

# TOWN OF EAST KINGSTON PLANNING BOARD

## MEETING MINUTES

JANUARY 19, 2023

Pound School  
41 Depot Road  
East Kingston, New Hampshire

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

### AGENDA

Cammett/Goodrich/HFL Trust Lot Line Adjustment – Public hearing  
Conceptual Consultation regarding Bark Mulch Manufacturing at 9 Bowley Road  
Presentation of Conservation Commission Open Space Warrant Article

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

Others Present: Julie LaBranche – Planning Consultant, Dennis Quintal – Town Engineer and Conservation Commission Chair, Adam Barss – Conservation Commission member, Peter Landry – Licensed Land Surveyor, Tamara Cammett, Paul Goodrich, Carin Lajoie, Valerie Sutton, Brown, and other members of the public who did not participate in public comment.

Chairman Bath opened the January 19, 2023 Planning Board meeting at 7:00pm with a moment of silence in recognition of long-standing board member, Dr. Robert “Doc” Marston, who passed away earlier in the week. He spoke to Doc’s valued service to the Planning Board since 1975, calling him the institutional memory of the board with respect to board decisions made decades ago. He spoke to his roles as veterinarian, farmer, husband, father, and grandfather, and expressed his thanks that the Pound School meeting hall had been dedicated to Doc while he was still with the board and could be personally recognized for his service to the town.

Chairman Bath then called for the roll call.

### CAMMETT/GOODRICH/HFL TRUST LOT LINE ADJUSTMENT – PUBLIC HEARING

Chairman Bath opened the public hearing at 7:03pm for applicants Tamara Cammett, Paul Goodrich, and HFL Trust (Henry F. Lewandowski, Jr.) to convey 1.63 acres from MBL# 9-1-7, located at 76 Haverhill Road, to MBL# 9-1-1, located at 70 Haverhill Road, by way of a lot line adjustment. This proposal would result in increasing MBL# 9-1-1 from 2.71 acres to 4.34 acres and decreasing MBL# 9-1-7 from 4.10 acres to 2.47 acres. He then yielded the floor to Licensed Land Surveyor Peter Landry who was representing the applicants.

Mr. Landry confirmed the description of the proposal as announced by the Chair and stated the lot line adjustment checklist was used to complete the necessary requirements for the proposal. He stated the granite bound has already been set and the monumentation form submitted. He noted the plans depict all the buildings on both properties, and that the lots contain some poorly drained and swampy areas, but none that interfere with meeting the provisions of the lot line adjustment, as these wet areas are located far behind the homes and leach fields, with much of the wetland located on MBL# 09-01-01.

Chairman Bath asked Town Engineer Dennis Quintal to report on his finding with respect to the review of the plan. Mr. Quintal shared his comments on corrections to be made to the HFL Trust owner of record MBL# (should be MBL# 09-01-07), to an incorrect Plan Reference note (listed as #1 but should be #2), and that the bound certification needed to be submitted along with the final mylar for recording. After further review he added that the date depicted in the surveyor statement be changed to 2022, as noted was in error by Mr. Landry.

Discussion then ensued on Note #4 – Use of the driveway by existing/future owners of Tax Map 9, Lot 1-7 through Tax Map 9 Lot 1-1 to be abandoned/discontinued and blocked, if necessary. It was determined the intent of the notation was to discontinue the use of the portion of the driveway that crosses along the frontage of 70 Haverhill Road, noting its removal would not interfere with the existing driveway already in use by 76 Haverhill Road. The crossover portion

was kept as a convenience to the Lewandowski's as both parcels were once owned by the Lewandowski family. Upon the sale of 76 Haverhill Road, the owners of 70 Haverhill Road no longer wish to extend the courtesy of that additional access. The encroachment did not appear to be on any of the deeds. It was further determined the property owners would need to address this matter privately as it was not a matter for the board.

Chairman Bath opened the hearing to board questions. Planner LaBranche questioned the wetlands on the property suggesting the board may require they be delineated or waive that requirement. Mr. Landry noted the wetlands are not involved with the current use of the property as all building lot requirements can be met and they are not creating a new lot.

Vice Chair Allen agreed that a wetlands delineation is not required as the proposal does not create subdividable lots. Chairman Bath indicated wetland delineation is not applicable to the proposal, thus a waiver is not required.

Discussion ensued on accommodations for the potential failure of existing septic systems. Mr. Quintal confirmed both parcels contained enough uplands for well and septic replacements.

Chairman Bath opened the hearing to comments and questions from the public; there were none.

Planner LaBranche inquired about the proximity of the gas lines to the property. It was noted the gas line is located on the back of properties located across the street from this proposal.

#### FINDING OF FACT

Chairman Bath then proceeded to go through the lot line adjustment checklist as follows:

<u>X</u>	Copy of deeds of parcels involved in lot line adjustment		
<u>X</u>	Letter of authorization with signatures of all owners of record for all parcels involved		
<u>X</u>	Five (5) full-sized copies and ten (10) 11 x 17" copies of the plan showing the following, where applicable:		
<u>X</u>	List of abutters and addresses	<u>NA</u>	State Subdivision Approval (if under 5 acres)
<u>To be corrected</u>	Current Owners' names and addresses	<u>X</u>	Area of proposed lots (acres & sq. ft.)
<u>X</u>	Surveyor name, address, signed stamp, and error of closure certification	<u>X</u>	Location of existing & proposed easements or rights-of-way: utility; slope and/or drainage
<u>NA</u>	Option holder's name and address	<u>X</u>	Location of existing buildings
<u>X</u>	North arrow	<u>X</u>	Location of existing & proposed sewer & water lines and utilities
<u>X</u>	Scale (not more than 100' to the inch)	<u>X</u>	Name, width, class & location of existing & proposed streets
<u>X</u>	Date	<u>NA</u>	Location of water courses, standing water and fire ponds
<u>X</u>	Location (Locus) map	<u>X</u>	Location of ledges, stone walls & other natural features
<u>X</u>	Tax map and parcel number	<u>X</u>	Other essential features
<u>X</u>	Location and dimension of property lines including entire undivided lot. Each lot must be numbered according to the tax map numbering system.	<u>NA</u>	Abutting subdivision names, streets, easements, building lines, parks & public places & similar facts regarding abutting properties
<u>X</u>	Old and new lot lines	<u>NA</u>	Edges of wetlands and brooks
<u>X</u>	Approval block for Planning Board endorsement	<u>NA</u>	Common and dedicated land

X	Monumentation	X	Title block
NA	Copies of all applicable permits and applications for permits	NA	Building setback from property lines and from poorly and very poorly drained soils where appropriate
X	Certification by the Surveyor	X	Access locations to existing Town & State highways

He noted the application submission requirements were met, as were lot size, frontage, and septic and well replacement accommodations.

**MOTION: Chairman Bath motioned to approve the lot line adjustment plan for Tamara Cammett, Paul Goodrich, and HFL Trust (Henry F. Lewandowski, Jr.) which would convey 1.63 acres from MBL# 9-1-7, located at 76 Haverhill Road, to MBL# 9-1-1, located at 70 Haverhill Road, by way of a lot line adjustment and would result in increasing MLB# 9-1-1 from 2.71 acres to 4.34 acres and decreasing MLB# 9-1-7 from 4.10 acres to 2.47 acres with the following conditions: 1. Corrections be made to the plan with respect to owners of record (MBL number and address for HFL Trust); 2. Correction be made to Note #2 by changing the reference to Plan Reference #2 (not #1); 3. Clarify Note #4 by stating the crossover portion of the driveway that passes through MBL# 09-01-01 is to be discontinued; 4. Correction to the date depicted in the Surveyor certification statement (November 2021 should read November 2022); seconded by Mr. Caron.**

Discussion ensued on the crossover portion of the driveway and the motion was slightly modified to reflect the type of notation to be made on the matter. Chairman Bath confirmed his support of the motion as slightly amended, as did Mr. Caron concerning his second on the motion.

**VOTE: The motion passed 4-0-0.**

Chairman Bath closed the public hearing at 7:42pm.

#### **CONCEPTUAL CONSULTATION**

Chairman Bath opened discussion with Valerie Sutton and New England Outdoor Materials owner Jeff Brown regarding a site plan review proposal to operate a bark mulch manufacturing and distribution business at 9 Bowley Road located in the light industrial park. He noted this conceptual consultation phase will allow the property owner to discuss with the board, in very general terms, the types of uses suitable for the property and to receive instruction on the site plan review process.

Mr. Brown indicated he has already had the wetlands delineated and has spoken to Unitil about the one of the two pipelines. He was informed that they will be able to install a concrete “air bridge” over one of the pipelines that run concurrent with each other and it will likely be the same for the second one. He then spoke about the bark mulch product he produces, the types of vehicles used to bring materials in and out of the site, and the 6,000 square foot building he would like to erect for the storage of equipment and an office.

In reviewing the standards for the light industrial park, Chairman Bath inquired about the types of noises generated by the manufacturing of bark mulch. Mr. Brown stated they would only be utilizing 12-15 acres of the 28-acre parcel thus there is ample green space to absorb any noise. The noise would sound similar to that of a diesel engine running as they use a grinder not a chipper in preparing the bark mulch. The manufacturing process consists of grinding strips of bark and woodchips that come already chipped. The business is most active during the months of March to mid-June. He stated he was before the board to ascertain if the business operations are suitable to the light industrial zone standards.

Chairman Bath directed Mr. Brown to review the 11 conditions cited in Article V Light Industrial/Residential District that include: hazardous uses, odor, gases, dust and smoke, heat and glare, exterior lighting, noise, vibration, radiation, waste disposal and water service, and storage.

At further inquiry, Mr. Brown stated the majority of vehicles bringing materials to the site include 18-wheelers and some tree service trucks. He said that last year they sold 120,000 yards of product and that they would be proposing hours of operation as 7 days a week with grinding occurring from 7am-5pm Monday-Saturday, with no grinding on Sunday. Their seasonal high operations are from April-May, then the business quiets down and they build piles of bark mulch for the following year. During peak season, they can expect up to 22 18-wheelers a day.

Discussion ensued about Bowley Road intersecting with Sullivan Drive and potential for traffic concerns. Mr. Brown indicated the site is large enough so there would be no traffic back up on Sullivan Drive. He stated they are a small family-owned business having been in operation for the past 25 years.

Mr. Brown was informed that the approval process would require a full site plan review with notification to abutters who would be provided opportunity to voice their concerns.

Mr. Caron was excused from the meeting at this time (8:03pm).

Comparisons were made to a bark mulch manufacturing plant in Brentwood to which Mr. Brown indicated the scope of his business was nothing compared to the capacity of the Brentwood plant. He stated again there is a season high for a few months but the rest of the time activity is pretty low. There is no construction debris, and his drivers are courteous. He has employed Beals Associates who will address stormwater management, wetlands, pipeline crossings, etc. He just wants to know if the scope of this business is within the permitted uses for the light industrial park – he will provide all the necessary items in moving forward. He stated he does not want to go through the expense to find out it's not a permitted use.

Planner LaBranche read through the permitted uses outlined in Zoning Article V concluding the proposed use, as presented that evening, falls under the allowed use.

At further inquiry, Mr. Brown stated he operates another bark mulch manufacturing business off of Kingston Road in Plaistow; however, due to insurance reasons, individuals would need to make an appointment to visit the site as it is not open to the public.

Discussion ended at 8:11pm.

## **CONSERVATION COMMISSION OPEN SPACE WARRANT ARTICLE**

Chairman Bath yielded the floor to Conservation Commission Chair Dennis Quintal and Conservation Commission Adam Barss to present a bond warrant article intended to preserve open space in town. Mr. Quintal stated back in 2003, Conservation Commission Chair Larry Smith facilitated a \$4million bond warrant article to support conservation easements as an option for landowners instead of selling their properties to developers. This endeavor secured 600 acres for preservation and from the potential of 128 new homes. The Conservation Commission is now proposing to do the same. With a bond, and after application, appraisal, survey and evaluation, the process would be quicker versus ascertaining voter approval on an annual basis. The appraisal, survey and evaluation process would be the determining factor for setting value of a property. He spoke to other opportunities of funding (Southeast Land Trust, New Hampshire Land and Community Heritage Investment Program, and Farm and Ranch Lands Protection Program) in that they would levy these programs and any other state or federal funds before utilizing bond monies, and then gave examples of having done so with the 2003 bond projects. He provided the board with a status update of conservation easements as of January 2017 noting a total acreage of protected land at 594.56 acres, total appraised value of those development rights at \$6,373,571, matching funds (FRPP \$1,258,600, LCHIP \$85,000, EKCF \$736,872), and town bond funds \$3,781,900. He spoke to the value of open space with respect to the collection of property taxes with little to no services needing to be provided in contrast to housing developments. He stated East Kingston has secured 16% of its land in conservation easements with the hope of one day reaching 25%. The bond monies are not used until such time as needed, thus no cost to the town until a bond is issued. This methodology makes it difficult to determine the tax impact. He stated the Natural Resource Inventory was a prelude to this endeavor and then commended the talented and dedicated individuals who put that inventory together.

He went on to say that procuring 100 acres of the Smith farm into conservation easement eliminated the potential for 20-30 houses. Open space also increases surrounding property values. He then asked the board to spread the word for support at deliberative session.

Chairman Bath offered to provide a letter of support from the Planning Board.

## **MEETING MINUTES**

The board reviewed the December 15, 2022 meeting minutes.

**MOTION: Mrs. Smith motioned to approve the December 15, 2022 meeting minutes as presented; seconded by Chairman Bath. The motioned passed 2-0-1 (Vice Chair Allen abstaining).**

## **REVIEW OF FINAL DRAFT INVESTNH HOUSING OPPORTUNITY GRANT APPLICATION**

Chairman Bath commended Planner LaBranche on the grant application proposal. Planner LaBranche indicated an application deadline of January 27<sup>th</sup> to which the board would need to approve the proposal to move forward. She stated she attended the Rockingham Planning Commission Municipal Officials Forum on the Regional Housing Needs Assessment and learned the housing assessment data will not be released until the middle of February, which is unfortunate as the data in that assessment would be needed as part of the grant application. She will look to see how other border towns are addressing this. She believes the budgeting numbers in the grant are appropriate, but would like to go over the tasks and make the suggested revisions to include in-migration from urban areas to rural towns like East Kingston as a housing challenge.

Board members reviewed the proposal and commented on the demographics paragraph to which Planner LaBranche will add a migration reference.

**MOTION: Chairman Bath motioned to approve the InvestNH Housing Opportunity Grant application proposal with minor amendments and with additional migration language to be forthcoming; seconded by Mrs. Smith. The motioned passed 3-0-0.**

Planner LaBranche was confirmed that she will serve as the consultant for the grant work as approved by the board. Chairman Bath spoke to a recent Selectmen's memo about spending limits and quotes. Planner LaBranche indicated the grant funds and projects scope of work would be managed by the Planning Board. The Selectmen will not manage the funds received from this grant as they are not part of the town's general funds subject to Selectmen decisions. Planner LaBranche will submit invoices to the Planning Board for approval, and the Planning Board will submit these invoices to the state for release of funds; the Town Administrator will handle the accounting and payment of these invoices.

## **FAIR SHARE WORKFORCE HOUSING PROJECTIONS**

Planner LaBranche distributed a document reporting the "fair share housing projections" for East Kingston prepared by the Rockingham Planning Commission (RPC) as part of their Regional Housing Needs Assessment. As described by the RPC, the fair share housing projections should be viewed and used as a broad guide to plan for future housing not necessarily a targeted number of affordable/workforce housing units required to be developed within the timeframes outlined in their report. Rather, she recommended the town utilize the Invest NH Housing Grant funds, if awarded, to evaluate how new affordable and workforce housing might be accommodated into the community while respecting its rural character. Such actions may include zoning amendments and new zoning focused on increasing housing in the town and perhaps with development design guidelines to ensure such construction would be in keeping with the rural character of the town.

Discussion ensued on the shortage of affordable housing in New Hampshire noting the legislature has move forward in support of developing affordable housing options for its residents.

With no other business before the board,

**MOTION: Chairman Bath motioned to adjourn the meeting; seconded by Vice Chair Allen. The motion passed 3-0-0.**

The meeting adjourned at 8:55pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on March 16, 2023.