision, and will back up the phone call with a memo.

Mr. Sullivan closed the public hearing.

PUBLIC HEARING FOR A LOT LINE ADJUSTMENT BETWEEN BETSEY CRESPI ET AL (MBL 14-04-02) AND THE TOWN OF EAST KINGSTON (UNION CEMETERY) (MBL 14-04-03), SOUTH ROAD, EAST KINGSTON (PB #08-06)

Mr. Sullivan opened the public hearing.

Cemetery Trustees Hank Lewandowski and Vito Kasinskas were in attendance and will present to the Board.

Mr. Lewandowski explained that the cemetery had approached Ms. Crespi in regard to purchasing the area in front of the Union Cemetery. They had always used the area, but it still belonged to Ms. Crespi and her sisters. The intent was to make sure the cemetery would have control over that piece of property should Ms. Crespi and her sisters ever decide to sell the rest of their property. Ms. Crespi indicated that it was their wish to *donate* that portion of land to the Town for the cemetery, and they wanted to make sure it was done properly before anything happened and it could become an issue.

Along with the area in front of the cemetery, the Cemetery Trustees ascertained it would also be to their benefit to purchase from Ms. Crespi et al the piece of land to the south side of the cemetery. They had used it as a right of way, but did not own the property. They were proposing to cover any costs associated with the purchase with monies in the cemetery funds. Their plan showed where they old and new lot lines would lie.

Mr. Sullivan asked if the Board had any questions for Messers. Lewandowski and Kasinskas; they did not.

Mr. Sullivan asked if they were looking to add any land at the rear of the cemetery; Mr. Lewandowski answered that they were not. Mr. Kasinskas noted that at the present time, they had enough land to cover the Town for the next 25 years, and they were continuing to develop the Hillside Cemetery.

Conditions that need to be met for the lot line adjustment are as follows:

1. Certificate of Monumentation reflecting granite/concrete bounds properly set and signed off by Building Inspector.
2. Final mylar, together the full-sized and 11x17 copy of the final plan, to be submitted to the Planning Board for chairman signature and recording.
3. All outstanding or future fees and charges due to the Town in connection with the lot line adjustment, including but not limited to, the reviews of Town Counsel, Town Engineer, RPC Planner, Building Inspector, and Fire Department; and administrative costs incurred by the Town to be fully discharged.

Mr. Sullivan entertained a motion.

MOTION: Mr. Morales **MOVED** the Planning Board approve the application for a lot line adjustment between Betsy Crespi et al (MBL 14-04-02) and the Town of East Kingston (Union Cemetery) MBL 14-04-03 as stipulated in the application, with the above-mentioned conditions. Mr. Warren seconded, and the motion passed unanimously.

Mr. Sullivan closed the public hearing. Mr. Lewandowski and Mr. Kasinskas thanked the Board.

PUBLIC HEARING FOR A LOT LINE ADJUSTMENT BETWEEN JOYCE BODWELL, 116 NORTH ROAD (MBL 15-03-06) AND NAOMI & BRADLEY POOLE, 79 NORTH ROAD (MBL 15-03-14), EAST KINGSTON (PB #08-07).

Mr. Sullivan opened the public hearing. Mr. Dennis Quintal will present to the Board.

Mr. Quintal explained that the lots involved are 15-03-14 (14 acres) and 15-03-06 (9.93 acres). Also shown on the plan is lot 15-03-13, which lies in between the two lots involved in this lot line adjustment at the front of the properties. Naomi Poole is the Bodwell's daughter, and Mr. and Mrs. Poole would like to add to their property, increasing their current use area. Since they are family members, at the present time they utilize a portion of that property. They thought it would be a good idea to go ahead and have the lot line adjustment at this time to incorporate that area in their lot, as the Bodwells have discussed selling their property. Mr. Quintal explained that a good portion at the rear of the property is wetlands. The lot line adjustment would create two lots approximately 12 acres in size each.

Mr. Sullivan asked if the Board had any questions for Mr. Quintal; they did not.

Conditions that need to be met for the lot line adjustment are as follows:

1. Certificate of Monumentation reflecting granite/concrete bounds properly set and signed off by Building Inspector.
2. Final mylar, together the full-sized and 11x17 copy of the final plan, to be submitted to the Planning Board for chairman signature and recording.

3. All outstanding or future fees and charges due to the Town in connection with the lot line adjustment, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Planner, **BUILDING INSPECTOR, and Fire Department; and administrative costs incurred by the Town to be fully discharged.**

Mr. Sullivan entertained a motion.

MOTION: Mr. Warren **MOVED** the Planning Board approve the application for a lot line adjustment between Joyce Bodwell (MBL 15-03-06) and Naomi & Bradley Poole MBL (15-03-14) as stipulated in the application, with the above-mentioned conditions. Mr. Morales seconded, and the motion passed unanimously.

Mr. Sullivan closed the public hearing. Mr. Quintal thanked the Board for their time.

PUBLIC HEARING FOR EAST KINGSTON SUBDIVISION REGULATION SECTION VII – GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND.

Mr. Sullivan opened the public hearing

Mrs. White read the change recommendation.

This hearing is to adopt the following amendment to Section VII, paragraph S. Add the following after the first paragraph, to read:

A home sprinkler system may be permitted as an alternative fire protection requirement, provided it is approved by the Fire Department and the Planning Board. In the event a sprinkler system is approved, an assessment fee shall be paid to the Town for the maintenance of existing water sources. (Amended 10/16/08)

Mr. Sullivan asked if the Board had any questions.

Mr. Warren asked what assessment fee the paragraph referred to, as he did not see it on the fee schedule. Chief Richard explained that the fee had not been worked out with the Selectmen yet. It would most likely be included on their fee schedule.

Mrs. Belcher asked who would be responsible to maintain the sprinkler systems, fire cisterns and fire ponds. Chief Richard answered that homeowners would be responsible to maintain the sprinkler systems in their own homes, and after the Fire Chief accepted them, the dry hydrants, fire ponds and cisterns would be maintained by the Fire Department.

Mrs. Belcher also asked if the requirement was that all new homes needed to have sprinklers installed. Chief Richard stated that was not the case. He explained that builders would have the option of installing sprinklers if there were a cistern or fire pond within 2,600 feet.

Mr. Sullivan asked what the average cost was to install a sprinkler system in a house. Chief Richard explained it would depend on the size of the house, but that it could be from \$5,000-\$7,000. He also stated that the average cost of a fire pond is \$30,000.

Mr. Morales noted that homeowners insurance would be lower with a sprinkler system. Mr. Sullivan asked what percentage of the houses had sprinkler systems in them at the present time. Chief Richard stated it was low, perhaps 5%; Mr. Warren stated he only knew of two houses.

Mr. Sullivan entertained a motion.

MOTION: Mr. Morales **MOVED** the Planning Board adopt the Subdivision Regulation change to Section VII, paragraph S as read. Mr. Forrest seconded, and the motion passed unanimously.

Mr. Sullivan closed the public hearing.

PUBLIC HEARING FOR EAST KINGSTON SUBDIVISION REGULATION SECTION VII – GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND.

Mr. Sullivan opened the public hearing. Mrs. White read the change recommendation.

This hearing is to adopt the following change to Section VII, paragraph T. Remove existing paragraph T (*Fire Pond Hydrant Installation and Cistern Requirements*) and replace with the attached text.

T. Fire Protection Requirements

The full text of this change is 2 pages and attached at the end of these minutes.

Mr. Sullivan asked if the Board had any questions.

Mr. Warren referenced the last paragraph and the mention of NFPA 13 *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*. Mr. Warren inquired if the Town had a 35' height restriction ordinance, which is 3 stories.

Chief Richard replied that although he is aware of the 35' height restriction, he thought it important to include the reference to NFPA 13 *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height* in the event there might be a particular standard within it that would have to do with residential occupancies itself, and not just those up to four stories in height. Chief Richard explained if the ordinances in the Town change, including the standard now would cover them.

Mr. Warren asked if a developer could then say the Town has conflicting ordinances, thereby giving them a loophole by which to build higher than 3 stories. Chief Richard stated that it was only the title of the particular standard and did not change the present ordinance. After discussion, Board members agreed.

Mr. Sullivan opened the floor to comment.

Mrs. Belcher stated that to cover the Town, a sentence could be included stating, "*At the time of adoption of this regulation, the height limit of buildings in East Kingston is 35' in height.*"

Mr. Morales reviewed that paragraph 2.d. stated that "*all horizontal piping shall slope slightly uphill...*". Mr. Morales was wondering if an actual number for the slope could be included instead of the term *slightly* as all the other reference to included precise specifications. Chief Richard stated that the wording came directly from the standard, however he had no problem if the Planning Board wanted a specific number included.

Mr. Morales also reviewed that 2.f. stated, "*shall be located for easy access for fire apparatus*". He acknowledged that in the past, there had been instances in which the Fire Department had questioned the accessibility of fire ponds and cisterns and wondered if there was some way to define just what was expected in terms of *easy access*. Mr. Warren opined that was covered in paragraph 1.d., which states, "*...shall provide an asphalt approach twelve feet wide and forty feet long parallel to the roadway sufficient enough to bear East Kingston Fire Department fire apparatus and so located for easy access to dry hydrants and fill piping*". He stated that as long as paragraph 1.d. was complied with, it would meet the requirements for paragraph 2.f.

Chief Richard also noted that any cisterns or fire ponds would need to be made a part of the subdivision plans and reviewed by both the Fire Chief and the Planning Board, who would advise the builder if the access was not satisfactory.

In addition, Mr. Morales referred to paragraph 6.1. which states, “*shall be constructed of non-corrosive material*”. He wondered if specific material should be indicated here, as an interpretation of *non-corrosive*” might differ from what was actually required. Mr. Morales thought it would be wise to specify just what it needed to be non-corrosive from.

Mr. Quintal commented on Mr. Morales’ concern about a specific slope not being indicated in paragraph 2.d. and noted that depending on where the hydrant was located, the pipe might need to be at an almost flat position to avoid frost. He thought the NFPA’s measurement of *slightly sloped* made a lot of sense as each hydrant could differ depending on the circumstances.

Dr. Robinson stated that Chief Richard’s regulations were very thorough and detailed. She asked if they came from a single source, or was it written in such detail because there were multiple sources. She opined if it was from a single source, it could be referred to as “*pursuant to the regulations of _____ standard and subsequent updates*” and all changes in the standard would be covered and the regulation would not need to be updated when the standards changed. Chief Richard answered that it was from multiple sources, including the existing ordinances on dry hydrants/fire ponds, cisterns, and explanatory material from the NFPA standards itself.

Mr. Warren asked if they could motion on this regulation change since there would be additions to the text.

Mrs. White stated they would need to continue the public hearing to the November agenda, and then the changes to the text read this evening could be read and the regulation could be voted on.

It was reviewed that the changes in the regulation would be to clarify paragraph 6.1. and the definition of what the material should be non-corrosive from, and to add Mrs. Belcher’s statement that “at the time of adoption of this regulation, the height limit of buildings in East Kingston is 35” in height.” This could be incorporated as a footnote at the bottom of the page that referenced the NFPA standards.

Mr. Morales said he was not adamant about changing the definition for the non-corrosive materials in 6.a., but he had felt since the other materials had been indicated, he thought it could be specific as well. Mr. Donald stated that a number of ASTMs would need to be listed as meeting that non-corrosive designation, but suggested it could be covered with the statement that it be constructed of “*materials that are non-corrosive in normal water systems*”. Mr. Morales agreed that definition would suffice.

The Board agreed to continue this public hearing for inclusion on the November agenda to incorporate tonight’s changes.

PUBLIC HEARING FOR EAST KINGSTON ZONING ORDINANCE, ARTICLE VII – GENERAL PROVISION *and* PUBLIC HEARING FOR EAST KINGSTON BUILDING CODE SECTION I, TITLE 100.1.

These two public hearings have changes offered by the Fire Chief in reference to clarifying heat detectors, and will not be heard tonight. They will also be continued to the November meeting.

Chief Richard noted that there had been some concern in regard to the way this paragraph was originally written, and since there had been some confusion in the understanding of what was expected, he had gone back and clarified what was necessary to comply with. It had been construed that if there were a battery system currently in place, that it would need to be replaced in whole with a wired system to accommodate heat detectors in new attached garages. That was not the intent, and Chief Richard has clarified the requirements. If there was an existing pre-wired system, garage addition heat detectors would need to be tied into it. If it were a major renovation of 50% or more of the house, then a wired system for smoke and heat detectors would be necessary to be installed.

The new paragraph reads as follows:

“All newly constructed dwelling units, and additions or renovations to existing dwelling units in which a building permit is required, shall install heat detectors in unfinished attic spaces and in integral or attached garages in accordance with NFPA 72 National Fire Alarm Code. If a multiple station alarm system exists, newly installed detectors must be interconnected with the existing system. The Fire Chief shall approve said installations.”

The Board agreed the change in wording explained more clearly what was expected.

Mr. Sullivan entertained a motion for Zoning Ordinance Article VII – General Provisions.

MOTION: Mr. Warren **MOVED** that revisions to East Kingston Zoning Ordinance, Article VII – General Provision, the addition of a new paragraph G., be approved as read for placement on the Town Warrant in March 2009. Mr. Pendell seconded, and the motion passed unanimously.

Mr. Sullivan entertained a motion for Building Code, Section I – Title 100.1.

MOTION: Mr. Warren **MOVED** that the Board adopt the revision to East Kingston **BUILDING CODE**, Section I – Title 100.1, the addition of a new paragraph d. as read. Mr. Pendell seconded, and the motion passed unanimously.

Mrs. Belcher asked if heat detectors would be mandatory in detached garages; Chief Richard stated they would not be. Dr. Robinson asked for clarification on the phrase “extensive alteration.” Chief Richard answered that according to 2006 International Building Code, extensive alteration is listed “when the alteration exceeds 50% of the original unit.”

Mr. Sullivan closed the hearing.

Annual Review of the Elderly Housing Ordinance

Mr. Sullivan opened the annual review of the elderly housing ordinance.

Mr. Morales noted that the Board should be looking at Article B.3. of the Elderly Housing Ordinance for review. He also recognized it was updated in 2007 and there was an update sheet included in the front of the ordinance book, as it was not reprinted last year. In 2007, the figure was changed from 25% to 15%. In looking at the numbers as written, Mr. Pendell noted that the ordinance stated 15%, but in calculating the actual numbers in the Planning Board comment, the percentage was actually 17%.

It was ascertained that the figure should be updated to reflect the actual amount, so the numbers did not conflict. Mrs. White will check with the Selectmen’s Office and get the actual number of houses in East Kingston and the number of elderly housing units. From those updated numbers, the Board can decide on a true percentage to reflect in the ordinance.

Mr. Morales acknowledged if the Board felt they wanted more elderly housing, they could increase the percentage to allow more growth. Mr. Warren asked where they would put it. Mr. Morales indicated there was still plenty of undeveloped land in Town where more elderly housing could be built.

Mrs. White had passed out a paragraph for the Board’s consideration regarding temporary caretakers and family members with physical/mental disabilities. She indicated that Newton had recently included this in their elderly housing ordinance.

The paragraph reads as follows:

The over 55 age restriction shall not apply to employed caretakers as defined in this ordinance who stay overnight to provide nursing or physical assistance to a unit resident in accordance with a medical evaluation that such care is necessary, or to a family member who provides such care, or to related family members who are over the age of twenty-one and who have a physical or mental disability as determined by applicable law.

Mr. Morales acknowledged that the question of caretakers had come up in the past, and the way the ordinance is written at the present time, they are not allowed. He had concern with the last paragraph regarding anyone over the age of 21, as there are not supposed to be any children under the elderly housing ordinance.

Mr. Morales noted that the ordinance stated there were to be two residents per unit, both over 55. Allowing over 21 aged persons could open up a Pandora's box of complications. Mr. Warren also noted that the situation could arise that the *family member* could bring children with them, which could also cause problems. Mr. Donald interjected that there would be no way to monitor the level of disability that needed to be constantly maintained, which could also cause problems. He thought it might be a good thing to include such a provision, but felt more research needed to be done before taking any action. Mr. Warren's thought was that households could apply to the Board on a case-by-case basis. Mr. Pendell stated the Board did not want to do that, because it would mean the Board would be determining the disability.

Dr. Robinson stated that whether or not a person needed care would be determined by a medical evaluation. If you made that provision applicable to other categories of people it would be a good standard. Some towns adopted elderly housing because they wanted their residents to be able to remain living in their homes. This might not be possible if they needed to hire outside help, but a family member taking care of them would not have the same costs. She thought it was a good provision that would allow a family member to come and take care of a resident although she agreed it needed some tweaking.

Mr. Morales wondered about ending the statement at "...or to a family member who provides such care." That way if someone in elderly housing needed someone to stay overnight, a professional or a family member, it would be allowed if there was a medical need.

Mrs. Belcher reminded the Board that over-55 housing was in accordance with federal law. She recommended that the Board might need to check with the Town Attorney or other entity to make sure that adopting such a provision would not nullify the federal law provision to allow only those over 55 to live in elderly housing.

Mrs. Belcher referred to paragraph B.12, which states that all permanent residents shall be at least 55 years of age. She noted this did not pertain to healthcare workers who come into your home, on weekends or at night. Those people were not considered permanent residents, as they were not claiming residency.

She again cautioned the Board on opening the door and invalidating the intent of the over-55 housing in the first place. A family member might be someone coming in with 4 children. She wanted to caution the Board against implementing something that would undermine the original intent of the ordinance. Also, if a disabled person has reproductive organs, they would still be able to have children. If that happened, what would you do; throw them out? You cannot open up any kind of window to allow that type of situation to occur. If they are not a permanent resident, the Town is not liable to support them.

She also reminded the Board that the President of the Homeowner's Association for each elderly housing unit has to file attestation to the Board of Selectmen yearly that all the residents of the development are 55 or over.

The Board decided against implementing this into the ordinance, as they agreed with Mrs. Belcher that it could cause problems. They also agreed that paragraph B.12. would cover a healthcare situation.

The Board discussed whether or not it could be considered discrimination to not allow a physically or mentally disabled person into 55+ housing to be cared for by their parents. Mr. Donald suggesting calling the LGC for their opinion on it. Mrs. White will call the LGC and get their opinion before the next meeting.

In regard to paragraph B.3, Mr. Morales noted that the Board needed to make a decision if they wanted to keep it the way it was, and clarify why; such as the same conditions exist as did last year. Or change it, noting why they felt it needed to be changed.

Mr. Warren asked if the Board could make a motion to leave B.3. the same if they felt it was fine the way it is written now. Mr. Morales agreed the Board could review the article and if they found that conditions had not changed and still remained the same from the previous analysis, they could recommend that article B.3. be kept the same.

Mr. Pendell stated that the Planning Board comment below paragraph B.3. was wrong; it stated that there was still room for 35 more units, which was not the case. Mr. Morales noted that the comment was data to support the change to the article at last year's Town Warrant. The data is wrong if the article were to be changed this year, but since they were not intending on changing it, it did not apply. Mr. Pendell stated that the numbers listed came to 17%, which does not support the existing ordinance of 15%. The way it was written, someone could come in and develop 35 more houses, which would make it even further over the 15%.

Mr. Morales noted that the ordinance at 25% allowed 35 more houses. When they lowered it to 15%, they noted they were already over that number. Mr. Pendell thought they needed to change the comment, stating that they are over the 15%, and no more elderly housing units could be built.

Mrs. White interjected that the Planning Board comment was included on last year's (2008) town warrant to explain why the change was necessary. The top paragraph took the place of what was already in the book; the comment has nothing to do with it anymore.

Dr. Robinson did note that the 17% of existing elderly housing, which was 2% over the cap of 15%, could cause a problem since the numbers did not match. The Board discussed worry over whether a builder could say that an exception was already made to the 15% and go before the ZBA for an exception. It was the consensus of the Board that Mrs. White should find out the current number and bring back before the Board in November.

Mr. Sullivan opened the floor for public comment. There being none, he closed the floor.

Discussion regarding a Letter from the Cricket Hill Condo Association to the Board of Selectmen regarding their roads. The Board of Selectmen has referred them to the Planning Board.

Mr. Sullivan opened the discussion. Mrs. Patricia Downey from Cricket Hill was in attendance, along with Carolyn Shepard, Barbara Williams and Robert Costello. Mrs. Downey spoke for the group.

They had been before the Board of Selectmen in regard to the road, and they had referred them to the Planning Board. They need to know if Cricket Hill and Holly Lane are private ways. What recourses do they have? When Cricket Hill was first built, things worked. Now the town has changed; there were more people living in the surrounding area and there was more traffic.

Their concern is that Cricket Hill via Holly Lane does connect two public highways, Willow Road and Maplevale Road. The residents have noticed excessive traffic with unauthorized vehicles using the road as a "cut-through" and traveling at excessive speeds. Many of the residents in Cricket Hill travel via scooters and the increase in traffic and speed is a grave concern.

They feel that if the Planning Board decided that people can go through, Cricket Hill should look for some help in maintaining the roads as large trucks, delivery vehicles and heavy traffic flow are cutting through causing damage. They also asked for some clarification of the difference between a regulation and an ordinance.

Mr. Pendell asked if covenants trump the regulations. Mrs. Belcher noted that covenants are civil documents. If there are issues with covenants, the Town should not get involved. The covenants were gone over and reviewed from a safety aspect.

Mr. Pendell read the following from Cricket Hill's covenants:

"All roadways serving *The Condominium* and contained within the *Common Area*, as shown on the *site plan* to be recorded herewith, as amended, **unless otherwise designated by the East Kingston Planning Board**, shall be and remain private rights of way as part of the Common Area, to be constructed, owned by and maintained by *The Association* as a common expense; and *The Association* shall indemnify and hold the Town of East Kingston harmless from and against any and all liability for construction, maintenance and repair of the same."

Mr. Pendell wondered where it would be shown if the Planning Board had had a problem with this paragraph when the site plan was reviewed. Mrs. Belcher noted that in order for the covenants to be recorded, as part of the final packet of approval, they would need to have been approved. If the Planning Board had disagreed with any the documents, it would not have been approved or recorded. Mr. Pendell noted that according to the document, it was a private way. Mrs. Belcher agreed. Mr. Warren clarified that they were speaking of Cricket Hill and Holly Lane only. Mrs. Downey answered yes.

Mrs. Downey stated that Maplevale and Cricket Hill jointly used the clubhouse. If Holly Lane were closed off, Maplevale would not have access to the clubhouse. Mr. Donald noted that there was the issue of safety and emergency vehicles being able to get from one subdivision to the other.

Mr. Donald stated that one of the reasons it was a private road was because Mr. Lewis did not want to meet town requirements for the roads. So the Planning Board said okay, if you don't want to meet Town requirements for roadways, than you will need to maintain them through the Association. But you have to have a road so that Fire Trucks and Ambulances can get through. He asked Mrs. Belcher if she remembers those discussions.

Mrs. Belcher corrected Mr. Donald and stated that part of the requirements for construction of elderly housing requires that *all roads within the development, whether privately owned or not, needed to be built according to Town standards*. Mr. Donald stated that they were not for Cricket Hill.

Mrs. Downey stated the roads were the same width. Then Mr. Donald stated they may be the same width and he may be wrong on that memory, but by the same token, it was still a private road.

Dr. Robinson stated that this situation comes up all the time; that the neighborhood would like a private road to become a Town road. The usual procedure to do that is to go through a petition process by which 25 people have to sign a petition and the Town votes it on. If the townspeople say yes, it becomes a Town road. If the people do not agree, it does not. Individual issues could be brought up to the Selectmen. If the overall intent is that you think this road needs to be a Town road, the correct procedure is to go through the petition procedure.

Mrs. Downey wanted to know if it would come before the Planning Board. The Board said no, it would come before the Town and they would vote on it. Mrs. Downey stated that they **did not** want it to be a public road.

Mr. Quintal stated he has attended a lot of the meetings, and had the impression that they wanted to keep the road private and only for the residents. His understanding was that it is a private way and they could not put a gate for emergency purposes. But there are methods that could be done, such as putting up signs stating "*private way – residents only*", and some communities even have a gate with a key.

Mrs. Belcher was not sure how this question came before the Planning Board in the first place, but noted that the Planning Board has no authority on an enforcement issue; that was an issue for the Board of Selectmen.

Mr. Cacciatore noted that on Town roads, the speed limit could not be posted at less than 20 mph. He thought private roads could post at whatever speed limit they wanted to.

Mr. Warren stated that in looking at the covenants and previous minutes, he agreed it was a private way and that there was nothing that the Planning Board could even comment on; it was up to the Association.

Mrs. Downey asked if then, however the Association wanted to proceed, like making Cricket Hill one way out to Willow Road, would be okay. Mrs. Belcher cautioned them if it were their intention to modify the road in any such way, per Article XII.B.18 states that, "The Planning Board retains the right to approve the specific road and structure layouts for the purpose of the health, safety and welfare of the Town as well as for efficiency and aesthetic variety and quality of design." If you were going to change the traffic pattern or install speed bumps, you would need to come back to the Planning Board to make sure that your proposal is safe and meets the Town's approval.

Mrs. Downey stated she would go back to the community and let them know the option they have if they wanted to make it a public road. She will also let them know some options they would have for addressing their concerns about the excessive traffic, i.e. private way signs and perhaps making the road one way.

Mr. Morales reminded Mrs. Downey that there was an earlier deadline for citizen petitions to be in since the Town had gone to SB2. Dr. Robinson verified that deadline was December 10th.

Mr. Pendell requested the Planning Board send a memo to the Selectmen stating they did determine it was a private way. Mrs. White will write that memo.

Dr. Robinson stated the Planning Board originally reviewed the condo association documents and in Article XII, paragraph F, it states "... *Covenants shall be signed by the Planning Board, and shall contain language specifying that Board approval is required for any subsequent changes to the covenants. Covenants shall expressly provide that they shall not be amended or modified, nor waivers granted there under, without the prior written approval of the Planning Board.*" She reminded Mrs. Downey that they would need to come back before the Planning Board if and when they changed their covenants. This would also require the changed covenants to be recorded at the Registry.

Mr. Morales explained to Mrs. Downey that they could always come to the Planning Board for an informational meeting to see what could be done about the road.

Mrs. Downey, Mrs. Shepard, Mrs. Williams and Mr. Costello thanked the Board for their time.

Mr. Sullivan closed the discussion,

Presentation to Mrs. Belcher

Mr. Sullivan called Mrs. Belcher to the front and presented her with a framed certificate for her contributions to the Board for the years she served. She graciously accepted and there was a round of applause from the Board.

Discussion regarding the possibility of providing trash pick-up for the elderly housing developments.

Mr. Pendell reported that when he was attending Selectmen meetings in regard to building the new library, the item of trash pick-up kept coming up with the elderly residents he spoke to. Listening to their side of the situation, he was sympathetic to the cause and wanted to find out more about it. One of the things he ran for Selectmen on was getting equal services for all residents. He stated that when he got into office, he was happy to hear that the other two Selectmen were open to the idea.

In 2009, the trash pickup contract for the Town will need to be negotiated, and it was thought to be a perfect time to consider including the elderly residents. Selectman Caron and Mrs. Gallant had put together the package, so Mr. Pendell could not speak to where the numbers came from. Both the Town budget and the school budget are about \$2 million each, and roughly 25% of the Town's tax revenue comes from the elderly residents in all the developments. It is illegal to set a different tax rate for those residents, and they do not get any tax credits. He did not want to delve into why the previous Board did what they did in respect to elderly housing, since everyone has different reasons and opinions.

The elderly communities spend \$10,000 per year to pick up their dumpsters. The Selectmen have investigated the possibility of leaving those dumpsters in place in the elderly communities, and incorporating their trash pickup in with the rest of the Town's trash pickup. This would make their trash pickup a Town service. Curbside recycling has not been discussed; they were only speaking about picking up the trash. The Selectmen realize it is in the covenants that the elderly communities will not change the services of the Town, so the Selectmen are asking the Planning Board to entertain allowing the elderly communities to change their covenants.

Mr. Warren affirmed that they were speaking about all the elderly communities in Town; Mr. Pendell answered in the affirmative. Mr. Warren stated that last year when he was listening to the Selectmen's meetings and attending Town meeting, he had thought like Mr. Pendell, that the question was a no-brainer. It was only \$10,000 out of all the money collected from the elderly communities. It would be at their expense to get lawyers, change their rules, and come to the Planning Board for approval of those changes. He was informed by Mr. Quintal, who had looked at it from a different point of view, that there were a lot of exceptions made and given up, and it would have taken the developers 17 years to build the same number of dwellings they built in 3 years if they had had to adhere to the regular subdivision regulations.

We made exceptions as a Planning Board and as a Town for those developments. We gave up rules, making exceptions to the two-acre lot and many other concessions. The developer understood that to do all that, it had to be to the benefit of the Town. All the people who bought in those developments were aware of that and knew what the rules and exceptions were when they signed the papers. Mr. Pendell is correct with his estimate that the Town would most likely be paying 25% more taxes if the elderly communities were not there. Mr. Warren was just informing the Board that he had thought he had known all there was to be known about the situation, but he did not. He stated if he lived there, he would expect the Town to pick up his trash. He would be paying the same tax rate as everyone else in Town and not getting anything for it.

Mr. Warren was concerned that if they made this change to this rule/ordinance/regulation, what else would they be opening themselves up for down the road? They just had a discussion about if it was a private way or a public way, and letting someone over 21 or under 55 live there. Mr. Warren is in favor of picking up their trash, but wants to know if they would be opening themselves up to other issues down the road? Mr. Morales recalled when he was on the Board of Selectmen, it wasn't the trash issue; it was recycling. Mr. Forrest recollected it was both.

Mr. Morales also noted that with the exception of the elderly communities, everyone in Town is paying taxes on a 2-acre lot or larger. Mrs. Belcher corroborated with Mr. Morales that for the tax rate on the elderly community properties, the common area is divided by the number of units to ascertain how much tax they each pay.

Mr. Warren stated that in Mr. Day's letter declining to attend, he ascertained Mr. Day would also be in favor of picking up their trash. Mr. Morales did not read it that way and neither did Mrs. Belcher.

Mr. Cacciatore noted again that everyone who purchased those properties knew what they were buying at the time they signed the papers; they knew what the stipulations would be. Mr. Forrest agreed, and did not see a reason to change it. He likened it to someone who buys a house next to a shooting range or an airport. They go along with it for a while, and then suddenly they want the shooting range or the airport gone.

Mr. Sullivan asked if Mr. Quintal and Mrs. Belcher if they had anything to add.

Mr. Quintal noted he had attended meetings and listened to comments when they were discussing the elderly housing. He did not particularly like the idea of the high density in the center of the Town, but it was how the development went in. The Planning Board was looking at innovative zoning for the Town to prevent projects from being jammed down their throat; they were working to be progressive and there is some sacrifice in doing that. It would have been nice to be able to have the property in conservation, but that did not happen. There was a lot of discussion about the project and how the ordinance was put together. The trash pickup was one of the issues. It is his belief, as is other Board members, that everyone who bought there knew what they were getting into when they bought into it. They have the community benefit of sidewalks and being close to each other that residents on 2 acres do not. He was sure they would come up with some sort of solution for the private way situation and the traffic.

As for the history of the ordinance, Mrs. Belcher noted that the Town adopted this cluster development idea for the purpose of trying to maintain some open space. There were no funds at the time to consider putting the land into conservation. The Board realized they had many large parcels in Town and that if they did the usual development with 2-acre lots, all the open space would be lost. The whole concept of innovative zoning was to allow them to be clustered together so the development is in one location, and all the rest is still preserved and maintained as open space, which cannot be built on and only used for recreational purposes. The Board was trying to encourage the cluster development in an effort to preserve the rest of that property. No one wanted to see that property built on in the first place, but there were no options at the time. It is not the Board's authority to deny the application, but to walk them through the procedure and ensure they conform to the ordinances.

One of the things the Planning Board did in their motivation to be able to sell a development like this to the Town was to say that if they were going to allow a 55 and over development, it would be with the least amount of impact to the Town; that was why the Town approved it. The Board said there would be private roads; there will be a condominium association; and they would take care of their own plowing and trash disposal; this was all done in an effort to keep the costs down for the community.

The Board also knew there would be an elevation in other types of services. They were cutting down on these particular services in anticipation that people of an older age would require more emergency services from the Town. The previous Fire Chief had been absolutely adamant that allowing the elderly developments would be a catastrophic problem for fire and rescue. He felt they would be called there every day, all the time, and would not have the services to accommodate their needs. She asked Chief Richard if it was an issue; he replied it absolutely *was not*.

The Board was trying to be as diligent to the people who already lived in Town, knowing that no one wanted to see any of these properties developed. They tried to have the least amount of impact in order to preserve the tax rate and the Town. And to keep the costs to the Town down, certain services were restricted to those developments. The Board knew it was against the law to not allow development, so cluster development with open space was the solution. Mrs. Belcher agreed also that everyone who bought in these developments knew what the covenants would be and what fees they would be paying.

Mr. Forrest stated he felt the catalyst was when the recycling center was closed. That was when they started wanting their trash picked up. Mr. Warren inquired if the Board could make a recommendation to the Board of Selectmen in regard to opening up another recycling center. Mr. Morales and Mr. Sullivan explained that it had been a fiasco from the start. People who were not supposed to use it were dumping all sorts of other materials there just to get rid of it, hazardous waste included, and it cost the Town more money to clean up the area than it was worth. That was why they went to curbside recycling.

Mr. Donald thought since the need for emergency services was not what it was thought to be, perhaps they should go back and revisit providing trash services to these communities. Mr. Morales opined that when the Planning Board made those ordinances for the over 55 communities, they were not necessary thinking of only at the moment but to the future. And since East Kingston is one of the oldest aged communities in the state, what was projected might not be far from the truth in the not-so-distant future.

Mrs. Belcher believed if they were going to recant on what they had previously promised the Town, they needed to let everyone know. Her thought was if they were considering picking up the trash to the elderly communities, they might want to consider placing it as a warrant article. The Board agreed.

Mr. Pendell asked if there was a warrant article voted on in favor of the trash pickup, would it allow them to change their covenants? Mr. Morales stated he thought that the covenants would need to be changed before. Mrs. Belcher suggested checking with the Town Attorney to see in which order things would need to be done. Dr. Robinson stated that if the covenants were changed, it would require them to come before the Board. If it is a municipal decision by the Town to pick up their trash, it is different.

Mr. Donald opined that the elderly communities do not feel they are a viable part of the Town, and you cannot put a price tag on good relations. Mr. Pendell noted there was a big voting block of people in the elderly communities and it would be a good will gesture. He had spoken to many school parents and they had said they also were in favor of it. Mr. Pendell stated that between the elderly communities and the school parents, they represented a huge voting block.

Mr. Donald reviewed that when a petitioned article goes on the warrant, neither the Selectmen nor the Planning Board are required to make a comment. But when a Board proposes a warrant article, that Board must state whether they do or do not support it. Discussion revealed that the Board could not vote in favor of the motion until it is written, and will need to do so at a later date after the Selectmen put together an article for inclusion on the warrant.

MOTION: Mr. Pendell **MOVED** the Planning Board **encourage the Selectmen to write a resolution for the town ballot to allow trash pickup for the elderly communities.** Mr. Warren seconded. Mr. Morales, Mr. Sullivan, Mr. Warren, and Mr. Pendell voted aye; Mr. Forrest voted nay. The motion passed.

The Board thanked Mrs. Belcher for her expertise in regard to the elderly housing ordinance.

Mr. Donald's proposed change to the Living Space definition.

At the September meeting, the Planning Board voted to place the following definition on the warrant:

LIVING SPACE: Living space shall be defined as any space in the unit which could be used for sleeping, working, dressing, cooking, dining, or other normal life activities, and shall include unfinished as well as finished space. Hallways, closets, storage space, bathrooms, lofts, bedrooms, and all other rooms or areas shall be included in living space. Attic storage spaces with a ceiling height lower than five (5) feet as measured from floor to ceiling shall not be included as living space. (Adopted 3/09)

There was discussion at that September meeting in regard to any tax impact that would occur. Mr. Caron understood it to mean that this change would make someone purchasing a small cape with an unfinished second floor be taxed for the unfinished attic as if it were finished. Mr. Morales stated it only defined "living space" and that Avitar made their calculations separately from anything that the Town denotes. Dr. Robinson felt this definition was particular to the ordinances, and would have nothing to do with the actual calculation of square footage by Avitar.

Mr. Donald had ascertained later that the definitions as written WOULD affect assessing by Avitar, since it would change the way he would need to issue building permits, and Avitar assesses as per the building permits.

Mr. Donald suggests the following wording in place of what was already voted on.

LIVING SPACE: Living space shall be defined as any space in the unit which could be used for sleeping, working, dressing, cooking, dining, or other normal life activities, and shall include unfinished as well as finished space. Hallways, closets, storage space, bathrooms, lofts, bedrooms, and all other rooms or areas shall be included in living space. Basements and attics shall not be finished unless included as living space. (Adopted 3/09)

Mr. Donald noted that including an attic with a height more than 5 ½ feet and unfinished basements in the definition of living space would violate the definitions in the IRC (Residential Code). Living space is finished space and if it is not finished, it is not living space. Mr. Cacciatore noted that the banks don't consider anything below ground level in their assessments, so if a basement was finished but below level, it would not be assessed.

Mr. Morales noted the definition was tightened up because one of the elderly developments trying to expand on the wording. The wording for elderly housing stated a "footprint of 1,500 sf." A developer had made a 1,500 sf footprint and went one storey up and one storey down. To prevent that from happening again, they changed the wording to 1,500 sf of *living space*.

Mr. Donald asked if the Board could give him some direction on what to do in regard to Cricket Hill. It was built under the 1,500 sf *footprint* ordinance, and he did not know if he could deny them a building permit to finish their basement on the present ordinance, which states 1,500 sf of *living space*.

Mr. Forrest asked why closets and hallways were considered as living space, and Mr. Morales explained it had come from the definition for accessory apartments, as they were not allowed to have more than 500 sf total.

The Board could not come to a consensus on this definition, so it was continued to the November meeting.

Erosion Problem on Burnt Swamp Road.

Mr. Warren referred to the memo from Larry Smith in regard to the erosion problem on Burnt Swamp Road. He also referred to an article from the paper showing that Brentwood is rescinding an approved subdivision for failure to meet its obligation of erosion and sediment control measures as required. He wanted to bring it to the Board's attention that this sort of action could be a possible solution if needed.

Mr. Donald stated he had just picked up a copy of Mr. Smith's letter, and a copy of the Town Engineer's report and was going to speak to Mr. Saverese on Friday. Mr. Smith had suggested Mr. Saverese install jute-backed material to stop the erosion. Mr. Donald explained that Mr. Saverese *has made* several efforts to control the situation; he has seeded and put down straw and each time it has rained before the grass has had a chance to take root.

Mr. Donald departed at 10:00 pm.

IZIP Contract

Mr. Pendell wanted to make a motion to sign the IZIP contract, and Mrs. White explained that that had already been taken care of. She had called the members on a telephone poll of the contract items, and when the members had had no problems with meeting the stipulations of the grant, agreed Mr. Sullivan should sign the letter to the Selectmen and the Selectmen should sign the agreement. Mr. Pendell stated that the signing of the contract did not happen at any Selectmen's meeting he had attended, and Mrs. White stated she was sure Mr. Caron had signed the agreement in the office.

MOTION: Mr. Pendell **MOVED** the Planning Board **make sure the Selectmen signed the IZIP agreement.** Mr. Warren seconded. The motion unanimously.

Mrs. White will get a signed copy to the Board members.

Choose a consultant to help with the Inclusionary Housing Ordinance.

Mr. Sullivan stated that the Board needed to choose a consultant to help put together the Inclusionary Housing ordinance. Note that many consultants on the approved list had submitted their applications to be chosen by the Town to help in drafting the inclusionary housing ordinance, and those applications had been previously

distributed to the Board members for review. There were also several Planning Commissions on the approved list of consultants provided by the Housing Authority for consideration.

Mr. Sullivan entertained a motion.

MOTION: Mr. Pendell **MOVED** the Planning Board ~~choose the Rockingham Planning Commission and Dr. Jill Robinson as their ZIP consultant.~~ Mr. Morales seconded. The motion passed unanimously.

Dr. Robinson thanked the Board, and asked if there was a work meeting scheduled.

Mrs. White had two dates available – the 6th or the 13th of November. Mr. Sullivan polled the Board if they were available on the 6th or the 13th of November for a work session. The consensus of the Board was that they would meet on the 13th at 7:00pm in the Pound School to discuss the new ordinance.

Dr. Robinson stated she would bring a draft of an ordinance to the meeting for the Board to review. Mrs. White asked Dr. Robinson if she could e-mail it to her so she could distribute it to the Board beforehand so they could have a chance to review it. Dr. Robinson agreed.

Mrs. White will send letters to the consultants who applied, thanking them for their applications and informing them another consultant had been chosen.

HANDOUTS TO THE BOARD

- *Memo from Erik Newman*, representing Granite State Gas, showing two fence options.
- *Change for the Living Space definition* offered by Mr. Donald.
- *An excerpt from the Selectmen’s Meeting Minutes of September 29, 2008* to go along with the Cricket Hill letter in regard to their roads.
- *Information regarding a workshop about the NH Comprehensive Shoreland Protection Act.* It will be held from 6:30-8:30pm at the Hugh Gregg Coastal Conservation Center at the Great Bay Discovery Center, 89 Depot Road, Greenland, NH. If you are interested in attending, RSVP to the RPC by email@rpc-nh.org or call 778-0885.
- *Selectmen’s Meeting Minutes of September 29, 2008.*

Mr. Sullivan closed meeting at 10:10pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

David Sullivan
Chairman

18 September minutes were approved as written.

Minutes approved _____

**2-page attachment
SDR Section VII, Paragraph T.**

East Kingston Subdivision Regulation Section VII – GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND. AMEND the Subdivision Requirements, Section VII, paragraph T. Remove existing paragraph T (*Fire Pond Hydrant Installation and Cistern Requirements*) and replace with the following:

T. Fire Protection Requirements

All subdivisions shall construct a suitable water supply for fire protection by means of fire ponds or fire cisterns or fire wells, with associated dry hydrants, that provide a minimum of 30,000 gallons of usable water, capable of drafting at a continuous rate of 1,000 gallons per minute; located within a truck travel distance of 2,600 feet of the front entrance of the farthest dwelling unit of the subdivision.

“Usable water” shall be defined as the amount of water from the water supply source capable of being drafted through its associated dry hydrant at all times of the year and all weather conditions such as, but not limited to drought conditions and ice formation. Usable water shall be calculated after subtracting three (3) feet from the bottom of the water supply source for strainer installation, silt buildup, and whirlpool action due to low water level and three (3) feet from the top to account for severe winter conditions such as ice. Fire cisterns may reduce these limits of engineering design, approved by the Fire Chief, provide adequate drafting capabilities.

A suitable water supply shall be installed in accordance with NFPA 1142 *Standard on Water Supplies for Suburban and Rural Fire Fighting* and:

1. All installers of suitable water supply sources:
 - a. Shall provide the Fire Department with two (2) copies of engineered plans, affixed with the registered Engineer’s stamp, which shall contain elevations, total water capacity, usable water volume as defined above, and detailed hydrant, piping and other appliance installation and a third stamped copy approved by signature of the Fire Chief shall be provided to the Planning Board,
 - b. Shall not begin construction of said suitable water supply until said plans are approved by the Fire Chief and Planning Board,
 - c. Shall be responsible for the complete filling and maintenance of the suitable water supply until the Fire Chief has accepted the installation,
 - d. Shall provide an asphalt approach twelve (12) feet wide and forty (40) feet long parallel to the roadway sufficient enough to bear East Kingston Fire Department (EKFD) fire apparatus and so located for easy access to dry hydrants and fill piping,
 - e. Shall install two (2) 3-foot high and 3-inch diameter concrete filled steel posts located two (2) feet in front of all hydrants, six (6) feet apart, one on each side of said hydrant, and placed in a twelve (12) inch diameter by twenty-four (24) inch deep concrete anchor, and painted with a color approved by the Fire Chief for visibility,
 - f. Shall not allow more than a 90-degree angle along any portion of any piping assembly flowing water nor allow more than a combined 180-degree angle throughout the entire length of any piping assembly;
2. All dry hydrant suction piping:
 - a. Shall be six (6) inch American Society for Testing and Materials (ASTM) Schedule 40 steel,
 - b. Shall have a six (6) inch female swivel connector compatible with EKFD threads and male plug mounted 30 inches in height above finished grade,
 - c. Shall not exceed a ten (10) foot vertical lift of water for fire ponds and fire wells or shall not exceed a fourteen (14) foot vertical lift of water for fire cisterns.
 - d. Shall have all horizontal piping slope slightly uphill toward the pumper connection,
 - e. Shall have a thirty (30) inch diameter poured concrete collar, thirty-six (36) inches deep from finished grade and braces or other support structures as needed,
 - f. Shall be so located for easy access for fire apparatus.

3. All fill piping:
 - a. Shall be four (4) inch American Society for Testing and Materials (ASTM) Schedule 40 steel or Schedule 40 PVC with circumferentially glued joints,
 - b. Shall have a four (4) inch Storx style connector compatible with EKFD threads and cap mounted 36 inches in height above finished grade,
 - c. Shall be so located for easy access for fire apparatus;

4. All vent piping:
 - a. Shall be capable of allowing a minimum of a 1,000 gallon per minute draft without damaging any tank, piping or other equipment,
 - b. Shall be sixty (60) inches in height above finished grade,
 - c. Shall terminate with the use of elbows or "T" connectors and associated screening, if necessary, so as to prevent unwanted material or animals from entering said vent:

5. All fire cisterns and fire wells shall provide a means of visually measuring water levels during all weather conditions approved by the Fire Chief, such as, but not limited to:
 - a. A lockable "manhole" which shall be easily accessible, or
 - b. A gauge that shall be easily viewable from the dry hydrant;

6. A fire cisterns and fire wells:
 - a. Shall be constructed of non-corrosive material,
 - b. Shall be anchored for prevent rising or movement,
 - c. Shall be inspected and approved by the Fire Chief prior to backfilling;

7. All fire cisterns:
 - a. Shall be buried completely below frost line, a minimum of four (4) feet,
 - b. Shall install strainers six (6) inches above the bottom of the tank to preclude obstruction due to sediment and debris,
 - c. Shall anchor all strainers and piping by means of poured concrete pads, braces and/or other support structures as needed and approved by the Fire Chief;

8. All fire ponds and fire wells;
 - a. Shall install all strainers completely below frost line, a minimum of four (4) feet,
 - b. Shall install strainers twenty-four (24) inches above the pond or well bottom sufficiently to preclude obstruction due to silt or vegetation buildup,
 - c. Shall anchor all strainers and piping be means of poured concrete pads, braces and/or other support structures as needed and approved by the Fire Chief;

Any subdivision in which the front entrance of the furthest dwelling unit of the subdivision is located within a truck travel distance of 2,600 feet of an existing suitable water supply in current used by the Fire Department may request an alternative fire protection requirement which shall consist of installation of a sprinkler system for each dwelling unit, inspected and approved by the Fire Chief, which meets the requirements of NFPA 13 *Standard for the Installation of Sprinkler Systems*, NFPA 13D *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, or NFPA 13 *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*, respectively; and the assessment of a per dwelling unit water supply maintenance fee upon issuance of a building permit.

The design and plans for the installation of a sprinkler system shall be incorporated as part of the dwelling unit's printed construction plans. No construction of an alternative fire protection requirement shall begin prior to the approval of the Fire Chief and the Planning Board.

(Amended 10/16/08)