

Town of East Kingston, NH
Planning Board
Minutes

Date of Meeting: January 16, 2003
Place of Meeting: Town Hall
Time of Meeting: 7:00 p.m.
Type of Meeting: Monthly Meeting

Present: Richard Smith, Chairman, Jack Fillio, Ex-Officio, Dr. Robert Marston, Roby Day, Eugene Madej, Alternate and Catherine Belcher, Alternate.

Others Present: Maura Carriel, RPC; Larry Smith, Conservation Commission; Kent Shepherd, Building Inspector and Allan Mazur, Fire Chief.

Call To Order: Mr. Smith called the meeting to order at 7:04 p.m.

Roll Call: Mrs. Rice conducted the roll call.

In-Coming Correspondence:

1. Letter from Beverly Fillio announcing her resignation. The board accepted the resignation with deepest regret. A letter will be sent to Ms. Fillio thanking her for serving the board.
2. Letter from Workforce Housing Coalition of the Greater Seacoast: A division of the Housing Partnership. Workshop scheduled for February 6, 2003 at the New England Center-UNH at 6:30 p.m. This flyer will be copied and mailed to board members.
3. Report from Jay Stevens regarding bond estimate set for Taylor Way. It was noted by Allan Mazur, Fire Chief that the fire suppression system requirement is still unfinished. It was noted that the plan will not be recorded until all conditions of approval are met, including fire suppression.

Ms. Belcher arrived at 7:10 p.m.

Acceptance of Minutes-December 19, 2002:

Ms. Belcher made corrections to the minutes pertaining to the Brentwood Commons Public Hearing regarding easements on the Short property and Certificate of Monumentation to be added under the Conditional Approval. A note will be added regarding the Dudley Home Occupation, that a detailed description of the items to be offered for sale is noted within the application submitted. Mr. Day requested that the words "to continue discussion of growth management" should be added to the motion he made. A corrected set of minutes outlining these changes will be sent to board members.

Mr. Fillio made a motion to approve the amended minutes.

Mr. Day seconded.

Voting Member: Mr. Smith appointed Ms. Belcher as a voting member for this evening.

The motion passed unanimously.

Other Business:

Mr. Day informed the board he had brought in a timer to keep track of the time each applicant has before the board. The board acknowledged that "tomato" time would be kept.

Amanda Stone-Natural Resource Outreach Coalition

The Board met with Amanda Stone of the Natural Resource Outreach Coalition (NROC) which provides technical assistance to those communities located within the NH coastal watershed. This technical assistance is based on those issues identified by the individual communities. NROC creates an action plan to accomplish these identified goals and helps the town find assistance and resources for implementing these plans. Examples of issues that NROC could help the Town of East Kingston address are intensity of land use, habitat loss and fragmentation, water quality and quantity concerns and community character issues to name a few. The board and the public viewed a slide presentation presented by NROC. The board discussed with Ms. Stone the assistance they have provided to Stratham and the Moose Mountain Greenways. The funding of the program which is at no cost to the community, is sponsored thru funding secured thru the NH Estuaries program funding. It was noted that NROC has the sources by which to apply for grant monies to help with community projects. Ms. Stone explained to the Board that an application process is currently underway to select the communities that NROC will help this year. The application deadline is January 30th. The Planning Board asked Mr. Larry Smith, Conservation Commission to complete the application for assistance by January 30, 2003.

Lisa Auger-Discussion Purposes Only-2Lot Subdivision-Burnt Swamp Road

Ms. Auger was present and presented a preliminary 2 lot subdivision plan prepared by Little River Survey Company. The land is located on Burnt Swamp Road and currently has a duplex on it. Ms. Auger noted they would like to subdivide this 8.2 acre parcel using the backlot provision. The board discussed minimum lot size requirements for the duplex as well as the backlot and noted the required frontages for each lot. The entire 8.2 acres has not been completely delineated for wetlands. The current septic system was not shown and the lots have not been perked. Mr. Larry Smith discussed the wetland soils and required soil classifications with the surveyor. Ms. Carriel noted that the board has recently amended the subdivision regulations regarding lot configuration and it was noted the odd shaped "L" lot and keeping with the provisions of making the lots as rectangular in nature as possible. The board noted that this discussion was non-binding by either party. Ms. Auger

thanked the board for their time.

Public Hearing for Centerview Hollow Land Co. LLC for a Site Plan Review for 14 Depot Road, MBL 8-2-7 and MBL 8-2-46 for a proposed condominium merger for 66 single and multi-family elderly housing dwelling units

Mr. Smith removed himself from the board as he is an abutter. Dr. Marston stepped in as Chairman. Mr. Madej was appointed as a voting member for this case.

Mr. Peter Lewis and Mr. Chris Frey, Lewis Builders and Attorney Robert Fryer.

Mr. Frey presented a revised set of plans showing the merger of Maplevale Farms and Maplevale Woods. The revision to the plans was the addition of a signature block. Mr. Frey explained the nature of this merger was administrative in nature to allow for once single Condominium Association for both projects.

Ms. Belcher asked about the convertible land or any provision for convertible land.

Attorney Fryer explained the difference between convertible land and expandable land. He noted that this project has no convertible or expandable land.

Mr. Day asked about the community center and areas for recreational parking. It was noted that the former developer, Mr. Hirsch had removed the community center from the Maplevale projects and subsequently to the combining of these projects, the Maplevale projects will be using the Cricket Hill Club House for recreational uses. Similarly, Cricket Hill will be entitled to use the recreational vehicle parking provided in the Maplevale projects. Mr. Day made a grammatical correction on page 11 to change "which" to "whom".

Ms. Belcher requested the enforcement procedures for the Town of East Kingston be placed within the bylaws as it is noted within the Condo documents. Attorney Fryer noted that this is not usually done, but stated he would comply with this request as a new section at the end of the bylaws.

It was noted that the plans and the documents must be signed prior to recording. It was noted that Dr. Marston, as the Chairman of this particular public hearing would need to sign the documents as well as the plan.

Dr. Marston asked for public input.

Mr. Allan Mazur asked about units 47, 48 and 49 with regard to the update of the fire codes for these buildings. Mr. Frey stated that these units would comply with all fire codes when the building permit is applied for.

The board reviewed and Ms. Belcher read aloud the letter received from Town Counsel regarding

this merger. Town Counsel feels that there is no adverse reason why this merger cannot be approved as presented.

Mr. Smith asked about the State entrance permit and if the proposed re-grading of the library and driveway re-location would change. These items will not change and the church should gain access for the parking areas within the next few weeks.

Mr. Day made a motion to approve the proposal as presented provided the applicant provides the addition of wording into the bylaws regarding enforcement language to the Town of East Kingston. The amended documents and plans shall be signed by Dr. Marston prior to recording.

Mr. Fillio seconded. The motion passed unanimously.

Continued Public Hearing for a proposed four lot subdivision for Richard Cook and David Sullivan, 33 Haverhill Road, TMBL 11-2-11 for three residential lots and one non-residential lot

Mr. Smith returned as Chairman of the Board. Mr. Madej returned to his alternate member status.

Mr. Richard Cook, Mr. David Sullivan and Mr. Dennis Quintal, Civil Construction were present. Mr. and Mrs. Keisel, Frank Postle, and David Toothaker were present as abutters.

Mr. Quintal presented revised plans before the board. The board has received an updated review from Maura Carriel, RPC regarding the subdivision and site plan review.

Mr. Quintal explained the proposed subdivision is now depicted as a three lot residential subdivision with a dead end road servicing two regular house lots and one back lot house lot. . Drainage analysis has been submitted and the soils report was received tonight by the Board. A copy of the fire suppression plans and subdivision plans were presented to the Fire Chief for review and a further consultation will be held between the parties involved to discuss the fire suppression services further. Mr. Quintal noted he has addressed most of the comments presented in the report from RPC and feels that all the issues would be addressed by the next meeting.

Mr. Day asked about the frontage of the backlot and it was noted that 300 feet of frontage exists around the circle.

Ms. Belcher asked about the test pit waiver request. Mr. Quintal explained that the soils in that area are uniform in nature and that previous test pits had been done. He noted he prefer not to disturb the site further for additional test pits. Mr Quintal noted that the regulations state that two test pits per lot need to be completed, however only one test pit per property had previously been completed. He noted that the test pits could be done, it would mean additional disturbance of the vegetation.

Mr. Madej asked if Ashlie Drive would be connecting to the newly proposed road. It was noted that Ashlie Drive would be connecting to the newly proposed road and a stop sign would be installed at

the end of Ashlie Drive. The present cul-de-sac "semi-circles" would be removed. It was noted that Ashlie Road extends onto the Cook/Sullivan property by approximately 60-70 feet.

Discussion of the fire suppression services ensued. The back lot is serviced by a long driveway with a loop at the end for easier turn around for emergency vehicles. The back lot is serviced by a fire pond and dry hydrant system. The two other house lots can be serviced by either the existing fire suppression system or the newly proposed fire pond system. An easement needs to be provided to access the newly proposed fire pond system. Mr. Quintal noted he has completed the engineering regarding the dry hydrant system and would be discussing this issue with the Fire Chief.

The board discussed the length of the driveway for the proposed back lot house lot and noted other similar situations of long driveways located in East Kingston.

The board discussed the location of the gas pipe line easement, the electric company power line easement and the location of the wetlands. Discussion over the use of herbicides in these easement areas took place. It was noted if the landowner so wishes, herbicides may not be used on their property. The board discussed the electrical magnetic fields and the measurement of these fields in relationship to health issues in abutting homes.

Mr. Smith asked for abutters comments.

Mr. Frank Postle, Ashlie Road addressed the board with a written document and verbal presentation of this document. This document is attached to the minutes due to its lengthy content. In summary issues addressed in this letter included the following: Access to Ashlie Road; site distance issues with regard to the proposed retaining wall and planting at Bowley Road; building in utility easement areas; location of shut-off valves for utility easement areas being shown on the plans; concern over test pit waiver request; labeling of sheets in the plan set; buildable area around the fire pond and how close a structure can be built to wetlands; fire hydrant usage and easement language.

Mr. Quintal asked the board to consider accepting the plans for review as the report from RPC notes that the application as submitted is complete.

Mr. Fillio made a motion to accept the application for jurisdiction.

Mr. Day seconded. The motion passed unanimously.

The plans and associated drainage report will be forwarded to Civil Consultants for review.

Ms. Belcher made a motion to continue the Public Hearing until February 20th at 7:15 p.m. at the East Kingston Town Hall.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Keisel asked what exactly the Town Engineer will review. It was noted the Town Engineer will review the plan set and the drainage report as provided by the applicant.

Continued Public Hearing for a proposed non-residential site plan for Richard Cook and David Sullivan, 3 Bowley Road, TMBL 11-2-11 for the construction of 31,520 square feet of non-residential space

Mr. Richard Cook, Mr. David Sullivan and Mr. Dennis Quintal, Civil Construction were present. Mr. and Mrs. Keisel, Frank Postle, and David Toothaker were present as abutters.

A report from Rockingham Planning Commission was received. Revised plans were presented to the board by Mr. Quintal. The major change in the plans was the insertion of the lighting plan and its conformance to the regulations regarding the ½ foot candle illumination. The board reviewed the building layout and the usage of the buildings was discussed. It is intended to have small shops located within the building, such as for electricians, plumbers, etc. A self storage facility is also planned on the site.

Mr. Quintal reviewed the state driveway entrance permit and noted a state permit was issued on November 21, 2001 for the elderly housing project presented before the board. Mr. Quintal noted provisions are being made to apply for a revised state highway permit.

Mr. Smith discussed the status of Bowley Road and suggested the entire length of Bowley Road be upgraded.

Mr. Fillio noted that would need to be a discussion with the Board of Selectmen, taking into consideration the length of road.

The board discussed the fact that this site lies on the aquifer. The board also discussed future connection to the Masone property and it was noted that a dredge and fill permit would be needed. Mr. Quintal explained that the Wetlands Board has to be informed of potential future wetland disturbance to the site and this connection has been placed on the application. Approximately 5,000 square feet, which is a minor impact crossing, would need to be crossed. No site specific permit is needed.

Mr. Smith asked for public comment.

Mr. Frank Postle, Ashlie Road spoke about the length of dead end roads and cul-de-sacs. He also questioned the length of the driveway into the site before reaching the units. Single access to the site was discussed along with concern over emergency vehicle access at what he referred to as a "choke point".

Mr. Quintal noted that discussion has taken place with Mr. Masone to tie the two properties together in the future. He noted that Mr. Masone had existing buildings on the property and will be

expanding the usage on the site. He noted that Mr. Cook and Mr. Sullivan are starting from scratch to create this project, thus they are taking one step at a time.

Mr. Day noted he would prefer to see the plan in its entirety into the future. The board discussed the length of the driveway and noted this plan is for a non-residential site plan, not a subdivision. Abutters including Mr. Postle and Ms. Kassel expressed safety issue concerns on the length of Bowley Road, exit onto Route 108, buffers.

Ms Carriel suggested to the board to require a traffic impact study of the proposed project.

Ms. Belcher made a motion to accept the plans for jurisdiction.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Belcher made a motion to require the applicant to present a traffic impact study.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Belcher made a motion to continue the public hearing until February 20, 2003 at 7:45 p.m. at the East Kingston Town Hall.

Mr. Fillio seconded. The motion passed unanimously.

Public Hearing for a proposed non-residential site plan for Paul Masone, Owner, 213 Haverhill Road, TMBL 11-2-16&17; AT&T Wireless Services and National Tower.LLC applicants for a proposed wireless telecommunications facility consisting of a 180 monopole with three flush mount antennas and equipment cabinet.

Attorney Barry Hobbins, National Tower and AT&T Wireless Services was present.

The board received a report from Rockingham Planning Commission. Revised plans and responses were submitted by the applicant.

Attorney Hobbins reviewed the application and presented in his revised plans and responses a list of waiver requests regarding setback requirements; finish on the monopole, landscaping and signage. The board felt that this waivers might not be necessary. The AT&T Federal license was provided, however the copy was nearly unreadable. Attorney Hobbins will try to get a better copy.

The board discussed the height to the tower and noted that at this time, the co-locator, AT&T Wireless only needs to be located at 150 feet. The board discussed building the tower at 150 feet with any future co-locator requesting the additional 30 feet during their site plan request.

The board noted that landscaping could not be discussed as several members wished to view the

premises. The board also discussed holding a balloon test with photos being taken at various locations within and around East Kingston to see what type of impact the tower at 150 or 180 feet would have.

The board reviewed the waiver requests and noted that some of the waivers as sought might be a matter of interpretation and perhaps waivers were not needed. For example the provision regarding leased lots and signs. It was noted the monopole is made from galvanized steel, thus there is no exterior finish to the pole.

The board noted that further discussion on the fall zone and landscaping should be delayed until after the site walk when the board has a chance to see the site. It was noted the tower will not be lit and it not required to be lit as it falls under 200 feet in height.

Mr. Shepherd noted his conversation with the pipeline company regarding their weekly fly over of the pipeline.

Ms. Carriel noted she has contacted the pipeline company and they were given notice. At this time they have no concerns as the pipeline is not in close proximity of the tower.

Mr. Day noted that bonding as well as insurance will need to be provided for the structure before the building permit is issued.

The board discussed the site walk and balloon test. The balloon test will show the height at 150 feet and 180 feet. Pictures will be taken within East Kingston at various points when the balloons are floating to see the impact on the sky line.

Mr. Day suggested a site walk be held on January 25th at 10 am with an inclement weather date of February 1st at 10 am.

Ms. Belcher made a motion to continue the public hearing until February 20, 2003 at 8:15 p.m. at the East Kingston Town Hall.

Mr. Fillio seconded. The motion passed unanimously.

Health Officer, Discussion of proposed Warrant Article

Mr. Vito Kaskinas was present to discuss with the board a proposed petitioned warrant article requiring a water test be submitted showing all new wells are free of bacterial contamination at the certificate of occupancy stage. He noted the State is working on regulations for new wells, however, nothing has been officially adopted.

The board discussed with Mr. Kaskinas a situation that happened in East Kingston regarding a new home and new well installation that is contaminated. A new well was drilled and still the water has

bacterial contamination. Mr. Kaskinsas noted that a water supply should be safe.

The board discussed with Mr. Kaskinsas that there is no statewide water quality or quantity testing on private wells. The board noted concern with water protection. The board also discussed if this issue should be addressed within the building permit certificate of occupancy requirements instead of a zoning ordinance. The board also discussed this idea being adopted as a Health Ordinance through the Board of Selectmen.

After discussion, the board felt that this proposal did not fall within the area of zoning. Mr. Kaskinsas thanked the board for its time and input on this matter and he noted he would be pursuing this issue.

The board thanked Mr. Kaskinsas for coming in with this concern.

Larry Smith, Discussion of Warrant Article

Mr. Larry Smith informed the board that he has prepared a petitioned warrant article for the support of obtaining a four million dollar bond through the municipal association for the purpose of purchasing open space. He noted that if the Town is pre-approved with bonding/financing, then provisions could be made to possibly secure parcels in town of large acreage with a conservation easement.

It was noted that within the Master Plan, one of the recommendations was to preserve Open Space and this would be meeting one of those goals. Mr. Smith noted he would be working on presenting the impact on the tax rate.

Mr. Smith asked for the board's support of this article.

Michael Anderson, Discussion Purposes Only

Mr. Anderson was not present, however Mrs. Ginny Conti was present.

Mrs. Conti informed the board of a future lot line adjustment between her property and Mr. Anderson, who owns the golf course. She noted the intent is to give Mr. Anderson approximately 4 acres of her land so that one of the golf course holes could be relocated and a safety issue fixed.

The board thanked her for attending.

Dr. Marston made a motion to adjourn at 11 pm.

Ms. Belcher seconded. The motion passed unanimously.

Respectfully,

Susan J. Rice, Secretary

Completed: January 21, 2003

Accepted: _____