

# TOWN OF EAST KINGSTON PLANNING BOARD

## MEETING MINUTES

January 18, 2024

Pound School  
41 Depot Road  
East Kingston, New Hampshire

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

### AGENDA

Board Business

Board Members Present: Josh Bath - Chair, Bob Nigrello – Ex-Officio, Ellie Cornoni and Janet Smith. Absent: Tim Allen – Vice Chair.

Others Present: Victoria Healey – RPC Planner and Dennis Quintal – Town Engineer and Conservation Commission Chair.

Chairman Bath opened the meeting at 7:01pm followed by the roll call.

### BOARD BUSINESS

#### APPROVAL OF MINUTES

Board members reviewed the December 21, 2023 meeting minutes.

**MOTION: Chairman Bath motioned to approve the December 21, 2023 meeting minutes as published; seconded by Mr. Nigrello. The motion passed 4-0-0.**

### ZONING AMENDMENTS EXPLANATION FLYER

Board members reviewed the zoning amendment explanation flyer noting its purpose is to inform the voter of the rationale and justification for the proposed changes. The board acknowledged that many times the voter has had to make decisions on such amendments at the polls without fully understanding them. The flyers will be posted to the town's website, on social media, around the town and at the polls. The flyers include an online link to the full text of the zoning amendment changes as well as a scannable QR code for hardcopies.

Mr. Nigrello stated he has already had the opportunity to use the flyer when he prepared for the Selectmen's public hearing on the budget and warrant articles. Upon further inquiry, it was confirmed that invisible home occupation applicants would be required to undergo the public hearing process at a cost of \$200.

### DELIBERATIVE SESSION REPRESENTATIVES

Noting the town's deliberative session is scheduled for Saturday, February 3, 2024 at 10:00am, board members discussed the importance for there to be Planning Board representation to answer questions about the proposed zoning amendments that will appear on the ballot. Chairman Bath indicated he would attend and would ask Vice Chairman Allen to accompany him. He also invited other board members to attend as well.

He further noted the purpose of the deliberative session, under SB2, is to allow discussion and debate on the warrant articles prior to the March ballot vote. Because the zoning amendment language is prescribed by law, the amendments are not amendable on the deliberative session floor; however, this is a great opportunity for the Planning Board to inform the public about the rationale for the proposed changes and answer any questions they might have.

Mr. Nigrello noted that the monetary warrant articles can be changed on the deliberative session floor and further noted the differences between the annual town meeting versus the SB2 processes.

Town Engineer/Conservation Commission Chair Quintal added the deliberative session is where the voter gets his information from each of the departments regarding the warrant articles.

## **2024 PLANNING BOARD GOALS**

Chairman Bath opened the discussion on board goals noting that in addition to setting goals, the board wants to re-review some of the zoning ordinance provisions from this year i.e., home occupation, building permits. Land Board Secretary Belcher noted she is maintaining a list of potential zoning amendments for the 2025 warrant that the board would begin discussions on in August.

Planner Healey spoke to the master plan goals (#2) noting apart from the Natural Resources Chapter, the remaining chapters are outdated and need to be addressed. She spoke to consolidating chapters and the funding associated with those updates as well as developing a scope of work to get the updating process going. Required chapters for the master plan consist of the Vision, Land Use, and Growth Management.

Chairman Bath suggested the board begin with updating the required chapters and then move to the other chapters as time and funds allow.

Planner Healey further suggested the chapters be updated together as the Vision and Goals, and Land Use chapters will dictate the development of the Growth Management chapter. The Vision and Goals chapter should include public input. The Rockingham Planning Commission utilizes Public Input as their online survey tool to which Planner Healey offered to provide the board sample surveys.

Planner Healey agreed to bring back to the board a cost estimated for updating the Vision and Goals, and Land Use chapters. The board can then work together to develop the Growth Management chapter as this is more of a task for the whole board.

Discussion then ensued on the status of the Capital Improvement Plan (CIP) and the need to obtain more information to move ahead and update (initiated by the Selectmen or Planning Board).

Board members then discussed the rationale for setting annual goals in that doing so sets into motion a clear plan for completing its work beyond the handling of land use cases. Sometimes land use cases monopolize the board's time resulting in other board responsibilities being deferred. Setting goals allows for the board to conduct mid-year and end of year reviews to monitor the non-land use case work and adjust the work where needed. There is no penalty for not completing a goal as goal setting also serves as a way to track the work to ensure it gets done.

Town Engineer/Conservation Commission Chair Quintal noted that there are times when the caseload for the board is heavy and the board runs out of time at meetings to work on other initiatives. Setting goals can also serve to remind the board it may need to schedule work sessions to get that work completed.

Chairman Bath supports the Annual Calendar goal (#1) which would require the board to develop a calendar to track the annual work of the board i.e., election of officers, zoning amendment development, Growth Management Ordinance review, Rules of Procedures review, land board fees review, etc.

Goal #3 – Growth Management Ordinance is a goal separate from the Master Plan work as it speaks to the annual requirement of the board to conduct a full review by January of each year to determine if the Growth Management Ordinance shall remain in effect that ensuing year. This ordinance dictates the number of building permits that can be issued in a given year. This review was coordinated by the past planner.

Goal #4 – Housing Opportunity Planning Grant would be to complete the work that began in April 2023. Planner Healey noted that the Town of Atkinson found itself in a similar position as East Kingston and they worked with the state to get the grant and work back on track by contracting the RPC. Land Board Secretary Belcher noted the Selectmen have reached a similar agreement with the state and are now in the process of contacting the RPC to complete the work as well. It was noted the survey data is available for use in completing the work.

Goal #5 – Subdivision Regulations goal is to update the subdivision regs with the stormwater management provisions that were incorporated into the site plan review regs 11 years ago.

Town Engineer/Conservation Commission Chair Quintal indicated that he worked with the Town of Kingston in getting their regulations updated with the stormwater management regulations and would be happy to use some of that language for East Kingston as appropriate.

Planner Healey noted she had just completed an update on the Town of Plaistow regulations using the Southeast Watershed Alliance Stormwater Management Standards that was prepared by the RPC and the UNH Stormwater Sector. This document was used to inform the board on what provisions should be included in their regulations. At board request, Planner Haley agreed to forward a copy of that document to the board.

Discussion ensued on where the stormwater management provisions should be placed (subdivision, site plan, and referenced or placed in both regs) and cautioned that multiple placements could result in errors with regulation updates (update one section but miss another which could result in inconsistent provisions); however, it is best to include provisions within their associated regulations. Planner Healey will send information on where the stormwater management provisions should go and will provide more information from an educational component. She will also provide suggested changes to Town Engineer/Conservation Commission Chair Quintal for his review prior to presenting them to the board for adoption consideration.

Board members agreed to adopt all five goals for 2024.

#### **SUBDIVISION AND LOT LINE ADJUSTMENT APPLICATION FORMS**

The board reviewed the updated subdivision and lot line adjustment forms that include an applicant checklist and a board checklist noting the documents can be updated along the way should the determine more information should be included. The checklist is not intended to replace the actual subdivision regulations, but to be used to assist the board in conducting a consistent and thorough review of each case. The checklist will also serve as the basis for the Finding of Fact determination that is required for all land use decisions. Failure to provide Finding of Fact could result in the courts overturning the Planning Board's decision.

#### **MARCH 21<sup>ST</sup> MEETING LOCATION**

It was noted the East Kingston Elementary School is not available to the Planning Board for the March 21<sup>st</sup> meeting and that the board would need to secure another venue or consider changing the meeting date to the following week – March 28<sup>th</sup>.

Board members agreed to move the meeting to March 28<sup>th</sup> with the start time to be determined. Should the agenda not warrant the need for a larger venue, the board will hold the meeting at Pound School.

#### **RPC PLAN REVIEW FEES**

Board members agreed that applicants who were required to have an escrow account for the purpose of paying for professional plan reviews (site plan review, subdivision, lot line adjustment) would also be required to pay the Planner's cost for plan review (paid through the escrow fund process). The collection of these fees would be used to offset the Circuit Rider contracted services.

#### **NEXT MEETING – FEBRUARY 15<sup>TH</sup>**

The board agreed to begin the February 15<sup>th</sup> meeting at 6:30 pm due to the size of the agenda. This meeting will be held at the East Kingston Elementary School.

#### **OTHER BOARD BUSINESS**

The Land Board Secretary provided a report on a number of inquiries made to the board with respect to potential land use cases (North Road, Greystone Road, Deer Run, Powwow River Road) as well as email communications between Unitil and Midnight Leasing.

She also sought clarification on the backlot provisions with respect to the possible development of property located on Deer Run. Town Engineer/Conservation Commission Chair Quintal suggested the landowner contact the Conservation Commission to discuss the possibility of securing a conservation easement on that property.

Chairman Bath requested the Light Industrials District article be added to the 2025 zoning amendment list for consideration to modify the permitted uses.

#### **ADJOURNMENT**

<b>MOTION: Chairman Bath motioned to adjourn; seconded by Mrs. Cornoni. The motion passed 4-0-0.</b>
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The meeting ended at 8:20pm.

Respectfully submitted,

Catherine Belcher, Land Board Secretary

Minutes approved February 15, 2024.