

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
January 7, 1999

FILE

WORK SESSION

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John L. Fillio - Ex-officio, Dr. Robert Marston and Alternates Peter Riley (7:25) and Robert Nigrello (8:04).

Absent: Alternate Beverly Fillio.

Others attending: Sarah Campbell – RPC, Dean Howard, Susan Howard, Ken Howard, and James Levelle, LLS.

Chairman Smith opened this January 7, 1999 Planning Board Work Session at 7:05 p.m. with the roll call. He then designated Alternate Peter Riley to vote in any matters before the board.

Density Bonuses for Cluster Development: The board spent extensive time discussing a proposed zoning amendment that would award density bonuses to developers for their use of a cluster development plan. It was the consensus of many of the board members that cluster development, when executed properly, preserves open space, natural resources and assists in maintaining the town's rural character. One of the main issues in opposition to awarding density bonuses in cluster development is that depending on the types of dwellings constructed (2-bedroom v. 3&4-bedroom), school population could be higher than if a conventional subdivision were developed.

It was explained that this density bonus plan has not yet been applied to other towns, but that other towns are considering it. Its intention is to encourage a cluster development plan that would keep frontage lots undeveloped and maintain as much natural open space on the parcel as possible. When a developer keeps areas undeveloped, he is awarded bonuses to construct more dwellings in the cluster area. Members noted that in an effort to preserve open space or farmland, trade-offs must be considered.

Members of the Dean Howard party stated that for such a plan to be considered there would have to be strong incentives. A scenario of this development was discussed noting the possibilities of 35 houses on a 100-acre parcel, giving up the 9 frontage lots and receiving a bonus of 4 ½ more dwellings, maintaining agricultural use adding another 5% increase in dwellings, and allowing public access to the open space awards another 2.5% (total bonuses awarded – 8:including cap of 10%).

Mr. Dean Howard stated that his first initial reaction to the property when he purchased it was that it would be a shame to build on it, as it is a prime piece of farmland. He stated that he researched East Kingston's Zoning Ordinance and carefully thought about the cluster development provisions, but considering his \$800,000 investment and the cap on the distribution of building permits, it didn't seem economically feasible. He stated he has sat on the Hampstead Planning Board for 22 years and has a clear understanding of where this board is coming from. He further reiterated that the 3 building permits per developer restriction in East Kingston's Growth Control Ordinance, makes cluster development not practical without serious incentives.

He stated that one way to get around this building permit restriction, is to sell the lots individually and have the new owners apply for building permits themselves, however, in his experience and historically, when several builders with different styles and standards build, a consistent or good subdivision is compromised. He then explained a 68-unit condominium development he recently constructed in Hampstead and invited members to view it. He noted that out of the 68 units, only 4 children reside there. He credits this on the low bedroom count of each unit (2 bedrooms) and his marketing strategy. He stated that this Hampstead project (Cranberry Meadows) is a mix of single and multifamily (fourplexes) homes mostly made up of the senior population in Hampstead who wanted to stay in town but could not continue the upkeep of a house and yard. He then noted another development currently being constructed in Atkinson. This 48-unit (all duplexes) starting at \$190,000 tends not to attract buyers with children. Mr. Howard further stated that the density bonuses presented in the draft may be very advantageous to the developer and he thinks this is a great idea.

Mr. James Levelle then prompted discussion on the building permit restrictions noting that regardless of how many bonuses were awarded, the plan could not be executed because of this provision. He argued that the development of the frontage lots would need to be done in order to finance the development of a cluster out back.

Discussion on dedicating the open space to perpetuity and the ways to do it transpired. It was agreed that the restrictions to develop this open space would be included in the deed with possible covenants to insure that future amendments to the deeds would be prohibited.

Mr. Levelle stated that if the frontage lots were not to be developed, he would suggest designing three clusters on the property beginning 600 to 800 feet back from the road. These clusters would be placed along a circular road (dwellings both inside and outside the circle). He went on to say that because this density bonus plan must first go before the town at Town Meeting and there are no guarantees it will pass, he would like to get the 9 frontage lots, at least on paper, started. He stated that he is ready to submit a formal application for them, but will consider not going forward if the amendment is accepted by the town.

Mr. Howard stated that in all his years of development, there comes a time when there's a lot of pride in what he does, and that he would like to see this cluster development plan work out.

Mr. Levelle stated that the topography is complete and a conceptual cluster development plan, with bonuses, could be ready in two weeks. He said that if the cluster development amendment were passed at Town Meeting, they would go cluster instead of the frontage lots.

Discussion of the cost of submitting the application on the frontage lots now v. the time for a February public hearing in relation the March Town Meeting, resulted in the board agreeing to hold the application for the frontage lots until after Town Meeting and also to schedule a special public hearing for the applicants on March 2nd. This special public hearing will be on either the development of the 9 frontage lots or the cluster development with bonuses, depending on the outcome of the March Town Meeting.

Members agreed that if a properly executed cluster development is aesthetically more pleasing and environmentally sound, they are open to it.

Mr. Levelle then warned that more development in East Kingston is expected. He noted that he has three other clients who currently have interest in developing three separate parcels in town.

Members of the Dean Howard party left the meeting at 8:00 PM. Board members then reviewed the information presented to them regarding the cluster development plan. One concern noted was what effect on other cluster development plans this amendment would have. The board discussed protective covenants, easements, and the benefits of cluster development v. conventional development. Much deliberation was given to the possibility of amending the Growth Control Ordinance to allow more building permits per developer who exercised the cluster development plan, but it was decided that such action would only contradict the purpose of the GCO all together.

It was suggested that in an effort to keep school growth down, building permits could be distributed as follows: One (1) permit for any dwelling with three or more bedrooms, and one (1) permit issued for every two dwellings with only two bedrooms each. Members felt that although this was a good idea, they were not sure it could be done. Future consideration to this idea would be given.

Members agreed that the 10% total bonus cap was fair. A sketch of possible frontage scenarios was presented and it was agreed that if a developer gave up the frontage lots for density bonuses, then the setback from any frontage development should be a minimum of 400 feet back from the (frontage) road.

MOTION: Mr. Fillio motioned that in accordance with RSA 675:3 the Planning Board hold a public hearing on Density Bonuses for Cluster Development on January 28, 1999 at 7:00 PM at the Town Offices. Mr. Johnson second. With no further discussion, the motion passed 5-0.

Mrs. Campbell, noting her intentions to leave the meeting shortly, asked members to review the other zoning amendments scheduled for public hearing next week (January 14th). She asked that special attention be given to the Private Use Landing Areas. She then suggested that Jim Nupp be advised of this hearing personally and asked to give his comments and recommendations.

Temporary Signs: Much discussion entailed about whether or not temporary signs should be included in the sign provisions of the ordinance. Some members felt that agricultural temporary signs should be exempted from the provisions, yet some members felt that if they are not covered then someone will take advantage of this. Members discussed what time frames to use in order to categorize and define a temporary sign. Without getting into the argument of what constitutes an agricultural use, the board agreed to withdraw the temporary sign proposed amendment, citing that larger issues may be raised with the amendment than with leaving the ordinance as it stands.

Cistern Capacity: The recording secretary informed the board that Fire Chief Alan Mazur had contacted her and was requesting that the cistern capacity provided for in the Subdivision Regulations be increased from 10,000 gallons to 30,000 gallons, in accordance with recommendations made by other towns and the ISO Ratings.

MOTION: Mr. Johnson motioned that the Planning Board hold a public hearing to amend the Subdivision Regulations provision for cistern capacity to 30,000 gallons on February 18, 1999. Mr. Fillio second. With no further discussion, the motion passed 5-0.

Septic System Fees: Mr. Fillio advised the board that the Board of Selectmen will submit a Warrant Article at March Town Meeting to see if the town will vote to adopt RSA 41:9-a, which authorizes the BOS to establish or amend fees for building permits and the like. As a backup should this article fail, the BOS request that the planning board present a zoning amendment that would increase the septic system fees to \$50, (\$35 for plan review & \$15 for the permit). He further explained that should the Warrant Article pass, then all references to fees in the zoning ordinance will be removed, alleviating any future confusion in adoption or amendment procedures.

MOTION: Mr. Fillio motioned that the Planning Board hold a public hearing to amend the septic system fees in the zoning ordinance on Thursday, January 21, 1999. Mr. Johnson second. With no further discussion, the motion passed 5-0.

Mr. Fillio then apprised the board of and earth removal operation being conducted on Depot Road (Hidden Hollow Farm), property owned by Dennis Perkins. He stated that although he is not completely convinced this is not a gravel pit operation, the BOS has given Mr. Perkins until October 1999 to complete all earth removal activity.

MOTION: Dr. Marston motioned to adjourn. Mr. Fillio second. The motion passed 5-0 and this January 7, 1999 Planning Board Work Session ended at 9:55 PM.

Catherine Belcher
Secretary

Minutes completed and on file January 8, 1999.

Approved: 1/14/99