



PLANNING BOARD  
EAST KINGSTON, NEW HAMPSHIRE

2021-2022  
William Caswell, Chairman  
Tim Allen, Vice Chairman

**EAST KINGSTON PLANNING BOARD**  
**Minutes – January 20, 2022**

The Town of East Kingston Planning Board met on January 20, 2022 at 7:00 pm at the Pound School, 41 Depot Road, East Kingston, NH. The following members, staff and public were present.

Planning Board: Chair Bill Caswell, Vice Chair Tim Allen, Josh Bath, Ex-Officio Joe Cacciatore, Janet Smith and Doc Marston (via Zoom)

Staff: Julie LaBranche, Planning Consultant; Dennis Quintal, Town Engineer, Chair, Conservation Commission

Public: Consultant Barry Gier, Jones & Beach; Applicant Christopher Burke

Chair Caswell opened the Planning Board meeting at 7:00pm.

**PUBLIC HEARINGS**

**ZONING AMENDMENTS**

Chair Caswell opened the public hearing for review of the following proposed zoning amendments:

Article XIV – Septage/Sludge Disposal Facilities B. Permit Required

Article VIII – Uses Permitted F Accessory Dwelling Units (G) Septic Facilities and Water

Article XI – Conservation Subdivision Development

Chair Caswell opened the hearing to the public for comments and questions and being none closed the hearing to the public for deliberations at 7:04 PM.

***Vice-Chair Allen motioned to send amendment of Article XIV – Septage/Sludge Disposal Facilities B. Permit Required to Warrant Article. Mr. Bath seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

***Vice-Chair Allen motioned to send amendment of Article VIII Section F Uses Permitted, F Accessory Dwelling Units (g) Septic Facilities and Water to Warrant Article. Mr. Bath seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

***Vice-Chair Allen motioned to send amendment of Article XI Section 1 – Conservation Subdivision Development, lot sizing, to Warrant Article. Mr. Bath seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

**PAMELA EWALD SUBDIVISION APPLICATION**

The application of Pamela Ewald for a two-lot subdivision - 2 North Road, MBL 14-03-07 comprising 27.71 acres

Barry Geier of Jones & Beach presented the application on behalf of the applicant to subdivide the parcel located on the northeast corner of Routes 108 and 107, into two lots, one with the existing house, onsite well and septic and other improvements on 2.15 acres and the remaining lot of 25.56 acres with no improvements. 18.1 acres are upland with the smaller lot having 53,432 SF of upland where 32,610 ae required.

Mr. Geier indicated he received Dennis Quintal's comment letter and indicated he was comfortable with the conditions of approval proposed but noted with regard to Item #4 the State Driveway permit, that there are no plans to locate a dwelling yet on the 25+ acre remaining lands with is contiguous with other property owned by the applicant with frontage on Tilton Lane. Chair Caswell asked about access to the existing single-family home and Mr. Geier indicated there was a circular driveway and there with be no change to the existing site. Vice-Chair Allen indicated the 25+ acre lot may not be required to have a driveway at this time but rather at the time of issuance of a building permit or development approval. Mr. Geier identified several potential driveway access areas. Mr. Cacciatore noted the plan for the driveway is different from the plan with a road submitted last year. Mr. Geier confirmed he was correct that the plan change would show a driveway access only, not a road. Mr. Geier indicated with regard to comment #8 test pits and soil data that the earlier data could be provided as part of the current application.

Chair Caswell asked about escrows for items which may not be completed and Mr. Geier replied that the applicant will not be building anything on the remaining lands and monuments will be installed prior to final approval.

Vice-Chair Allen asked if the Board felt the application was complete and the Board could take jurisdiction. Mr. Quintal read out loud his comments from his January 11, 2022 comment letter.

***Mr. Bath motioned that the application was complete and the Planning Board will take jurisdiction of the completed application for a subdivision of Map/Lot 14-03-07 North Road. Vice-Chair Allen seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

Chair Caswell opened the hearing to comments and questions from the public.

Ms. LaBranche recommended adding "payment of all review fees before the mylar is signed" as a condition of approval.

Mr. Geier noted that the lot which is less than five acres will require state subdivision approval.

Chair Caswell closed the hearing to the public at 7:25 for deliberations.

***Vice-Chair Allen motioned to conditionally approve the subdivision application of Pamela Ewald for a two-lot subdivision located at 2 North Road, Map/Lot 14-03-07 as detailed in the application, pursuant to the conditions in the comment letter of Dennis Quintal dated 1/11/2022 and an additional condition:***

1. The Applicant is listed Pamela A. Ewald. Jones & Beach Engineers are authorized to act on her behalf. Section X.B5: The intent of this application is to subdivide 2.1 acres (including the house and garage) from the 27.7-acre lot identified as Tax Map 14 Lot 3-7. The applicant will contact the Town office to obtain the Tax Map Lot number for the proposed lot and add it to the plans.
2. Section X.B4: Corner bounds for the proposed lot will be set and a Bound Certification obtained prior to Town Final Approval.
3. The proposed 2.15-acre lot will require State Subdivision Approval prior to the Town Final Approval.

4. Section VII.F & XVI: The remaining land will have access to upland. A State DOT approved driveway access should be shown on the plan.
5. The continuous upland area and soil type will be noted on the plan.
6. Wetlands: A stamp by a Wetlands Soil Scientist shall be added to the plans. The wetland soils shall be identified as either poorly and very poorly drained soil.
7. Wetland setback dimensions shall be added to the plans.
8. Lot survey calculations for boundary have been checked and are acceptable. Test pit data and soil information on the remaining 25+ acres are not shown as provided on a previous application. Applicant will provide the test pit and soils data prior to approval.

and the additional condition:

9. Payment of all application and permit fees shall be made prior to the mylar being signed.

***Mr. Bath seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

Ms. LaBranche advised the applicant that the final review will be submitted to her and Mr. Quintal for final confirmation of the Conditions of Approval.

#### **BRAD AND NAOMI POOLE HOME OCCUPATION APPLICATION**

The application of Brad Poole & Naomi Poole for a Home Occupation Permit for a landscaping business and storage of vehicles and equipment located on a 12-acre parcel at 116 North Road, Tax Map/Lot 15-03-14

Chair Caswell indicated that an email was received from the applicant requesting to continue their hearing until the February 17, 2022 meeting at 7:00 PM.

#### **CHRISTOPHER BURKE HOME OCCUPATION APPLICATION**

The application of Christopher Burke for a Home Occupation Permit for a landscaping business located at 87 Depot Road, Map/Lot 4-01-06.

Chair Caswell disclosed that he is a neighbor of the applicant, however they have never met.

Mr. Burke presented his application for a home occupation for his landscaping business, Colonial Landscaping. He noted that there will be one work pick-up truck parked at home and others will be stored off-site in South Hampton but he would like to register those vehicles in Town because South Hampton will not register them. Mr. Burke also noted that there will be construction vehicles unrelated to the business visible on site from time to time during his personal construction project at the home this year. He noted he would do administrative work in an 8'x10' office with one other employee but the remaining employees do not report for work at the home. He indicated no plans for signage at this time. His business operates Monday to Friday from 7 AM to 4:30 PM and none of his clients come to the house.

Chair Caswell reviewed each individual item on the home occupation checklist and Mr. Burke answered each of the questions except for providing a photograph of the rear of the home, which he indicated he would provide prior to approval by the Board of Selectmen.

Chair Caswell opened the hearing to the public for comments and questions at 7:35 PM and being none closed the hearing to the public for deliberations.

***Mr. Bath motioned to approve the recommendation by the Planning Board to the Board of Selectmen of the application of Christopher Burke for a home occupation at 87 Depot Road. Chair Caswell seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.***

Ms. LaBranche advised that a letter would be provided to the Board of Selectmen who will then hear the application on their next agenda. Mr. Cacciatore indicated their next meeting is on Monday the 31<sup>st</sup>.

## **BOARD BUSINESS**

Approval of December 16, 2021 Minutes

Mr. Bath motioned to approve the December 16, 2021 Planning Board minutes. Vice-Chair Allen seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.

## **DISCUSSION ITEMS**

### **2021 Year End Review**

Chair Caswell reviewed the Planning Board highlights for the year: Tilton Lane Estates, the collaborative effort at the Light Industrial Park, home occupation permits, ordinances, lot line adjustments and merger and two subdivisions, new road and personnel changes. The Board looked closely at the definition of farming and agriculture. Approximately 30 hours were spent at monthly meetings and at least 300 hours by PB members, town staff and the planning board consultant spent outside of meetings. There were five applications in 2021 for Home Occupations and Business Park tenants, including telehealth, gardening, pottery, firearms, and paralegal. The Planning Board acted upon several land use applications this year, including two lot line adjustments, a lot merger, and a two-lot subdivision which created a new road. The Planning Board put forth three zoning amendments: Article XIV – Septage/Sludge Disposal Facilities B. Permit Required, Article VIII – Uses Permitted F Accessory Dwelling Units (G) Septic Facilities and Water, and Article XI – Conservation Subdivision Development.

The 2020 U.S. Census Data will be used to update our Town Growth Management Ordinance and provide residents with detailed statistics and forecasts of future growth. East Kingston had 3.6% growth in the last decade with its population growing to 2441 as of 2020. This is slower growth than the 37% growth since 2000 or 115% growth since 1980. The Planning Board also looks at NH, County, and the neighboring and SAU-16 Town's data for growth management planning. Future Growth in the area does not closely correlate to a Town's existing population size or density. The U.S. Census projected data via the Rockingham Planning Commission has East Kingston with a predicted population of 2854 by 2040.

### **Zoning Ordinance Article XIII Growth Management – continued review**

The Board discussed the number of building permits issued and the formula which did not include 55+ and over and ADUs because they are static and often provide their own services for trash and snow removal. Chair Caswell explained the rounding down calculation method and the Board will continue to utilize existing methodology and adopt new growth management data using the traditional method. RPC number may vary as they are calculated using census data. Mr. Cacciatore noted school enrollment is down for pre-k and kindergarten.

Vice-Chair Allen discussed salaries versus the housing balance and proposing incentives for children and families and the elderly. Mr. Cacciatore noted the existing relief to the elderly is very low. Mr. Caswell noted that in conversation with our Police Chief that at some point when the population increases over 3,000 there will be need for additional police services on the overnight shift. Mr. Smith added the idea of allowing for options and different approaches to have conservation and workforce housing solutions.

### **Fire Suppression**

The Board discussed the number of cisterns located throughout town, the costs associated with cistern maintenance and whether sprinkler systems [optional but can't be required] and fire ponds would alleviate the need for more cisterns. Mr. Cacciatore noted is the town has a maintenance fund for cisterns. Vice-Chair Allen noted that fire ponds can be problematic with animals and vegetation getting into them and be more costly to maintain than the cisterns are.

### **Conservation Commission – continued discussion of the 2021 Natural Resources Inventory (NRI)**

Ms. LaBranche indicated the Conservation Commission will be on the February 17<sup>th</sup> agenda to discuss the Natural Resources Inventory and the NRI document will be redistributed. She noted Conservation Open Space in the form of Conservation Subdivision has always been discretionary but could be required. The goal could be for example to conserve a number of acres. Vice-Chair Allen noted that he did not want to unfairly burden homeowners and recommended incentives. There was discussion about workforce housing. Mr. Quintal asked about utilizing the Conservation cluster model in some way to accommodate workforce housing. Ms. LaBranche noted Article 14 was adopted in 2009 and future revisions of the Article may include incentives to create workforce housing. Ms. LaBranche reminded that workforce housing is very different from low-income housing noting the income, credit rating and employment history are all relevant for qualification for workforce housing. Mr. Quintal recommended updating the calculations for East Kingston.

### **State Rules on Geothermal Systems**

Mr. Caswell asked about existing ordinances that control geothermal heating systems/wells in proximity to septic systems and regular drinking water wells. Mr. Allen noted that existing ordinances would apply and that no new ordinances would likely be needed, but that we could review this more closely. Mr. Quintal questioned how often geothermal systems have been installed in town and noted the state requirements for their design and installation. Board members discussed limiting factors such as lot size and other local conditions that might limit geothermal installations. The Board agreed to pursue further research into this alternative energy technology.

### **Other Topical Issues for Discussion**

Mr. Quintal presented information concerning Conservation Camp. The Conservation Commission usually sponsors 2-3 students to attend camp and has a good response.

### **Workforce Housing**

Our discussion turned back to workforce housing and another option was raised. Mr. Quintal raised the possibility of allowing more than one Accessory Dwelling Unit for a parcel while maintaining the rural character and use of detached structures which could be designed to look like a garage or barn with units inside. Ms. LaBranche offered that the Board may consider incentives for inclusion in the Conservation Subdivision Ordinance offering integration of a variety of housing styles, such as townhomes and single-family homes and variable lot sizes, and adoption of design guidelines for such uses.

### **Planning Board Rules of Procedure**

The Planning Board Rules of Procedure will be provided for discussion at the February 17, 2022 Planning Board meeting.

**ADJOURNMENT**

Dr. Marston motioned to adjourn the meeting. Vice-Chair Allen seconded the motion and the motion carried unanimously. The meeting was adjourned at 8:47 PM.

Submitted by:  
Julie LaBranche  
Planning Consultant

**Minutes Approved on February 17, 2022**