

TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

DECEMBER 15, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

Josh Bath, Chair
Tim Allen, Vice Chair
7:00PM

AGENDA

- Proposed Zoning Ordinance Amendments for Placement on the 2023 March Warrant – Public Hearing
- Growth Management Ordinance – Annual Review

Board Members present: Josh Bath – Chair, Rob Caron – Ex-Officio, and Janet Smith. Absent: Tim Allen – Vice Chair and Dr. Robert Marston.

Others Present: Julie LaBranche – Planning Consultant

Chairman Bath opened the December 15, 2022 Planning Board meeting at 7:00pm followed by the roll call.

PROPOSED ZONING ORDINANCE AMENDMENTS FOR PLACEMENT ON THE 2023 MARCH WARRANT – PUBLIC HEARING

Chairman Bath opened the public hearing on the 2023 Zoning Amendments at 7:01pm. He then presented the proposed zoning amendments associated with Article XVI – Home Occupation.

Paragraph D. Exceptions:

*2) Administrative support for businesses or services that are conducted on or off-site of the residential premises are exempt from the ~~formal application and approval~~ **public hearing of the application** process but must complete ~~an invisible~~ **a** Home Occupation application for the purposes of municipal record keeping, pay the annual Invisible Home Occupation Permit Fee, and meet with the Planning Board to present the application and receive a favorable recommendation from the Planning Board. (Amended 3/97) (Amended 3/18)*

INTENT: To clarify that invisible home occupation proposals are not required to undergo the full public hearing process. This means no public hearing notice, no abutter notification; just completing an application and presenting the proposal to the Planning Board who will then make a determination that the business is truly invisible (no evidence of the business at the premises by customers, signage, business equipment, or deliveries). Once determined, the applicant will only need to pay the annual invisible home occupation permit fee. Should the home occupation not be deemed invisible, the applicant will be directed to undergo the full public hearing process.

AND

Paragraph J. Procedure:

*Application shall be made to the Selectmen's office, including public hearing fees paid in accordance with the Town of East Kingston Subdivision Regulations. Abutters will be notified **by certified, return-receipt mail, the public will be notified by public hearing notice posted on the town's website or newspaper of general circulation and posted in two other locations**, and the applicant will be scheduled for a public hearing with the Planning Board. After the public hearing, the Planning Board will make a recommendation to the Selectmen as to whether the Home Occupation Permit should be granted. The application will then be forwarded to the Selectmen who will issue their final decision. (Adopted 3/96)*

INTENT: To change the language for public hearing notification to mirror that of the newly adopted subdivision and site plan review regulations so that public notification for public hearings would be done by posting to the town's website or in the newspaper should the board determine this was needed, and that abutters would be notified by certified, return receipt mail.

He then opened the hearing to public comment. There was none.

MOTION: Mrs. Smith motioned move the proposed amendments to the Home Occupation Ordinance, Article XVI Paragraph D Exceptions and Paragraph J Procedure to the March 2023 Warrant as presented; seconded by Mr. Caron. With no further discussion the motion passed 3-0-0.

Chairman Bath then opened the hearing to proposed zoning amendments associated with Article VIII – Uses Permitted, Section F Accessory Dwelling Unit, Paragraph G

*g. Septic facilities and water. An accessory dwelling unit shall conform to all applicable water and sanitary standards for residential structures. Prior to Special Exception approval by the Zoning Board of Adjustment for an Accessory Dwelling Unit, the owner shall provide evidence as part of the Special Exception application that septic facilities are adequate to serve both the principal dwelling and the accessory dwelling unit. **The principal dwelling and accessory dwelling may be served by either a combined septic system or separate septic systems.** ~~This initial~~ Evidence **of septic system adequacy** shall be in the form of:*

- **compliance with requirements in either section i or ii below; and**
- **septic system inspection required in section iii for all instances when a new septic system is not installed.**

Below shall be required:

- i. A replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate **either a combined system or separate systems to serve** both the primary dwelling and ~~the~~ accessory dwelling. The Zoning Board of Adjustment Special Exception approval shall be conditional upon approval of the septic replacement plan by the NH Department of Environmental Services.
- ii. Alternatively, if the existing septic system ~~is~~ **has been** state approved and **proven to be** adequately sized to accommodate both the primary dwelling and accessory dwellings and conforms to state and local requirements, an applicant may choose to submit a copy of the existing **state approved** septic system plan. **The applicant shall also provide** ~~and~~ an inspection report by a state licensed Septic System Designer ~~detailing~~ **documenting a site inspection and** the **current** condition **and function** of the existing system.
- iii. **If installation of a replacement septic system is not proposed as part of the application, a site inspection of the existing septic system shall be performed by a state licensed Septic System Designer. If upon site inspection the existing septic system is found to be not fully functional or inadequate to serve both the principal dwelling and accessory dwelling, the property owner shall install a replacement septic system according to an approved replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate either a combined system or separate systems to serve the primary dwelling and accessory dwelling.**

If utilizing methodology i. above, prior to the issuance of a building permit for and a dwelling renovation and/or accessory dwelling unit construction, the owner shall provide the East Kingston Building Inspector a copy of the NH Department of Environmental Services Construction Approval (CA) for the septic design presented with the Zoning Board of Adjustment notice of decision approving the accessory dwelling unit.

~~Prior to a dwelling renovation or accessory dwelling unit construction, the owner shall provide evidence to the East Kingston Building Inspector that septic facilities (whether separate or combined) are adequate to serve both the principal dwelling unit and the accessory dwelling unit, and obtain the necessary Town and State permits.~~

~~Such evidence shall be in the form of a replacement septic system plan prepared by a State of New Hampshire licensed septic system designer and approved by the State and the Town. The property owner shall have an existing septic system inspected by a licensed septic system inspector and provide a report of the inspection results. If the existing septic system is found to be not fully functional, the property owner shall install a replacement septic system according to the~~

~~approved plan. The property owner shall provide evidence that there is adequate potable water (whether separate or combined) to serve both the principal dwelling and the accessory dwelling unit, according to State standards.~~

INTENT: To clarify the need that the septic design must accommodate both the existing dwelling and the newly proposed accessory dwelling unit. In doing so, language was restructured without changing the meaning and new language inserted to provide clarification to allow for either a combined or separate septic system. Additionally, language was inserted to clarify the evidence needed for obtaining a building permit from the Building Inspector.

He then opened the hearing to public comment. There was none.

MOTION: Chairman Bath motioned to move the proposed zoning amendments to Article VIII, Section F Accessory Dwelling Units to the 2023 March Warrant as presented; seconded by Mrs. Smith. With no further discussion the motion passed 3-0-0.

Chairman Bath closed the public hearing on the zoning amendments at 7:05pm.

GROWTH MANAGEMENT ORDINANCE

Planning Consultant LaBranche spoke to the required annual review of the Growth Management Ordinance which entails verifying and re-adopting the ordinance, if the review so warrants. She then presented updates to three tables within the ordinance – Table 3: Total Dwelling Units, Table 4: Student Enrollment for East Kingston, and Table 5: Residential Dwelling Unit Building Permit History.

Total Dwelling Units – updated by adding three dwellings (accessory dwelling units) for 2022. Addresses to be added to the table.

Student Enrollment, which is published by SAU16, through December 2022 reflecting a decline from last year to the current year (309/288).

Number of New Dwelling Units – updated to include three accessory dwelling unit permits issued in 2022.

She noted if the town were to be awarded the housing grant (phase 3), the Growth Management Ordinance should be considered for a more comprehensive review and update.

MOTION: Chairman Bath motioned to re-adopt the Growth Management Ordinance for another year based on the data presented with the condition Table 3 be updated to include the roads associated with the three accessory dwelling unit permits; seconded by Mrs. Smith. With no further discussion the motion passed 3-0-0.

Once the document is updated, it shall replace the current Growth Control Ordinance.

MEETING MINUTES

The board reviewed the November 17, 2022 meeting minutes.

MOTION: Chairman Bath motioned to approve the November 17, 2022 meeting minutes as presented; seconded by Mr. Caron. The motion passed 3-0-0.

REVIEW OF DRAFT HOUSING OPPORTUNITY GRANT APPLICATION

Chairman Bath commended Planner LaBranche on the grant application with respect to the work to be completed – well written and concise. Planner LaBranche stated, if approved, the work would rely heavily on community involvement. She then went on to say the proposal follows the application instructions and noted the proposal costs as outlined in the application are her best guess on what specific items will cost. She spoke to the timeline for receiving the needs assessment data which could be anywhere from January to March depending on who she spoke with; however, the submission deadline for the grant application is January 26, which will be before they get to see the data needed. All the other towns are in the same position.

She reviewed Phases I and II as it relates to the scope of work and budget. These phases would include ascertaining public opinion and analyzing the needs assessment reports and data.

Discussion ensued on the challenges associated with soliciting community involvement. Planner LaBranche will serve as the lead consultant and will oversee the processes of the grant project. Additionally, UNH offers assistance through its Housing Academy. Planner LaBranche recommended holding a special meeting in January to finalize the grant application. She stated it is anticipated grants will be awarded in March 2023. She then asked board members to review the grant application and make edits and/or suggestions to her directly by the end of December. She will email board members with further instruction on what is needed from them with respect to review and comment (budget, totals, scope of work, narrative, steering committee).

Discussion then ensued on steering committee meeting requirements as they relate to RSA 91-A. More information will be forthcoming on this matter to ensure the board, and any of its subcommittees, are in compliance with this open meeting law.

Planner LaBranche indicated she spoke with the Town Administrator regarding the financial reporting that would be required if the housing grant is awarded – the Town Administrator is not available to offer these services to the board. LaBranche noted her own strengths are not in the area of financial spreadsheets and that she would need someone to perform this task, stating the grant does allow up to 7.5% of the budget be delegated to administrative services.

Next steps in this process are for board members to review the draft grant application and provide feedback to Planner LaBranche.

ROCKINGHAM PLANNING COMMISSION ANNUAL DUES

Chairman Bath presented a letter from the Rockingham Planning Commission outlining the annual dues for the board's membership to the commission. The rate is based on the 2021 Office of Strategic Initiatives population estimate for the town which is 2,471 at a per capita of \$1.00, thus the dues for 2023 is \$2,471. It was noted the dues amount has not changed since 2021.

MOTION: Chairman Bath motioned to approve payment of the annual dues in the amount of \$2,471 for membership in the Rockingham Planning Commission for 2023; seconded by Mrs. Smith. The motioned passed 3-0-0.

Also noted was that the Rockingham Planning Commission has offered to provide an advisory memo that outlines the status of the town's master plan, recommends priorities (based on state law, the current master plan status, and available funding sources for updates) and provide a narrative about the purpose of the master plan. This would be service already covered by the board's dues. This offer was extended as part of back and forth communications between the Rockingham Planning Commission and the land board secretary who was trying to ascertain electronic versions of master plan chapters. The Rockingham Planning Commission scrubbed their files and sent what they found; however, not all chapters were located, nor was it clear which versions sent were the final versions as adopted by the town.

By general consent, the board approved the offer from the Rockingham Planning Commission to provide the advisory memo and narrative.

With no other business before the board,

MOTION: Mr. Caron motioned to adjourn the meeting; seconded by Mrs. Smith. The motion passed 3-0-0.

The meeting adjourned at 7:54pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on January 19, 2023.