

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MINUTES

DATE OF MEETING: JANUARY 10, 2002  
PLACE OF MEETING: EAST KINGSTON TOWN HALL  
TIME OF MEETING: 7:00 P.M.  
TYPE OF MEETING: WORK SESSION

PRESENT: Richard Smith, Chairman; Beverly Fillio, Vice Chairman; John Fillio, Ex-Officio; David Morse, J. Roby Day, Alternate.

Larry Smith, Conservation Commission

CALL TO ORDER: Mr. Smith opened the meeting at 7:03 p.m. Roll call was announced by Mrs. Rice.

BOARD BUSINESS:

Mrs. Fillio addressed the board about her concern with regard to keeping to the scheduled appointment times and applicants being fully prepared when they are presenting applications before the board.

Mrs. Fillio made a motion to follow the posted, scheduled appointment times and to announce to the applicants five minutes prior to the beginning of the next appointment, that their time would be expiring.

Mr. Fillio seconded for discussion.

Mr. Fillio expressed concern regarding a sufficient amount of time being allotted for each applicant.

Mrs. Fillio stated if people come to the board prepared, specifically by reading the regulations, completing the necessary application and checklist it should not be a problem.

Mr. Morse expressed concern that a half-hour is not sufficient time.

Mrs. Fillio noted that the applicant should come prepared and it should not be a problem.

Mr. Day stated he felt that sufficient time is being given to the applicants tonight, but noted the 15 minute time slot may not be sufficient.

The board discussed the applicants coming to the board meetings prepared, what is sufficient time for each applicant, continuing applicants until the following meeting and how other surrounding towns handle these problems.

Mr. Smith, Mrs. Fillio, Mr. Fillio and Mr. Day voted in favor. Mr. Morse was opposed.

It was noted by Mr. Fillio that he felt this motion should be in place for tonight, however additional consideration needs to be given on the setting of future agendas.

CONTINUED PUBLIC HEARING FOR JEFF CALEY AND GARY DENSEN'S SITE PLAN REVIEW PROPOSAL TODE VELOPA 51-UNIT ELDERLY HOUSING COMMUNITY AT 163 NORTH ROAD

Dennis Quintal, Engineer, Dan Nally, John Radigan, Attorney, Donahue Tucker and Ciandella and Jeff Caley were present. An overall conceptual plan for this project was presented to the board and public for viewing.

Mr. Quintal noted that this is a continued discussion from the last Planning Board meeting regarding road configuration and open space layouts. Tonight's plan is being presented with a modified entrance with a gravel road coming to the entrance, which has a wide width entrance which Mr. Quintal believes could handle the traffic flow even if an accident occurred. The gravel road has been extended to the well and parallel with the main road to bring it into the cul-de-sac loop area. The paved sidewalks have been added to plans along with a foot wide grass strip. Mr. Quintal explained the pavement width will be 24 feet, with an additional eight foot shoulder area for side walks, with a total of 32 feet of access.

Mrs. Fillio asked if the gravel road as proposed would remain gravel.

Mr. Quintal explained that this is an existing gravel road with the intention of leaving it gravel with a slight modification at the end to leave room for emergency vehicles. He noted they have spoken with the Fire Chief and currently there is no problem with access or exit for fire equipment. This roadway would be maintained on a year-round basis. The private roads will be maintained by the association.

Mrs. Fillio asked what the distance was from the gravel and regular road to the first juncture.

Mr. Quintal explained that it was 700-800 feet in length. Mr. Quintal further explained emergency access plans using various scenarios.

Mr. Day asked about maintenance during the winter months.

Mr. Quintal explained it would be maintained on a year-round basis, including the gravel road. He noted discussion also took place regarding the installation of gates and associated problems with that concept. He noted by leaving the gravel road open, it provides a walkway for pedestrians away from the major traffic flow. It was also noted that walkways have also been provided around the project, as well as, noting that the gas pipe line has pedestrian access and is mowed.

Mr. Smith felt the roadway was too long for the number of proposed units being situated on the back of the project. The distance from Route 108 to the rear of the project was asked.

Mr. Quintal noted it was 300-400 feet from Route 108.

The Board discussed the applicant trying to obtain another entrance onto Route 108. This has not been pursued by the applicant at this point, but Attorney Radigan stated they would follow up on this.

Mr Quintal noted they have not investigated the possibility of a right-of-way thru the abutting property, but they will.

Mr. Larry Smith, Conservation Commission noted he has walked the subject parcel regarding the wetlands, but has not walked the abutting properties.

Mr. Smith discussed the quadplex concept for housing units.

Mr. Quintal explained that the building layout has been re-configured as a unit was lost with the impenetation of maintenance and plowing. He explained that they calculated the density of the site and using the regulations as written, this was the concept they achieved.

The board discussed the layout of the site, placing the proposed units over a larger area of the property and condensing the number of units into a smaller area of the property.

Attorney Radigan stated they contend they meet the spirit and intent of the ordinance, however they are not opposed to approaching the abutter with regard to a right-of-way.

Mrs. Fillio stated she contends as the ordinance is written, the subdivision should end at the 1000 foot dead end road length.

Attorney Radigan stated taking into consideration the density, the buildings could be configured on the front part of the property leaving the rear in open space, however taking into consideration the town's wishes for an attractive development, they would be building something that the Planning Board needs to take some consideration on with regard to waivers and compliance with the ordinances and regulations.

Mrs. Fillio stated her interpretation according to the ordinances is that the road should end at 1,000 feet, unless two access roads could be included. She explained that if the applicant is looking to utilize the land in the back, there is going to have to be further investigation in terms of another road or access to Route 108. She noted obtaining a right-of-way from the abutting parcel, would make the length of road issue mute.

The Board discussed the concept of a "u" road with two separate entrances within a short length of distance. It was noted that the NHDOT would determine how close two entrances could be on a state road.

Mr. Fillio stated the applicants knew when applying that the Town of East Kingston has a 1,000 foot road length limit and not all the viable alternates have been explored. He noted the access points thru a right-of-way should have been one of the first alternatives to have been explored. He also expressed concern regarding an acceptance of a gravel road which does not meet town standards. He noted that the applicant is not prepared and all the alternatives have not been explored.

Attorney Radigan asked the board for additional input or concerns that need to be addressed.

Mr. Day stated the town has a 1,000 foot road length limit which was put into place with sound reasoning. He noted he would have to vote against this proposal as submitted due to that factor.

Mrs. Fillio suggested using the "u" concept, exploring all alternatives for access, and being consistent with the ordinance as written.

The board discussed the number of housing units placed per acre, which currently reads 4 units/acre and presenting a pleasing community.

Mr. Quintal noted that Ms. Carriel is working on the review sheet for use of the gas line as open space. He brought forward an open space plan which consists of 15.7 acres to preserve the wildlife corridor and habitat.

Mr. Fillio expressed concern that the open space in the cul-de-sac circle should not be considered as part of the wildlife corridor or supporting wildlife habitat.

The board discussed the wildlife areas, areas for recreation, walking areas and garden areas. The board felt that the areas for the septic systems should not be included in the calculation. The board discussed contiguous open space and how the ordinance was written. Clarification needs to be given for this provision.

Mrs. Fillio asked if any additional items would be presented that would be in conflict with the ordinance.

Mr. Quintal noted they have applied for wetland crossings, the cul-de-sac issue and open space issues.

It was noted this development would be serviced by one community well.

Mr. Quintal noted the test pits and soils data can be provided.

Mr. Morse asked if the open space was lost within the loop area, if enough existing open space land would satisfy the requirements.

Mr. Quintal stated yes, subject to interpretation.

Mr. Shepherd read from page 35 of the ordinance, section 12.3.3 regarding open space uses, passive and active recreation uses.

Mr. Quintal explained to the board that in order to finish the drainage calculations for the roadways, he needs to determine the configuration is acceptable to the board.

After a discussion the board noted the following items need to be addressed for the next meeting:

1. Resolution/definition of difference between Subdivision Regulation 12.3.1 and 12.3.2.
2. Use of septic system space as part of the open space calculation.
3. Building layout configuration.
4. Viability of obtaining right-of-way access thru an abutting property.

Attorney Radigan discussed with the board the passive and active recreational uses and the ordinance reflects access to the recreational use areas and not necessarily the contiguous requirement.

Mr. Day stated he disagrees with this concept and that it should be contiguous open space.

The board discussed other projects that have been approved using loop roads, future road layouts, the rational and the implementation of the 1,000 foot dead end road length as presented in the Master Plan and legal counsel. The board noted that they are planning the town a piece at a time and not as a whole. The board also discussed using grass median strips to divide the road and using "cross overs". The board also discussed the layout, length and approval of Brandy Wine Drive as a town road with Dan Nally. The board also noted the 1,000 foot dead end road length was implemented in conjunction with the fire safety issues.

Mr. Smith continued the Public Hearing until March 7, 2002 at 7:15 p.m.

#### DISCUSSION WITH MR. ABBOTT REGARDING HIS PLAN TO SUBDIVIDE PROPERTY ON JOSELIN ROAD

Mr. Abbott was present. No plans or documents were submitted to the board.

Mr. Abbott expressed an interest in subdividing his land, creating a back lot located at 50 Joselin Road, Tax Map 17, Block 2, Lot 13 which consists of 4.062 acres with 300 feet of frontage according to the tax map.

The board noted the ordinance calls for five acres in order to propose this type of subdivision and therefore the board could not act or approve this request. It was noted that the Planning Board must formally reject this request at a public hearing and advised Mr. Abbott to obtain a copy of the ordinances and regulations so that he may proceed with the Board of Adjustment. The board advised Mr. Abbott to make application for a subdivision in writing.

#### DISCUSSION WITH RICHARD COOK, TRI C MANUFACTURING REGARDING EXTENSION FOR PERMIT FOR OFFICE TRAILER

Mr. Cook, Tri C Manufacturing was present.

Mr. Cook explained to the board that approximately two years ago, the Planning Board had granted a permit for the installation of a mobile office trailer for a two year time frame which expires in January, 2002. He asked the board for a two year extension due to the economic conditions. He proposes no changes to the property or trailer and it would remain the same. No abutter problems have been received. There is no external entrance or exit to this office trailer.

Mrs. Fillio made a motion to grant an extension for an additional two year time period for the mobile office trailer placement.

Mr. Morse seconded. The motion passed unanimously.

The board took a five minute recess.

DISCUSSION WITH LARRY ERICKSON REGARDING HIS PLANS TO SUBDIVIDE PROPERTY ON WILLOW ROAD

Mr. Larry Erickson and Mr. James Lavelle, Lavelle Associates was present. A preliminary three lot subdivision plan was presented to the board and the public.

Mr. Lavelle presented a plan on behalf Mr. Erickson would like to propose a three lot subdivision located at 91 Willow Road. This is a conceptual layout consisting of two 2 acre lots with a 600' long cul-de-sac. The third lot consists of 10 acres, with a major portion being wetlands. A right-of-way would be necessary for the driveway to access this third lot in order to avoid wetland crossings. Mr. Lavelle noted that the property has flat poorly drained soils.

The board reviewed the plans, road layout, frontage for the proposed lots and the driveway easement over lot 2.

Mr. Erickson noted that the purchaser of the 2 back lots would be aware of the driveway easement when sold and this lot would have a 200 foot long driveway.

Mr. Day reviewed the Subdivision Regulations regarding driveway access with the board. Shared driveways were also discussed.

It was noted that the road would be built to town standards to eventually be accepted as a town road.

The board discussed various alternatives to the driveway right-of-way, fire protection in terms of creating a fire pond or the installation of a cistern system. A fire pond placement was discussed off the cul-de-sac with a representative of the Fire Department. The cistern system was also discussed, but no conclusion was reached. The board discussed the building setbacks. Issues around the disturbance of wetlands and crossings to place to the driveway within the frontage area of the third lot were discussed and various scenarios were depicted on the plans.

Mr. Day felt that the driveway should be located within its own frontage and that was the intention of this regulation when adopted.

Mr. Lavelle noted that the board has the authority to waive the regulations.

The board also discussed the requirement of developments leaving a right-of-way for abutting parcels for development and leaving a right-of-way for driveways. It was noted that what is being proposed is a driveway, not a road.

Mr. Morse suggested to Mr. Lavelle the reconfiguration of lot 2 and 3 to bring the frontage of lot 2 further down the proposed cul-de-sac and thus creating additional frontage of lot 3 to allow the driveway to be placed within its own frontage and setback the required ten feet from the boundary line.

Mr. Erickson discussed the board the selling of the existing home on lot 1 of this proposed subdivision which is currently being rented.

The board noted that this would not be acceptable and noted there are RSA's which govern this type of transfer. Mrs. Rice stated she would research and give this information to the board at the next meeting.

The board discussed bonding of the proposed road and noted that after either conditional or final approval was received and bonding was put into place, the applicant could then sell lot 1. It was noted that the building permits for the additional lots would be tied into the cistern or fire pond construction.

The board approved a public hearing date of March 7, 2002 at 7:45 p.m. provided that all submission items are received 20 days before.

The board noted a site walk will be held on Saturday, January 12, 2002 at 9 a.m. for the Maplevale property.

The board adjourned at 9:27 p.m.

Respectfully submitted,

Susan J. Rice, Secretary

Minutes completed: January 15, 2002

Minutes approved: \_\_\_\_\_