

TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

MARCH 16, 2023

Pound School
41 Depot Road
East Kingston, New Hampshire

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

AGENDA

Election of Officers

Deschenes Trust Subdivision – Continued Public hearing (Case #23-02)

Change of Tenancy – 14 Powwow River Road – The Artist’s Garden (Case #23-0A)

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

Others Present: Julie LaBranche – Planning Consultant, Dennis Quintal – Town Engineer and Conservation Commission Chair, James O’Neil – Licensed Land Surveyor, and other members of the public who did not participate in public comment.

Chairman Bath opened the March 16, 2023 Planning Board meeting at 7:00pm followed by the roll call.

ELECTION OF OFFICERS

Pursuant to the Planning Board’s Rules of Procedure and RSA 673:9, the board shall hold an election on an annual basis following the March town vote to elect a Chair and Vice Chair to serve for a term of one year.

Planner LaBranche facilitated the election of officers accepting nominations from board members for the position of Chair.

Mr. Allen nominated Josh Bath as Chairman. (Mr. Bath accepted the nomination.) With no other nominations from the floor, members voted for the single candidate by show of hand. The results were 5 in favor. Planner LaBranche declared Mr. Bath the Chairman of the Planning Board for a one-year term ending upon election of successor after the March 2024 Town vote.

Chairman Bath then assumed charge of the meeting and opened the floor for nominations for Vice Chair. Chairman Bath nominated Tim Allen as Vice Chair. (Mr. Allen accepted the nomination.) With no other nominations from the floor, members voted for the single candidate by show of hand. The results were 5 in favor of Mr. Allen. Chairman Bath declared Mr. Allen the Vice Chairman of the Planning Board for a one-year term ending upon election of successor after the March 2024 Town vote.

He also took the opportunity to welcome newly appointed member Mrs. Eleanor (Ellie) Cornoni to the board and then announced to the public the open vacancies for alternate board members.

DESCHENES TRUST SUBDIVISION – CONTINUED PUBLIC HEARING – CASE #23-02

Chairman Bath opened the public hearing at 7:04pm for Deschenes Trust to subdivide a 29.45-acre parcel which is located in both the towns of East Kingston (20.72 acres on Deer Run/MBL# 06-01-04) and Kingston (8.73 acres at 75 Exeter Road/R36 Lot 2-1) into two parcels utilizing the municipal boundary line as the new property line. The portion of land located in East Kingston will remain at 20.72 acres with over 500 feet of road frontage on Deer Run and the remaining parcel located in Kingston shall remain at 8.73 acres. This is a continuation from the February 16th meeting.

PRESENTATION BY APPLICANT

Licensed Land Surveyor James O’Neil of Hancock Associates, representing the applicant, spoke to the list of items raised at the February 16th meeting, stating all have been completed except number 7 with respect to the final setting of

monuments/reference monuments, as well as coordinating the signing of the mylars for both town (Kingston and East Kingston), and bound certification. He noted he has updated the subdivision and town line boundaries as well.

Planner LaBranche requested the owner of the property, if present, to identify him/herself. Dawn LaSage, Trustee of the Deschenes Family Trust identified herself as present.

TOWN ENGINEER RESPONSE

Town Engineer Quintal reported he had met with the Kingston Planning Board and agrees the comments (list of outstanding items) have all been met except for the monumentation, final mylar, and boundary certification. He offered no further comments.

Chairman Bath stated the application as presented, with comments addressed from the last meeting, is complete enough for the board to take jurisdiction.

MOTION: Chairman Bath motioned to invoke jurisdiction on the Deschenes Trust subdivision plan, MBL# 06-01-04, in accordance with RSA 676:4; seconded by Vice Chairman Allen. The motion passed 5-0-0.

BOARD QUESTIONS

Chairman Bath opened the hearing to board questions. Vice Chair Allen inquired if the Town Engineer was satisfied with the septic test pits as presented. Town Engineer Quintal stated affirmatively noting the test pits look closer than 50 feet; however, the applicant claims they meet the 50-foot requirement. Additionally, there is enough soil information on the plan to accommodate a septic system.

Planner LaBranche asked Mr. O'Neil to explain why the two test pits were located close to the road when the majority of uplands is much farther toward the back of the property.

Mr. O'Neil responded the East Kingston Building Inspector witnessed these test pits and, should the property be developed in the future, new test pits may need to be dug that are more in line to the placement of a house. They are only required to show the lot can be built on for the purpose of this subdivision.

Discussion then ensued on the soil types and the driveway being shown on sheet two of the plans, on only sheet two would be recorded at the Registry of Deeds for the purpose of land transfers, on sheet one being too busy for recording, and that the official set of plans would be the town's set which would include both sheets. It was noted steep slopes and soil boundaries are the only things not shown on page two.

Mr. O'Neil stated they typically get their mylars preapproved at the Rockingham Registry of Deeds because they are very strict with respect to recording only "clean" plans.

PUBLIC COMMENT

Chairman Bath opened the hearing to public questions and comments. There were none.

BOARD ACTION

MOTION: Chairman Bath motioned to approve the Deschenes Trust subdivision plan for parcels MBL# 06-01-04 in East Kingston and Map R36-Lot 2-1 with the following conditions: 1) bounds be set, certification of monumentation submitted and inspection of monumentation be completed by a town representative, 2) a note be added to Sheet 2 stating the full plan set is on file with the Town, 3) provide a final plan for recording at the Registry of Deeds, 4) payment of all professional review invoices, and 5) submit recording fees made payable to the Rockingham County Registry of Deeds (both mylar recording fee and LCHIP fee); seconded by Vice Chairman Allen.

Discussion: It was noted cisterns are noted on the plan, including one on the Kingston side, and an escrow account for this subdivision plan was not required due to the scope of the plan.

VOTE: The motion passed 5-0-0.

Discussion on the logistics to getting the final mylar signed by both towns and recorded ensued. The Land Board Secretary will coordinate these signings with the Town Engineer so that at no time will the developer handle the plans after signature. Mr. O’Neil was informed on the process moving forward (Notice of Decision to be sent, final mylar and plan sets to be submitted along with payment for review and recording fees).

Chairman Bath closed the public hearing at 7:28pm.

CARRUTH-FOUGERE CHANGE OF TENANCY – DISCUSSION (Case# 23-0A)

Chairman Bath opened the meeting at 7:29pm to the change of tenancy request from Elizabeth Carruth-Fougere who proposes to operate a florist retail shop at 14 Powwow River Road, MBL# 10-03-09, the greenhouse unit. The board will vet the proposal for compliancy of the Site Plan Review Regulations and to determine if a full site plan review is warranted. He then asked Ms. Fougere to present her plan to the board.

Ms. Fougere stated she formerly worked at Seacoast Florist in North Hampton, attended art school, and decided to combine the two ideas together and start her own business. She spoke to the owner of 14 Powwow River Road, inspected the space (greenhouse) and would like to move forward. She then provided an overview of the business:

- she would be the sole employee
- because of the very small scale of the business; deliveries would not be a problem
- she will offer flower wraps and bouquets with some plants and annuals (not a nursery) as well as gifts and artwork
- there is no water to the building during the winter months – water will need to be brought in
- the outside garden boxes will be her responsibility to promote the business and enhance the property
- plants will be kept tidy and up against the building
- she will be using the greenhouse only, no other unit
- she will share a restroom with another business located in the main building

The board then reviewed the wastewater flow from the units as part of their typical review of the property and noted no change in water flow as this new business would replace a previous garden shop. Also, there is plenty of parking.

Planner LaBranche stated she had emailed the property owner to get an update on the tenant list and septic flow as the last one on file is dated 2017 but has not yet heard back; however, this should not hold up the board’s review and action on this proposal. She also noted the greenhouse had water when it was constructed.

Ms. Fougere replied the water is seasonal; the owner will hook it back up in the spring.

Chairman Bath inquired about the hours of operation noting it was best to propose expanded hours so she would not need to come back to the board should she wish to change them.

Ms. Fougere verbally amended her hours of operation to 7 days a week from 10am to 7pm then added she may need to add solar lighting as she is not sure what is needed; the greenhouse has electricity. Based on the proposal, Chairman Bath stated a full site plan is not warranted.

MOTION: Chairman Bath motioned to approve the change in tenancy for Elizabeth Carruth-Fougere to operate a florist retail shop at 14 Powwow River Road, MBL# 10-03-09, the greenhouse unit; seconded by Mrs. Smith.

Discussion: Vice Chairman Allen recommended the greenhouse be tracked as a separate unit moving forward.

VOTE: The motion passed 5-0-0.

Ms. Fougere was informed that a material difference of what was proposed and approved of this evening would require a revisit and approval by the board. Ms. Fougere acknowledged this requirement and thanked the board.

Chairman Bath closed discussion on this matter at 7:44pm.

MEETING MINUTES

The board reviewed the February 16, 2023 meeting minutes.

MOTION: Chairman Bath motioned to approve the February 16, 2023 meeting minutes as changed; seconded by Vice Chair Allen. The motion passed 3-0-3 (Mrs. Smith and Mrs. Cornoni abstained).

The board reviewed the January 19, 2023 meeting minutes.

Planner LaBranche spoke to the terminology used by an applicant and stated the correct terminology should be utilized moving forward. Discussion then ensued on pipeline crossing protocols and requirements.

MOTION: Chairman motioned to approve the January 19, 2023 meeting minutes with quotations added; seconded by Vice Chair Allen. The motion passed 4-0-1 (Mrs. Cornoni abstained).

MARCH ELECTIONS UPDATE

With the passing of the zoning amendments on the ballot, the Zoning Ordinance has been updated and reformatted versions of the Building Code, Subdivision Regulations, and Site Plan Review Regulations were disseminated to board members.

INVESTNH HOUSING OPPORTUNITY GRANT AWARD

Planner LaBranche reported the contracts with the state and her contract as planning consultant for the grant project have been finalized – she will send copies to the Land Board Secretary who has also agreed to track the bills and invoices associated with the grant. Planner LaBranche will submit invoices with copies to the Land Board Secretary and Board Chair every two to three months using a dedicated form. She then provided an overview of the grant to new member Cornoni.

She went on to say the first phase in the project is a survey, then provided an overview of a dedicated webpage that will be available on the board's official webpage. This Housing Needs Assessment page will include links to an overview of the grant program, to the RPC Housing Needs Assessment Report, and her contact information. She reviewed a flyer, also linked to the landing page, containing general information. This flyer is to be posted to East Kingston social media sites to garner public interest and participation. It was noted that in addition to the town's official Facebook page, the board is only posting to one other community page. It was agreed the Land Board Secretary would post to these Facebook pages using the Land Board Secretary handle, the official account of the board.

Planner LaBranche then spoke to the survey noting a disclosure that no data on the survey taker is collected, that questions were designed with the goal of drilling down on housing needs of the community, and that no demographic information is needed as this information is already available from the RPC.

Discussion ensued on question number 4 with respect to the nature of downsizing – the question will be restructured.

Planner LaBranche spoke to the visual options for question number 5, on design guidelines of multifamily dwellings on question number 7 – a comment box to be added to this question, and on clarifying question #8. She will also provide information on when the survey results will be posted. She stated she wanted to draft thought-provoking questions that could be answered quickly. She is looking for approval to move forward so that she can create a Survey Monkey questionnaire to send to board members before releasing to the public.

Discussion ensued on promoting the survey through the Carriage Towne News, placing printed copies at the town offices, and possible mailings. They board also talked about how a majority of responses from the 55+ community might affect the data collected.

Planner LaBranche stated she wanted to do a traditional needs assessment for more organic feedback, which would include surveying town employees. Additionally, she will generate a communication's plan with a list of messages going out with the goal of building familiarity with the towns people to grow interest and a following. She hopes to hold community forums so that the work is being supported by the residents. She then spoke to the importance of tying ordinance changes to this data as the answers developed need to be defensible to any state mandates or pushes for development. She will develop a profile and plan that is specific to the community as increasing housing needs to

be done in a reasonable way – the board will need public feedback in order to move forward. The board also needs to substantiate the town has done its due diligence in meeting its fair share of workforce/affordable housing.

Mr. Caron left the meeting at 8:42pm.

Vice Chair Allen spoke to the difficulty in ensuring what the community needs as there is not enough data to gather from town employees, that it is likely they will get responses from struggling families – either way, they want to be sure the board is getting a fair representation of the town.

Planner LaBranche stated the data that already exists is useful to this needs assessment work. Discussion ensued on best ways to ascertain public participation (mailers, postings, etc.), the increases of living costs for seniors, and developing a cohesive impact fee ordinance.

By general consent, the board approved the dedicated web page for the Housing Needs Assessment, the flyer, and survey as to be amended.

RULES OF PROCEDURE

Noting the board is scheduled to review their Rules of Procedure on an annual basis at the time of the election of officers, the board will not participate in a review this year as the document was updated and approved in November 2022.

With no other business before the board,

MOTION: Vice Chair Allen motioned to adjourn the meeting; seconded by Mrs. Smith. The motion passed 4-0-0.

The meeting adjourned at 8:57pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on April 20, 2023.