



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

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

EAST KINGSTON PLANNING BOARD
Meeting Minutes – March 17, 2022

The Town of East Kingston Planning Board met on March 17, 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: Chairman Bill Caswell, Vice-Chairman Tim Allen, Josh Bath, Ex-Officio Joe Cacciatore, Doctor Marston and Janet Smith (alternate)

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

Public: Peter Landry, Landry Surveying LLC; Daniel Bodwell, applicant

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

PUBLIC HEARINGS

Daniel Bodwell and Joyce Bodwell Lot Line Adjustment Application

Chairman Caswell opened the public hearing and read the public notice into the record.

A Lot Line Adjustment Application is submitted by Daniel Bodwell and Joyce Bodwell to transfer 0.746 acres from Tax Map 15 Lot 1-10 located at 7 Sanborn Road owned by Daniel Bodwell to Tax Map 15 Lot 1-8 located at 79 North Road owned by Joyce M. Bodwell and transfer 3.094 acres from Tax Map 15 Lot 1-8 owned by Joyce Bodwell to Tax Map 15 Lot 1-10 owned by Daniel Bodwell. The acreage of Tax Map 15 Lot 1-10 will increase from 68.444 acres to 70.792 acres. The acreage of Tax Map 15 Lot 1-8 will decrease from 14.359 acres to 12.011 acres.

The Bodwell's representative Peter Landry presented the application. He noted the application included a waiver request to modify the new lot boundary markers with rebar rather than granite bounds in order to retain functional use of the fields in active use on Lot 1-10. Rebar can later be located with a metal detector. There was discussion on who double-checks monumentation. An inquiry will be made to the Building Inspector about inspecting the monuments installed for the lot line adjustment.

Vice Chairman Allen noted that no new lots were being created and that both parcels retain the required frontage and access. Chairman Caswell noted that the existing lot boundary markers will remain. Peter Landry noted the existing bounds help define the gas pipeline easement across the property.

Josh Bath motioned to accept jurisdiction of the application as presented. Seconded by Chairman Caswell. The motion was unanimously approved.

Josh Bath read into the record the waiver criteria from the Subdivision Regulations Section XIV. A.1-4. Consultant LaBranche noted that the waiver request was submitted in writing citing this section of the Subdivision Regulations. Josh Bath noted that all waiver criteria have been met and the purpose and intent of the waiver was to retain use of active agriculture on the property.

Josh Bath motioned to approve the waiver request. Motion seconded by Vice Chairman Allen. The motion was unanimously approved.

Chairman Caswell opened the meeting to public comment. No comments were offered at this time.

Town Engineer Dennis Quintal, having reviewed the application and plan, offered his comments:

- Questioned whether the iron pipes on the property were captured in the boundary measurements
- Noted that the lot boundary between Tax Map 9 Lot 7-10 and Tax Map 15 Lot 1-10 needed to be adjusted based on current surveys Quintal has prepared for his property and the location of stone walls marking the boundary and any concrete bounds that remain on the site.
- Plan revisions should be made a condition of approval of the Lot Line Adjustment.

Peter Landry made reference to the notes as noted on the plan including previous subdivisions and surveys that were conducted for this property. Landry also noted current monitoring wells located on the property labeled as Parcel A on the Lot Line Adjustment Plan (Tax Map 15 Lot 1-10).

Abutter Dennis Sharp, 30 Sanborn Road, asked the purpose of the Lot Line Adjustment. Peter Landry replied that the land adjustment was to consolidate outbuildings and locate groundwater monitoring wells on Parcel A which would become part of Tax Map 15 Lot 1-10. Mr. Sharp asked what the new area of Lot 1-10 would be. Peter Landry replied the new area of Lot 1-10 would be 70.792 acres.

With no additional questions or public comment offered, Chairman Caswell closed the public hearing for deliberations by the Planning Board. Vice Chairman Allen summarized the transfers of land from Lot 1-8 and Lot 1-10. There was discussion among the Planning Board and the Town Engineer about whether the Building Inspector will conduct a site visit to verify the monumentation. The Planning Board discussed making verification of the lot boundary monuments a condition of approval. Vice Chairman Allen noted Subdivision Regulations Section X. B.4 noting the requirement for setting bounds.

Josh Bath read the public notice then made a motion to approve the Bodwell Lot Line Adjustment for Tax Map 15 Lot 1-8 and Tax Map 15 Lot 1-10 subject to the following conditions being fully met:

1. Correct the lot boundary including location of the stone wall between Tax Map 9 Lot 7-10 and Tax Map 15 Lot 1-10 and review of the final plan revisions by the Town Engineer.
2. Waiver of modification from granite bounds to rebar for marking of the lot boundaries in the active agricultural area is approved and the waiver approval should be noted on the plan
3. Certificate of Monumentation and installation of the lot boundary markers to be verified by the Building Inspector.
4. All recording fees and town fees shall be fully paid prior to signature of the final plan and mylar.

Josh Bath motioned to approve the Lot Line Adjustment by Daniel and Joyce Bodwell. Vice Chairman Allen seconded the motion. The motion was unanimously approved.

BOARD BUSINESS

February 17, 2022 Minutes

Approval of the February 17, 2022 Planning Board minutes. Vice Chairman Allen noted that the minute should reflect appointment of Alternate Janet Smith to a full voting member for the duration of the meeting. Consultant LaBranche noted minor changes for the Home Occupation application submitted by Brett Smith including no

storage of vehicles on the property as limited in the Residential/Agricultural District. **Josh Bath motioned to approve the February 17, 2022 minutes as revised. Motion seconded by Tim Allen. The motion was unanimously approved.**

Planning Board Membership

Josh Bath noted that the Planning Board Rules of Procedure require that the Ex-Officio member can only be filled by an appointed and elected Select Board member. The current Planning Board is approved as a 5-member Board.

Zoning Article XIII Growth Management Ordinance

Chairman Caswell presented the 2021-2022 ordinance revisions including the “rounding method” for annual building permit limits and noted that in calculating building permits 55+ housing units are not included.

Consultant LaBranche provided an overview of 2021-2022 revisions to the Growth Management Ordinance: Section B updated and content added by Chairman Caswell; Section C updated and content added by Chairman Caswell; Section B Table 3 update of existing housing stock; Section C.6 update of Table 4 of school enrollment statistics; Section C.10 update of Table 5 Residential dwelling unit building permit history; reaffirmed methodology and formula for calculating number of annual building permits and the “rounding down” methodology. Chairman Caswell reported clarifying with Building Inspector Kaiser that a duplex is in fact given one building permit, although in some special cases two different occupancy permits could be needed.

Chairman Caswell motioned to approve the Growth Management Ordinance as revised. Motion seconded by Josh Bath. The motion was unanimously approved.

DISCUSSION ITEMS

Update on Planning Office Administrative position and assignment of the new Selectmen Ex-Officio member to the Planning Board.

Caswell reported that the Planning Office Administrative position has not been filled at this time. Caswell and Cacciatore reported that Selectmen Rob Caron has been appointed as the new Selectmen Ex-Officio member to the Planning Board.

General Discussion of Weight Restrictions on Vehicles in the Residential Agricultural District and as required by the Zoning Ordinance Article XVI Home Occupations

Consultant LaBranche provided an overview of the vehicle weight restriction of 14,000 GVW for vehicles being utilized for an onsite or offsite commercial business adopted as part of the Residential/Agricultural District in 2021. Resident Daniel Bodwell, 79 North Road, voiced concern about the vehicle weight restrictions in a small town like East Kingston that would change the town’s “historical way of life”. Vice Chairman Allen noted that the purpose of adopting such weight restrictions is to prevent establishment of commercial businesses in the Residential/Agricultural zone also noting that in 1989 the town “grandfathered” existing commercial districts in this zone to allow them to continue but not expand. Caswell asked about clarification of the weight of the vehicle itself versus its Gross Vehicle Weight Rating. The Residential/Agricultural District limits vehicle weights based on the Gross Vehicle Weight Rating. Dennis Quintal also added that the requirement was to prevent noise and disturbance to neighbors by commercial activity. Daniel Bodwell responded that the town has registered commercial vehicles for home businesses for many years and now in 2022 have refused to register these vehicles. He believes registration of such commercial vehicles should be a state function, not the town’s. Josh Bath noted that zoning ordinance amendments are approved by residents at town meeting and the Planning Board is charged with enforcing these ordinances. Dennis Quintal noted that a property owner can apply for a use variance or special exception to gain relief from the weight requirements and citizens are free to submit

petition warrant articles each year to modify zoning ordinance requirements. Caswell noted considerations of vehicle weight, visibility, and frequency of use may apply. Daniel Bodwell noted that citizens don't participate maybe as much as they should. Some more open-ended discussion involved opinions of proliferation of rules and regulations.

Resident Daniel Bodwell, 79 North Road, offered comments about commercial types of activity that have existed for decades and why they should be restricted as of 2022. Vice Chairman Allen explained how and why the Planning Board decided to restrict such commercial activities in the Residential/Agricultural District to ensure that commercial activities would not obstruct the character and permissible uses in the Residential/Agricultural District. Dennis Quintal offered to Mr. Bodwell that a petition warrant article could be filed to change the vehicle weight restriction in the Residential/Agricultural District.

Update on Planning Office Secretary Candidate(s)

Chairman Caswell reported that a Planning Office Secretary candidate is being reviewed by the Board of Selectmen but that no decision has been made yet.

Reminder of Planning Board elections scheduled for the April 21, 2022 meeting

Chairman Caswell reminded Board members of elections to be held at the April 21, 2022 meeting. Josh Bath read the Planning Board membership clause in the Planning Board Rules of Procedure. Vice Chairman Allen noted that the Planning Board currently consists of 5 voting members and that the town could appoint 6 voting members to the Planning Board through the town meeting voting process.

Current Zoning Districts/Zones

Chairman Caswell noted previous discussions about the current zoning districts/zones, comparing them with adjacent towns in the region which have a greater diversity of districts/zones but noting that there is not urgency to change the zoning districts/zones in East Kingston at this time. This retention of current zoning is a fundamental aspect of future planning / master planning as we go forward. He also mentioned the need to address workforce housing in the future as more information becomes available and no need to adjust current zoning for workforce housing

Update for Light Industrial Park current tenants list

Chairman Caswell provided an update on the current tenants at the 213 North Road Light Industrial Park (LIP) provided in March 2022 by owner Paul Masone. Caswell and Masone reported temporary storage of a number of vintage automobiles on the site (vehicles owned by a friend). Caswell reported that a new tenant has filed with the state for a license to become an automobile inspection station at the LIP; this form is now being reviewed by Caswell. Caswell noted that a form from the state for licensing has been submitted for signature by the Planning Board. Consultant LaBranche clarified that the tenant business should be notified of the requirement to submit a Change in Tenant form to the Planning Board. Vice Chairman Allen suggested sending the Change in Tenant Application to property owner Paul Masone so that new businesses can be processed as required. Caswell and Dennis Quintal reported that Masone would like to remove two buildings from his property and reconstruct them. Dennis Quintal noted that Masone has plans to remove and rebuild several buildings on the site; Quintal noted that the Planning Board will need to determine compliance status of the property.

Caswell suggested a site compliance visit would be a logical next step. Vice Chairman Allen suggested review of the last compliance letter from September 2021 before such a site visit occurs. Caswell noted the site inventory provided by property owner Paul Masone in October 2021. Alternate Janet Smith asked who in the town is ultimately responsible for enforcement on the Masone property to which Allen replied it is the responsibility of the town's Code Enforcement Officer. Josh Bath noted that the Selectmen have not been engaged in enforcement issues at the Masone property. Caswell noted that Masone has demonstrated that work has been done to clean up the LIP property but a site visit and new inventory is needed at this time. Vice Chairman Allen

and Janet Smith noted that the current compliance letter (dated September 24, 2021) stated that no new tenants or construction would be allowed until site compliance is determined by the Planning Board. Allen and Bath noted that the Selectmen are the ultimate enforcement agent for the town but the Planning Board needs to establish current conditions and compliance with the approved site plan. Caswell requested that the previous compliance letters be provided to the Planning Board and submit a request to Mr. Masone to provide an updated site inventory. A compliance site visit by the Planning Board to the Masone property was scheduled for Saturday April 9, 2022 at 8:00am.

Review of Grandfathered Nonconforming Use List

Chairman Caswell read entries in the current list of Grandfathered Nonconforming Use properties compiled by the Planning Board and town staff. Board members noted a few updates of businesses that may have been discontinued. Caswell noted that a yearly update would be good practice and Allen noted that this list should be cross checked yearly with the Home Occupation permit list maintained by the town.

OTHER ITEMS

List Of Current/Active Agricultural Operations and Farms:

Chairman Caswell asked Doctor Marston to present a list he compiled of current/active agricultural operations and farms in town. Doctor Marston read the list aloud. Caswell noted that the list is supported by goals of the Master Plan. The list, compiled by Dr. Marston, was comprehensive. It well supported our agricultural Town character as part of planning / preservation efforts.

Future Planning and Growth:

Chairman Caswell distributed two handouts to the Planning Board – Future Planning Current “Snapshot” and a graph of projected future growth by number of dwelling units in the town. He noted that land conservation may be an important tool for containing future growth. Caswell presented baseline data and rationale for characterizing the Town as having approximately 75 neighborhoods was discussed. He concluded that the town has a balance of residences on small, medium, large streets in Town was presented. Consultant LaBranche asked where the data was collected from. Caswell replied the data was derived from his own research looking at maps. Further discussion relevant to Master Plan and Natural Resource Inventory considerations continued as there are fewer and fewer building lots on existing streets, growth would naturally tend to be in new developments some of which could be ‘cluster style’ developments. Allen inquired to Caswell what the intent was to use or apply this data. Caswell replied that this data is a “snapshot or baseline” for future planning purposes for projecting growth and general planning purposes. LaBranche queried that new growth potential depends on parcel size to project new development. Allen noted that growth and development will depend upon the willingness of landowners to sell their property or conserve it and one way to limit growth is through encouraging land conservation. Quintal offered that outreach and education to property owners is critical to land conservation as well as the town designating funds for land and easement conservation. LaBranche, Allen and Quintal offered that growth can not be dictated, often dependent on parcel size and development potential, which is why encouraging a culture of conservation, and prioritizing funding for it, is key to preserving the rural character of the town. Quintal offered that the current level of funding available can only preserve a single parcel, however options exist to increase funding for land conservation through bonding and LaBranche added other land-based tools can help defer these costs (e.g., carving out small development lots from a larger parcel of land).

Request to Consider Adoption of the Conservation Commission’s 2021 Natural Resources Inventory (NRI):

Conservation Commission Chair Dennis Quintal requested that the Planning Board schedule a public hearing at their April 21, 2022 meeting to consider adoption of the Conservation Commission’s 2021 Natural Resources Inventory. Caswell voiced general support but recommended that the Planning Board should review the NRI recommendations one by one to determine whether to approve them or not. Mr. Quintal replied that they were not in priority order and would be happy to discuss further and Caswell noted that is the rationale for holding a public hearing for further discussion. He recommended further review of the document. Vice Chairman Allen

and Dennis Quintal asked for clarification from Caswell who replied that his statements were his opinion on the matter. Consultant LaBranche offered that the NRI could be appended to the current Master Plan as “technical reference document” to inform future decisions and efforts. Allen added that the Master Plan is not a regulatory document requiring enforcement but rather a guide for the future and offer recommendations from the Conservation Commission, and that the Planning Board is not required to enact any of the NRI recommendations. Allen also stated that a priority action by the Conservation Commission and the town would be to provide information to the public and landowners about conversation options and to identify priorities by residents for investment into land conservation. Quintal noted that this action is a priority for the Conservation Commission who are actively working on this and noted that several current bonds are close to being paid off and continuation of such bonds would be very helpful to their efforts. LaBranche also noted options for creating a limited number of house lots and conserving the majority of a parcel; these lots could be sold or transferred to family members. Quintal requested that the Planning Board hold a public hearing in April 2022 for adoption of the NRI as part of the Master Plan. Caswell would like to see the NRI recommendations prioritized. Allen noted that the full Planning Board should vote on how to proceed with the NRI. Quintal reinforced that the NRI recommendations are only suggestions not requirements to be implemented. Allen and LaBranche reinforced that the NRI recommendations and the report’s data are not enforceable from a regulatory perspective; the information simply serves as a technical guidance document to the town and Planning Board. Quintal noted that the recommendations are not prioritized. Caswell reinforced his opinion that the NRI recommendations should be prioritized and the Planning Board should review each recommendation before the 42-page NRI is adopted “carte blanche” as part of the Master Plan.

Vice Chairman Allen motioned to schedule a public hearing to consider adoption of the Conservation Commission’s 2021 Natural Resources Inventory as part of the Master Plan in some form to be determined by the Planning Board. Motion was seconded by Chairman Caswell.

Vice Chairman Allen inquired whether he would need to recuse himself from a subdivision application that went before the ZBA over a year ago. The general comments noted were that Allen should disclose his participation in the ZBA proceedings to the Planning Board and the applicant and make his own decision as to whether to participate in the Planning Board hearing.

ADJOURNMENT

Dr. Marston motioned to adjourn the meeting. Josh Bath seconded the motion and the motion carried unanimously. The meeting was adjourned at 9:25 PM.

Submitted by:

Julie LaBranche, Planning Consultant

March 17, 2022 Minutes Approved on April 21, 2022