

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
January 15, 1998

FILE

AGENDA

- 7:00 Goals Chapter of the Master Plan – Public Forum
7:45 Proposed Regulation Amendments - Subdivision and Site Plan Review – Public Hearing
8:15 Commercial District Proposal (Main St. & Depot Rd.) –Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, James Roby Day, Jr.-Ex-officio, Catherine George, Dr. Robert Marston and Alternate Beverly Fillio.

Absent: Alternate Robert Nigrello.

Others attending: Lawrence K. Smith - Conservation Commission Chairman, Sarah Campbell - RPC Circuit Rider, Becky Hanna RCN Correspondent, James & Carol Davis, Judy Levis, Alice & Ralph West, James Nupp, Gary Hinz, Nancy Reiss, Richard Cook, Andrew Berridge, Alan & Sue Mazur, Dennis Quintal, Jack Fillio, John Melanson, Nat Rowell, Charles Marden, Steve White, Ray & Gail Donald, Richard Poelaert, Mr. & Mrs. Richard Marston, Mr. & Mrs. Raymond Chevalier, Jan & Richard Smith, Jr., Sue Jordan, and Susan Gladu.

Chairman Smith called to order this January 15, 1998 public planning board meeting at 7:04 p.m. with the roll call.

December 18, 1997 Planning Board Minutes: The Board reviewed the minutes dated 12/18/97 and noted corrections.

MOTION: Mr. Day motioned to accept the December 18, 1997 Planning Board minutes as corrected. Mrs. George second. The motion passed 5-0.

Goals Chapter – Public Forum: Chairman Smith opened the Goals Chapter public forum at 7:10 p.m. He explained that the purpose of the meeting was to collect community input regarding the goals of the Town of East Kingston to assist the Planning Board in the writing of the Goals Chapter of the Master Plan.

Mr. Day further explained that the Goals Chapter presently reflects an analysis of surveys. Over the past fifteen years surveys were conducted in 1979, 1985, 1994 and 1995 with conclusions reflecting similar trends and consistencies. Those trends are outlined in the 1985 Master Plan; some being:

1. Preserve the rural/residential characteristics of the town;
2. Implement some form of land use to restrict the appearance of buildings in certain areas of town; and
3. Growth control.

He further stated that the latter surveys reflect a similar trend:

1. Curtail further tax increase;
2. Preserve rural/agricultural characteristics;
3. Encourage enterprise, i.e., shops, farms, light businesses; and
4. Regulate building appearances.

At the inquiry of Gary Hinz, Chairman Smith stated that the next step to this Goals Chapter adoption is to write it and then hold a public hearing. He continued to say that he had hoped more residents would attend this meeting, as their input is strongly encouraged in the writing of this chapter.

Mr. Hinz stated that he would like to see regulations of building appearances especially for structures located in a commercial zone. He added that he agrees with the goals outlined above.

Mrs. Campbell stated that the updating of the Master Plan is almost complete. Remaining chapters to write are the Goals, Future Land Use and the Introductory. She stated that before the adoption of any chapter, the Board must notice and hold a public hearing.

At this time the Board discussed why the Goals chapter is one of the last chapters to be updated. It was explained that the previous chapters are informative tools that are needed to write the Goals chapter. Rockingham Planning Commission assistance has been contracted to update the Master Plan and they highly recommend that the Goals chapter be developed with significant resident participation/input.

Mr. Day added that updating the Goals chapter does not mean writing a different one, as it appears the town's wishes are still the same as before.

Mrs. Fillio stated that she would like to see the Goals chapter reflect the preservation of the rural/agricultural characteristics of the town. She would also like to see the goals and their changes be consistent. She gave the example of the consistency needed to regulate the home occupations in town.

Ms. Nancy Reiss responded that the home occupations should be consistent with the rural/agricultural nature of the town. She stated that this concept should be included in the Goals chapter and the zoning ordinance should be written to enforce it. She continued to say that if the town is going to expand its commercial district, then strict regulations must be implemented, otherwise it will become a "trash" commercial district. The rural nature of the town must be preserved.

Mr. Fillio questioned the definition of "rural". He asked how it could be preserved if it is not clearly defined. The term "rural character" must be clearly defined prior to the expansion or addition of any commercial district.

Mr. Day stated that the survey statistics have found farm occupation in town has decreased over the years. 42% of East Kingston residents have home gardens with fewer farms with animals and livestock. East Kingston may be losing its rural character.

Mr. Fillio reiterated the need for definition of what is to be preserved. He then stated that commercial zoning is not consistent with rural character.

Ms. Reiss stated that the town may have already moved passed farms. Committees are working hard to preserve open space/large land parcels. This will help to have a good tax base. She offered suggestions for the types of businesses that could be allowed in a commercial zone as house restaurants and crafts stores. These are low impact enterprises that are subordinate to the existing structures in town. She continued to say that although the town has lost its "farm" rural character, it can still have a "small town" rural character.

Mr. Fillio stated that in order to expand any commercial zone, strict regulations must be defined and enforced. E.g., how many stories, size of building, set backs, types of businesses permitted. Specifics must be written so that there is no room for misinterpretation.

Mr. John Melanson agreed that strict ground rules must be written and consistently enforced.

Ms. Reiss suggested that a committee be formed to oversee the architectural look and type of businesses. She stated that the goals of the town must be recognized and written to implement this.

Mr. Fillio stated that he opposes any new commercial zoning until clear definitions are adopted.

Mr. Johnson responded that a list of permitted uses is outlined in the zoning ordinance. The regulations set in the zoning ordinance make it so the town has more control over a commercial property than it does over a residential property.

Mr. Day stated that permitted commercial uses include business, wholesale and retail, plus consumer services. Light industrial uses include any commercial use, research laboratories excluding biological or chemical labs, office buildings, and warehousing with strict regulations.

Mrs. Fillio stated that although the regulations look good on paper, enforcing them is another matter.

Ms. Reiss proposed that a committee be assigned to investigate other communities who have attractive commercial districts and submit their findings for regulation consideration.

Mr. Richard Cook stated that everyone wants to preserve the rural integrity of this small town, keep a low tax base, and keep single homes, with a small general store. This is all well and good, however, to maintain these things, the town must take a new plan to enforce, regulate and consider commercial zoning. When families move into town, the tax base goes up. The physical layout and condition of town properties make it difficult to accommodate this growth. Most town-owned land is either wetland or unattractive tax deeded land, which is useless. The problem is not the laws in town, but the need to clarify and enforce them.

Members of the public expressed their favor in preserving the historical value of the town. They explained that that was one of the reasons people have moved here.

Mr. Cook stated that small towns are forced to make tough decisions to keep the town economically alive.

Mr. Day responded that the forces are against East Kingston remaining a small town. He stated that East Kingston will continue to grow. The state does not allow towns to stop growth. The rural character will eventually diminish. He added that the town needs to find a sensible way to control growth. Commercial zoning may be one of the answers.

Mr. Johnson stated that the light industrial park located on Haverhill Road is currently undergoing preliminary plans to be developed.

Chairman Smith thanked the public for their input and then closed the Goals chapter discussion.

Proposed Regulation Amendments—Public Hearing: Chairman Smith opened the public hearing for the proposed regulation amendments at 7:49 p.m.

PROPOSED SUBDIVISION REGULATION AMENDMENTS

Mrs. Campbell explained that the Planning Board's majority vote is necessary to adopt the subdivision amendments as presented. She then reviewed the proposed changes as follows:

1. For clarification purposes the following section "R" will be added to Section IV of the Subdivision Regulations:

R. Each site or lot proposed for residential development shall have at least two test pits, separated by a least fifty (50) feet. The test pit shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-W's 1014.01 et seq., suitable as a receiving layer for leaching area. At least one test pit and percolation test area must be located within this area. This area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. This is no portion of the contiguous must be unavailable for the installation of a septic system for any reason.

And

Amend Section VI by adding a new "K" as follows

K. The location for and pertinent data on a least two (2) test pits, 50 feet apart, and of at least one (1) percolation test to show that the requirements in IV.R have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, and outline of the 4,000 contiguous square foot area reserved for leach field, percolation test data, the certification of the Town Agent witnessing the test pits.

2. To clarify requirements for boundary markers, delete XII.D.3 and amend VII.B.4 to read as follows:

Permanent concrete monuments shall be set aside at least at all corner points of each proposed lot before the plan is signed.

3. Update IX to read as follows:

These regulations may be amended or rescinded by the Planning Board in accordance with RSA 675:6 after a public hearing.

Mrs. Campbell explained that item #1 is to clarify test pits; item #2 is a housekeeping change to be consistent with regs; and item #3 is to update the old language to keep up with the state statutes.

MOTION: Mr. Day motioned to accept the proposed subdivision amendments outlined in items #1, 2, & 3 above. Mrs. George second. The motion passed 5-0.

SITE PLAN REVIEW REGULATIONS AMENDMENTS

Mrs. Campbell stated that other towns have commercial districts that require aesthetic development be regulated.

Mr. Cook suggested that the regulation may want to list different types of constructional development that would be permitted. E.g., lighting and fencing. He stated that this would make it easier and clearer for the developer.

Ms. Reiss stated that an aesthetic board, in addition to the planning board should be formed to regulate the development.

Mr. Dennis Quintal responded that giving too many specifics may make it difficult, as each case is different from the next. What is good for one proposal may not be good for another.

Ms. Reiss stated that samples of architecture can be given. Restrict what is unacceptable and give suggestions of what is allowed.

Mrs. Campbell stated that other towns have aesthetic boards that regulate site plan review.

The public voiced their concern about the possibility of restricting the use of "the golden arches" and other similar types of design.

Mrs. Campbell responded that the language of the regulation can be written to restrict those types of designs.

Mr. Hinz was concerned with the landscaping provisions for site plan review. He stated that landscaping to one person might mean a 25 foot dense buffer, to another it might mean a bush. These items should be clearly addressed in the regulations.

It was agreed that the proposed site plan review amendments needed further revision. Chairman Smith informed the public that this public hearing on these site plan review amendments will be continued to the February 19, 1998 meeting.

Commercial District Proposal (Main St. & Depot Rd.) – Public Hearing: Chairman Smith opened the public hearing for the proposed commercial district that would be located on Main Street and Depot Road at 8:15 p.m. Mr. Day, representing the Future Land Use and Acquisition Committee will present the article.

Mr. Day gave a brief description the FLUAC; it's origination, members and mission. He continued to say that the research and study conducted by the committee resulted in learning the town had little resource in accommodating it's anticipated growth. Recreation, the school, the public safety complex, the library and road agent supplies demand more space/land for their growing needs.

He went on to say that the FLUAC recommends the encouragement of a growth patterns, using current use or conservation easements, and the sale of presently town-owned lands that are of no use to the town. The FLUAC also recommends the town purchase property for future town facility expansion needs. This public hearing concerns one of the FLUAC's recommendations:

Your Future Land Use & Acquisition Committee has looked at a great deal of material, including land and properties, and their present and future uses. The Committee believes our future growth may be haphazard and scattered, unless we afford opportunity to develop in an orderly fashion.

Our Town used to have a more focused center around the railroad depot, with a number of commercial enterprises on Depot Road and Main Street. We can refocus ourselves, reinforce our sense of Town identity and community, with a larger commercial zone in the same area that will include the municipal locations of the Town offices, Town Hall, the Fire and Police stations, and the recycling area.

The FLUAC offers the following PROPOSED ZONING ORDINANCE amendment, and asks for your support:

Are you in favor of the adoption of Amendment no.1 as proposed by the Future Land Use & Acquisition Committee petition for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT)

Enlarge the Commercial District on Depot Road and Main Street (Routes 107/108) by amending Article VII – Commercial District A with a third subparagraph as follows:

- 3. Northerly from the center line of Depot Road and Main Street encompassing land parcels MBL#8-2-7, 9-6-4, 9-6-5, 9-7-1, 9-7-2, 9-7-3, and 9-7-4, and southerly from the center line of Depot Road and Main Street encompassing MBL#9-3-8, 9-3-7, 9-3-6, 9-3-5, 9-3-4, 9-3-3, 9-8-11, 9-8-12, 9-8-13, and 9-8-31.*

Mr. Day further stated that looking at the historic East Kingston, it used to have a town center. The railroad no longer stops in town the post office has moved, and the school moved out of Brown's Academy. The town center has all but disappeared.

He stated that FLUAC's reasoning for the proposal would encourage enterprise and recreate a clear town center. This zoning change will have no tax impact to the affected parcels unless those property owners choose to change their current residential use to commercial.

Mr. Day went on to explain the FLUAC's original proposal and the Planning Board's recommendations which included rezoning both sides of the road and using lot lines instead of linear distances. He stated the FLUAC did their best to keep East Kingston's interests in mind.

Mr. Cook stated that he is a FLUAC member and that he spoke with the State, Rockingham County, and other towns independent, which these decisions were based on. Not everyone will agree but if they think this proposal through, it will be in the best interest for everybody in town.

Mrs. Carol Davis inquired as to how many petition signatures are property owners who would be directly affected by the proposed commercial zone.

It was noted that three "affected" property owners signed the petition.

Mrs. Davis asked why the town needed another commercial district. She stated that proposed commercial zone would place property values in jeopardy. She went on to say that the lack of signatures of the "affected" property owners suggests that many are not in favor of the proposal and that there is no need for a "downtown".

Ms. Reiss questioned how many existing residences are operating a home occupation. She noted that the turkey farm and store are already there. She stated that the commercial district regulations need to be restrictive so a "Wendy's" can't be located here. The commercial district should allow only low impact rural home occupations.

Mr. Nathaniel Rowell stated that he has been a resident of East Kingston for 46 years and he opposes this proposal. He stated the existing commercial district is enough. He went on to say that he doesn't see a significant number of "affected" residents in favor of the proposal as Mr. Day indicated in correspondence dated 1/98 to FLUAC members. He further questioned if this zoning proposal is an inducement for the sale of the Kennerly property.

Mr. Rowell stated that he doesn't see how this expansion is going to help the town. East Kingston is the 3rd smallest town in Rockingham County. There isn't a great number of building lots available. He then stated that he hoped the Planning Board Chairman would not support this article when it becomes a part of the warrant article.

He then noted that Foss-Wasson field was included in the proposed commercial zone and questioned if it should be rezoned. He stated that Al Foss sold the field to the town for one dollar in 1956 for recreational use. What purpose would be served by rezoning it commercial? He again requested the Planning Board NOT support this proposal.

Mr. Day responded that not everyone approached was asked to sign the petition, although the number of residents in favor of the proposal was overwhelming.

He stated that the Kennerly property is a totally separate issue from the commercial zone proposal. However, if the town buys the Kennerly property and decides to sell the house and barn, it would make its value greater.

Mr. Rowell questioned whether the motivating element to expand the commercial zone was the possible town's purchase of the Kennerly property. He stated if using this article to make the Kennerly property more subdividable then the voter's feelings regarding the purchase of the Kennerly property would not be known until March ballot along with this proposed article. Why expand the commercial zone for the purpose of the Kennerly property before it is know whether or not the town wishes to purchase it?

Mrs. Davis responded that since this is the only open discussion on the proposed commercial district, then the townspeople would not be privy to what is discussed tonight.

Ms. Reiss stated that if the Kennerly property is sold to a developer, as many as five new homes could be added to the tax base.

At Mrs. Fillio's inquiry, Mr. Day stated that an environmental check is being conducted on the property and the results will be available by Town Meeting.

Mrs. Fillio stated that not one of the FLUAC members is a resident in the "affected" area.

Mr. Smith stated that this was not an influence. The FLUAC was working to getting the town center back where it used to be.

Mrs. Judy Levis stated that she takes acceptance to losing the town center. She does not feel it is lost. The library, church, store, diner, and turkey farm are still there. She continued to say that the 15 to 20 minute talks given at the time the FLUAC was soliciting signatures was not enough time to decide whether one is for or against the proposal.

She continued to say that the home occupations in town compliment the area nicely. What other types of businesses would you want if it didn't fit within the home occupation provisions? She further stated that she does not know how the FLUAC got involved in the town's zoning, as it is not their role.

Mr. Nupp responded that he is a North Road resident and a FLUAC member and the difference between a commercial district being located on North Road and one on Main Street and Depot Road is that there is too much open space at stake on North Road. He stated that most of the land on Main Street and Depot is made up of homes. The potential for commercial will only happen if a resident sells his home to a commercial enterprise. The FLUAC felt that this proposal would ensure the town's center in the future.

He continued to say that commercial does not mean car sales or McDonalds. It is up to the citizens of the town and its regulations to ensure that this does not happen.

Mr. Nupp went on to say that the commercial district proposal and the purchase of the Kennerly property are two separate issues and that no conspiracy exists to connect the two. As the town grows, its facilities will need to grow.

Mrs. Kathy Ford questioned why prime commercial type land by the railroad and out back of it was not included in the proposal. She also stated that there is no place to put a commercial business in the proposed area. All the parcels are residents. She stated that she too believes the town still has a center.

Mrs. Sue Jordan stated that she opposes the proposed commercial district expansion and that no one approached her or her husband on this matter.

Mr. Fillio asked if the town could sell the ball field.

Mr. Rowell reiterated that it was Al Foss's wish that the town use Foss-Wasson for recreational purposes.

Mr. Smith responded that the ball field was included just to follow the lot line. The field could be excluded from the proposal.

Mr. Richard Poelaert stated that the Kennerly property is a once in a lifetime opportunity, but putting the two proposals together hurts the proposal to purchase it.

Mr. Day stated that there is no connection between the two.

Mr. Richard Smith, Jr. stated that the intent to purchase the Kennerly property is to increase the space around the fire/eoc/police department. In order to have adequate space for future expansion, more land must be acquired. There is a chance this property could be sold. This is strictly for town expansion. The commercial district proposal is not related.

Mr. Nupp further explained that the current town facilities were polled and with out exception, each of the services would be crunched for space. There is currently no town land available for expansion.

Mrs. Susan Gladu stated that she has resided across the street for 16 months. She and her husband work in Boston. They moved here because East Kingston is a small town. She questioned what else is the FLUAC looking to pull into the center of town. She does not mind doing her shopping in other towns. She stated that she is not convinced the commercial district proposal has no effect on the sale of the house and barn. Attaching the commercial district only hurts the potential purchase of the Kennerly property.

Mr. Richard Marston stated that almost the entire Levis property is included in the proposed commercial district. Did anyone consider what could happen to that property if it ever changed hands? That parcel is too big to be considered being zoned commercial.

Ms. Reiss stated that residential housing costs the town more.

Mrs. George stated that the Planning Board has considered expanding the commercial districts in town for a long time. The Kennerly property being up for sale is a completely different issue.

Mr. Johnson stated that the FLUAC is faced with researching and recommending the future needs of the town. He added that past surveys indicate the town's desire to reduce the tax base with commercial enterprise.

Mrs. Levis stated that people are applying for home occupations for two reasons. One is to keep the overhead down and the other is that since both parents have to work, having the business in the home alleviates childcare concerns. It is more beneficial to have a home business.

Mrs. Davis stated that if these are not co-joined issues, then why is this commercial district proposal being presented by the FLUAC and not the Planning Board? She stated that she believes the commercial expansion and the Kennerly property purchase are linked.

Mr. Day stated that the original commercial district proposal was a 500 foot linear distant from the church to the recycling center. The Planning Board recommended it be on both sides of the road and include lot lines. This is the Planning Board's idea.

Mr. Nupp joked that the problem here is that Mr. Day is on the FLUAC, the Planning Board and a Selectmen; Mr. Smith is on the FLUAC and the Conservation Commission and that this is all a master conspiracy. He then continued on a serious note that the FLUAC never intended to sell the Kennerly project with the commercial district. It was to keep some sort of town center. He stated that he didn't want East Kingston to lose its identity.

Mrs. Ford reiterated that there is no space for a commercial enterprise in the proposed commercial district. As for the Kennerly property, she stated she feels there is some sort of tie in and the sale of the Kennerly property will bring in more money if it's commercial v. residential.

At the inquiry of Mr. Rowell, Chairman Smith stated that the Planning Board will vote on its recommendation of this article.

MOTION: Dr. Marston motioned the Planning Board NOT recommend the proposal to amend Article VII by expanding the existing commercial district on Depot Road and Main Street. Mr. Johnson second. The motion passed 4-1. (Mr. Day opposed.)

At this time Chairman Smith announced that the public hearing on the Kennerly property regarding a bond issue will be held on Monday, February 9, 1998 at 7:30 p.m. at the Town Hall.

Chairman Smith then closed the public hearing on the proposed commercial district at 9:45 p.m.

Permit For Well Replacement: Mr. Dennis Quintal presented the Board with a situation in Kingston where a well (replacement) was placed in a nonconforming location. He stated that well companies place wells where they think they should go, giving little regard for town codes and regulations. These problems are then passed on to the consumer and it is at his expense to resolve the violation.

He continued to say that in planning a replacement well location for a resident in town, he noticed that East Kingston's zoning ordinance does not address well replacements. He stated that although the Building Inspector informed him a permit was needed for the project, the zoning ordinance does not clearly state one is required.

Mr. Quintal continued to say that he would like to see specifics so that well replacements can be regulated, especially in areas down by the river. Many residents do not know or understand the regs. He inquired if the Planning Board would consider putting such requirements into the zoning regulations.

Several members expressed their support in Mr. Quintal's recommendation and Chairman Smith placed the issue on the next work session's agenda.

Matt Blunt - Subdivision - 22 Joslin Road: Chairman Smith acknowledged a message that on December 12, 1997, Matt Blunt contacted the Selectmen's office to say that he was not going to pursue his proposed 8-lot subdivision plans located at 22 Joslin Road.

James Bioteau/Norma Hart - 179 North Road - Subdivision: The Board reviewed the mylars submitted by James Bioteau for a subdivision proposal that was approved with conditions on November 18, 1997. The Board acknowledged the changing of a boundary line and a new test pit location. The Board questioned the test pits location relative to an existing brook. Since Mr. Bioteau could not be present at this meeting, he will be placed on the next work session agenda for discussion.

Work Session: The next Planning Board work session will be held on Thursday, January 29, 1998 at 7:00 p.m. at the East Kingston Town Hall. The agenda will include subdivision discussion with James Bioteau, Cheryl Tucker, and Mr. & Mrs. Tuck.

MOTION: Dr. Marston motioned to adjourn. Mrs. George second. The motion passed 5-0 and this January 15, 1998 public planning board meeting ended at 10:20 p.m.

Respectfully submitted,

Ernie
Secretary

Minutes complete and on file January 21, 1998.