

January 16, 1992

Members in attendance: Richard Smith, Sr., Chairman; Melvin Keddy
Robert Marston, and Amanda Rossi

Others in attendance: Sarah Campbell, RPC; Larry Smith,
Conservation Commission

The meeting was opened at 7:40pm.

Smith, Ed-Subdivision Ms. Campbell reported there were questions regarding the Subdivision of Ed Smith and cisterns to be installed. She stated she had checked minutes of August 1990 which cited the Fire Chief explaining the plans and that he had written a request for cisterns.

Mr. Smith stated that he has talked with David Conti, Fire Chief, and that he has no recollection of what he wrote.

Ms. Campbell said that it is not unreasonable to require all conditions on the plan be implemented prior to issuing building permits on these lots.

Larson, Tom-Smith Subdivision Mr. Larson is a perspective buyer of a Smith Subdivision lot and asked what the plan states.

Mr. Smith explained the process to date and that the cisterns must be in and complete before building permits would be issued.

Mr. Larson said he understands and he will look at the plans at the Registry of Deeds.

Kokaras, Arthur-Subdivision in South Hampton Mr. Kokaras is proposing to subdivide his land in South Hampton. His property is wholly in South Hampton, however, the exiting driveways would be on Clement Lane in East Kingston. He stated he is represented by Attorney Charles Tucker of Exeter, who was not present this evening. Attorney Tucker sent his opinion that this is a minor subdivision in South Hampton with two lots exiting on Clements Lane via Mr. Kokaras.

Mr. Kokaras explained the placement of Town lines relative to his property. He noted that at some time in the distant past, the Town line of South Hampton and East Kingston was moved to make the property line of this property the Town boundary also.

Mr. Kokaras noted that he proposes two 5 (plus) acres on Clements Lane.

The Board has concerns with these lots asking for services from the South Hampton fire and police depts.

Mr. Kokaras stated he is seeking a letter from the Planning Board to okay South Hampton planners to continue with the subdivision. He also noted that he is willing to give the Board an approved plan to East Kingston.

Larry Smith noted that the Soils Scientists will probably be doing a High Intensity Soils Study on the property.

Ms. Campbell stated that the East Kingston Planning Board needs to sign a statement before South Hampton will approve. She noted that a statement in the minutes of this meeting would suffice.

Mr. Kokaras said that he will be retaining a 17 acre section with the house as it now exists.

Ms. Campbell asked that the plan show:

1. the roads
2. abutters
3. town lines
4. a note regarding the fire/police servicing the lots
5. driveway permits to be signed by East Kingston Building Inspector.

Mr. Kokaras left a copy of the preliminary plan.

Ms. Rossi asked where the lots exit onto an East Kingston road, would it be possible to charge an impact fee.

Mr. Smith stated it was his understanding that town fathers of long ago made a deal and now we have to live with it (which does not allow charging other town property impact fees).

Dr. Marston stated he would like to see the "deal"; see it written.

Mr. Richard Smith and Mr. Larry Smith stated neither have seen any written information.

It was determined that South Hampton school buses use Clements Lane to turn around.

Ms. Rossi noted that East Kingston is getting the impact of these driveways on East Kingston roads.

Mr. Kokaras noted that this is a unique boundary in that it does not exist on the centerline of the road. He cited cases that Attorney Tucker has brought to his attention where this problem would be addressed.

Dr. Marston asked Ms. Campbell if she were aware of such court cases.

Ms. Campbell stated that past practice in East Kingston shows that impact fees are placed, ~~not strictly on roads,~~ and suggested that ~~the Board might not get too serious about it.~~

Ms. Rossi then asked if the driveways would be put in according to East Kingston ordinance (standards) or those of South Hampton.

Ms. Campbell stated this was a good point, and perhaps the resolution would be to have driveway permits signed by both towns. She suggested this could be another condition, and it is so added to the above.

Mr. Kokaras asked to whom he should speak regarding the removal of trees growing out of the stone wall.

Mr. Keddy arrived at this time.

Mr. Larry Smith noted that Mr. Kokaras cannot cut down if they are boundary trees.

Mr. Kokaras asked what happens if they pose a danger.

Mr. Smith said then he should speak to the Selectmen.

Mr. Keddy asked the South Hampton minimum frontage on a street.

*Charged for other services in addition to roads (e.g., schools, fire, police)
And since the Board does not have a formula for assessing
impact fees on roads only, they might consider letting
it go in this case.*

Mr. Kokaras stated minimums are 2 acres and 200 ft. frontage on a street. He also noted that his proposed subdivision meets the requirements and also that the lots always had frontage in East Kingston. He explained that South Hampton wants a statement that East Kingston doesn't have a problem with his proposal.

Mr. Kokaras explained that he is in the process of refinancing, and he outlined his timeframe for going to South Hampton Board and timely notifications, etc.

Mr. Keddy noted that East Kingston has done this before for other Towns, and he doesn't see a problem with giving conditional approvals.

Dr. Marston informed Mr. Keddy that Ms. Rossi questioned the impact on Clements Lane, and that East Kingston has just resurfaced it.

Mr. Keddy motioned that conditional approval be given, conditional on the South Hampton approval, and contingent upon South Hampton final approval.

Ms. Campbell noted this doesn't lock anything in, it is just a statement.

Mr. Keddy then restated: "The Planning Board doesn't have a problem with the lots getting frontage and access onto Clements Lane in order to satisfy the South Hampton ordinance"

Dr. Marston second.

The motion passed 4-0.

Dan Bodwell-Septic-Sludge Ordinance Mr. Daniel Bodwell addressed the Board with his concerns with the Ordinance as passed at the Town Meeting of 1991.

He brought his suggestions for review of the Board. He stated that he had some discussions with the Selectmen and noted his problems with the regulations as passed.

His suggestions affected:

14.2 Permit required: Mr. Bodwell has a problem in that an annual permit must be obtained. He said this was not enough time to make improvements and he was uncertain if the permit would be renewed. *He suggested the permit period be changed to 5 years*

14.3.8 100 ft. setback *per DES draft rules* from public highway. *suggested change to 50 ft from*

14.3.11 dealing with signs every 50 ft. where land applications were prohibited. *Property lines and public ways*
Delete this section

- 14.3.12 2 ft. of unsaturated soil at application time. ~~in 14-3-12~~ *Delete remaining language*
- 14.3.19 Acceptance of any residential septage from East Kingston per 149-M:13. ~~Add notes~~
- 14.4 Enforcement.

Mr. Bodwell's suggested changes are:

PROPOSED AMENDMENTS TO SEPTAGE/SLUDGE DISPOSAL FACILITIES
ORDINANCE

1. Amend the provisions of Paragraph 14.2 by deleting the same and substituting in place thereof the following:

14.2 Permit required. In order to operate a septage/sludge disposal site, a permit must be obtained from the Board of Selectmen during the second quarter of the year beginning in 1991 (Permit cost: \$20.00). A permit issued hereunder shall be issued for a period of five years, having as its termination date, the termination date of the permit required by the State of New Hampshire. The Selectmen shall issue a septage/sludge disposal site permit after a public hearing (with notice as per RSA 675:7) provided the provisos of this section (and other applicable Town, State and Federal Regulations) are met. Application for a permit renewal must be submitted to the Selectmen's Office at least sixty days before the expiration of an existing permit.

2. Amend the provisions of Paragraph 14.3.8 by deleting the same and substituting in place thereof the following:

14.3.8 Septage and sludge shall not be applied to the land within 300 feet from a dwelling, 50 feet from property lines, or 50 feet from any public road. No stockpiling of sludge shall be allowed within 500 feet from a dwelling, or 250 feet from a public road.

3. Amend the provisions of Paragraph 13.3.11 by deleting the same.

4. Amend the provisions of Paragraph 14.3.12 by deleting the same and substituting in place thereof the following:

14.3.12 There must be at least two feet of unsaturated soil at the time of septage or sludge application (i.e., depth to seasonal high water table from the bottom of the receiving soil shall be at least two feet).

5. Amend the provisions of Paragraph 14.3.19 by deleting the same and substituting in place thereof the following:

14.3.19 The facility shall accept any residential septage from within the Town of East Kingston (to insure compliance with RSA 149-M:13) for as long as the facility operates. The owner of the facility has the right to approve operators offering septage for disposal and to monitor whether or not the offered septage is from residences of the Town of East Kingston.

6. Amend the provisions of Paragraph 14.4 by deleting the same and substituting in place thereof the following:

14.4 Enforcement. The Selectmen shall enforce the provisions of this section. The Selectmen, or their agent, may access and inspect a septic/sludge disposal site and any pertinent records (reference 14.3.18) in order to insure conformance with local permit requirements and any other applicable local State or Federal Regulations. If any permit violations or health and safety hazards are found or believed to exist, the Selectmen shall have the authority to notify the owner/operator of such conditions and to cause a public hearing to be held to determine the status of such conditions and the steps to be taken to rectify the same. If such conditions are not rectified within a reasonable time, the Selectmen shall have the authority to revoke the local permit until the violations and/or hazards are rectified to the Board's satisfaction.

Mr. Bodwell said he mentioned that the State has new regulations under consideration. He said he has the new regulations with him this evening.

Mr. Keddy asked what the target date for enactment is.

Mr. Bodwell said it should have been enacted by now; however, it might come by late spring-early summer. He noted there will be changes.

Mr. Bodwell stated he wants to relieve the land spreading and to build lagoons and have constructed wetlands. He said he has been in contact with the State to work on these plans and implement them.

Laurie Carbone-Home Occupation Application The Board received an application for Home Occupation from Laurie Carbone, 208 Haverhill Road (Crafts-antiques-seasonal).

Mr. Keddy noted that there is little area for parking.

Mr. Keddy motioned to hold a Public Hearing for Mrs. Carbone on February 20, 1992.

Ms. Rossi second.

The motion passed 4-0.

Scapicchio/Pica Mr. Keddy noted that residents of Andrews Lane want to attend the next meeting regarding this subdivision as they have questions for the developer.

A letter requesting a 90 day extension was received.

Dr. Marston motioned to grant a 90 day extension to Dr. Scapicchio as requested.

Ms. Rossi second.

The motion passed 4-0.

Minutes The minutes of November 21, 1991 were corrected as follows:

Pg. 3: paragraph 1: remove: Ms. Campbell requested a copy of a letter from Larry Smith so noting be provided.

Pg. 3: paragraph 3: Revised Outstanding/Conditional Items:

Outstanding Items:

- a. Storm calculations revised ^{ed} by ConCon & letter from ConCon
- b. Articles of Association- (S.Campbell not comfortable with this condition/R.Pica agreed)
- c. Should show phases (R.Pica said he talked with atty. and he understands the mechanisms to implement)
- d. Engineer review
- e. Impact fee resolution
- f. Placement of school traffic sign

Conditional Items:

- a. Deed for school property
- b. State approvals
- c. Signed, stamped mylars
- d. Acceptable bonding
- e. Payment of outstanding review fees

The minutes of December 19, 1991 were corrected as follows:

Pg. 4: paragraph 13, line 4: tin writing to be "in writing".

Pg. 7: paragraph 9, third sentence: This is requested for both Kingston and East Kingston; no date set as yet.

Dr. Marston motioned to approve and accept the minutes for November and December 1991 as corrected.

Mr. Smith second.

The motion passed 4-0.

The meeting was adjourned at 8:55pm.

Respectfully submitted,

Nancy J. Marden, Secretary

Typed: Jan. 19, 1992