



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

Approved MINUTES
Regular Meeting January 16, 2020
7:00 pm

AGENDA:

- **Public Hearing** for amendment to Article II – Definitions. Add definitions for Agricultural & Farming, Regulated Substances, Commercial Vehicles, Mobile Home and Recreational Vehicle, Motor Home and Recreational Trailers, and amend Pre-Built Housing. - to be placed on the warrant.
- **Public Hearing** for amendment to Article III – addition of Article III-B – Residential/Agricultural District – to be placed on the warrant.
- **Public Hearing** for amendment to Article III – addition of Article III-C – Adult Uses – to be placed on the warrant.
- **Public Hearing** for amendment to Article IV – Commercial District – add Purpose, add Prohibited Uses, and amend Uses Allowed - to be placed on the warrant.
- **Public Hearing** for amendment to Article V – Light Industrial/Residential District – add Purpose, and amend paragraphs D, D.2 & D.4 - to be placed on the warrant.
- **Public Hearing** for amendment to Article XI. – Repeal Single Family Cluster Residential Development and replace with Article XI. Conservation Subdivision Development – to be placed on the warrant.
- **Public Hearing** for amendment to Title Section 100.1 – Building Code – 1. a & b –update building and fire codes to current state codes – to be placed on the warrant.
- **Discussion** with Blake Langone – 4 Powwow River Road – Redemption Rod & Custom – regarding expansion of the current business to sell cars and trucks from his business location.
- **Public Hearing / Bud Staples** - Country Hills of East Kingston Condominium for approval of an amendment to their bylaws.
- **Public Hearing** for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 13-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) Barry Gier / Jones and Beach
- **Annual Review** of the Growth Management Ordinance / Elderly Housing Ordinance

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:00 pm by Chairman Bath.

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Dr. Marston, Bill Caswell, Scott Orleans, and Ex-Officio Dick Poelaert.

Advisors Present: RPC Senior Planner Julie LaBranche, Building Inspector John Moreau, Assistant Building Inspector Tom Welch, Town Engineer Dennis Quintal and East Kingston Fire Chief Ed Warren.

Also present: Mr. Blake Langone, Mr. Larry Bean, Mr. Barry Gier PE / Jones and Beach representing the Wayne R. Ewald Rev. Trust, 2 North Road (MBL 14-03-07) and 14 Tilton Lane (MBL 14-03-12) – for a 17-lot cluster subdivision for Tilton Village Estates LLC, and various residents of the Town of East Kingston.

Minutes: Mr. Bath asked for a **MOTION** to approve the December 2019 Minutes.

Mr. Allen **MOVED** to approve the December 2019 minutes as presented; second by Mr. Poelaert with a unanimous vote.

Discussion with Blake Langone – 4 Powwow River Road – Redemption Rod & Custom – regarding expansion of the current business to sell cars and trucks from his business location.

Mr. Bath asked Mr. Langone to explain to the Board the expansion he is asking for.

Mr. Langone reviewed that he presently owns and operates Redemption Rod and Custom at 4 Powwow River Rd - Unit D (which he rents from property owner Larry Bean) in East Kingston where he repairs, restores, and accessorizes cars and trucks. He would now like the ability to sell cars and trucks from that location under the business name Seacoast Jeep and 4x4. He would like to do whatever the town needs him to do in order to receive approval before he goes through the steps needed at the state level for a dealer's license.

Mr. Bath asked how many vehicles he presently stores outside at the location. Mr. Langone noted he has removed the trailers that were storing his antique vehicles from the property, and is in discussion with Mr. Bean and will finalize parking locations if he is approved. Mr. Langone noted 6 cars could fit in the garage.

He would like to be able to sell used newer vehicles. When asked if he would have a "stock" of vehicles, he noted he would like to have 2-3 for sale, 2-3 in process the shop, and 2-3 waiting to be processed for a total of not more than 10 vehicles. All cars would be running and there would be no "parts" cars. He would do brakes, tires, oil changes, and tune ups. There would not be 10 lined up for sale at one time.

Mr. Bath noted that Mr. Langone had been before the Board before for approval of Redemption Rod & Custom and received conditions for hours of 7am to 9pm Mon-Sun, up to 4 employees, an approved sign, an annual fire inspection and trash disposal is Mr. Langone's responsibility. He is also mandated to the 11 items in the site plan review process (attached).

When asked if there would be additional types of work other than what he is presently doing, Mr. Langone stated what he is proposing is actually less work. There would be no painting.

Mr. Bath opened the floor to abutters; there being none, he closed the floor.

There being no further Board discussion, Mr. Bath asked for a **MOTION**.

Mr. Allen **MOVED** to approve the expansion of existing use for Mr. Langone dba Seacoast Jeep and 4x4 at 4 Powwow River Road (MBL 10-03-10), property of Larry Bean, with the previous conditions of approval for Redemption Rod & Custom Auto Restoration and NH Off Road Inc. fully enforced for Seacoast Jeep and 4x4 with the additional conditions that at no given time will there be more than 10 cars on the property (not including employee vehicles) and a maximum of 3 cars on display at any one time, with required state licenses obtained. Second by Mr. Poelaert with a unanimous vote.

Mr. Langone thanked the Board. Mr. Bath closed the discussion.

Public Hearing / Bud Staples - Country Hills of East Kingston Condominium for approval of an amendment to their bylaws.

Mr. Bath opened the Public Hearing.

Mr. Staples was not in attendance. Mrs. White noted the proposed by-law changes had already been reviewed by the Town Attorney who approved the proposed language and stated it only needed Planning Board approval.

Mr. Bath asked for **MOTION** on the by-law changes for Country Hills.

Mr. Allen **MOVED** the East Kingston Planning Board provide assent of Section 9. - Conveyance Fee to Article VII of the by-laws of Country Hills of East Kingston Condominiums; second by Mr. Caswell with a unanimous vote.

Mr. Bath closed the Public Hearing for Country Hills of East Kingston Condominiums.

Proposed Warrant Article changes.

Mr. Bath noted there was a very busy agenda this evening. The proposed warrant article amendments have been board approved, and this is the public hearing for these changes. The Board does not have the ability to change the wording of the amendments tonight if they are to be placed on the warrant.

Public Hearing for amendment to Article II – Definitions. Add definitions for Agricultural & Farming, Regulated Substances, Commercial Vehicles, Mobile Home and Recreational Vehicle, Motor Home and Recreational Trailers, and amend Pre-Built Housing. - to be placed on the warrant.

Mr. Bath opened the public hearing and asked if there was public comment.

Mr. Mierswa asked where he would have found this information before this meeting. Mrs. White stated there were copies at the Town Office for inspection. Mr. Bath noted they had been reviewing these changes for four months at the Planning Board meetings and residents are always invited to attend the meetings. The Board has worked very hard to tighten up the regulations.

Ms. LaBranche noted if the residents wish more information to be included on the website, they should contact the Board of Selectmen and suggest what they would like included. She also noted that every year the Planning Board looks at the ordinances and ascertains what might need to be updated and has public meetings to review possible changes. Mr. Poelaert, Ex-Officio, noted that a new server is in process of being installed that would allow room for more information.

Mr. Mierswa was very concerned that with the new amendments to the articles, his home occupation (which he went through the proper process to acquire) would no longer be in effect. He understood that it would not affect those who were considered grandfathered. Mrs. LaBranche asked to wait to discuss this more when they get to that article amendment, but noted that if he went through the home occupation process the approved conditions would still apply.

Mr. Allen reviewed that the additions to the definitions were Agricultural & Farming, Regulated Substances, Commercial Vehicles, Mobile Home and Recreational Vehicle, Motor Home and Recreational Trailers, and an amendment to Pre-Built Housing.

Mr. Freeman asked about the definition of Commercial vehicles. Mr. Allen reviewed the proposed definition of commercial vehicle lies within the New Hampshire Division of Motor Vehicles (NHDMV) “Guide to

New Hampshire's Commercial Vehicle Rules and Regulations. Rather than spell it out, the reference was to the state document and would update as that document did.

Mr. Bath noted this would not apply to grandfathered non-conforming home occupations.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment change to Article II – Definitions to add Agricultural & Farming, Regulated Substances, Commercial Vehicles, Mobile Home and Recreational Vehicle, Motor Home and Recreational Trailers, and amend Pre-Built Housing to be placed on the warrant with the support of the Planning Board; second by Mr. Poelaert with a unanimous vote.

Mr. Bath closed this public hearing.

Public Hearing for amendment to Article III – addition of Article III-B – Residential/Agricultural District – to be placed on the warrant.

Mr. Bath opened the public hearing and asked if there was public comment.

Mr. Mierswa asked what the board was trying to achieve with this amendment. Mr. Bath stated that definition of the Residential/Agricultural District was to provide for single-family dwellings and agriculture and traditional small-town rural setting separate from industrial, commercial and business operations. They were trying to bolster the Residential/Agricultural District, which is the majority of the town.

Ms. LaBranche explained that at looking at the ordinances, it was discovered that there was no definition included for the Residential/Agricultural District and nothing that would indicate what would be excluded from that district. The new definition clarifies what the Residential/Agricultural District is and what you cannot do in that district. Agricultural vehicles and equipment are excluded from the weight restrictions.

Mr. Bath read numbers 1-5 under the District. Ms. LaBranche noted that these items were gleaned from several years of observation by code enforcement and others in the town that people questioned.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment for the addition of Article III-B – Residential/Agricultural District to be placed on the warrant with the support of the Planning Board; second by Mr. Poelaert with a unanimous vote.

Mr. Bath closed this public hearing.

Public Hearing for amendment to Article III – addition of Article III-C – Adult Uses – to be placed on the warrant.

Mr. Bath opened the public hearing.

Mr. Allen explained that, in trying to define the residential/agricultural district, the Planning Board reviewed ordinances from similar-sized surrounding towns and ascertained there were some areas that had been missed; one of them being an ordinance controlling adult use stores. There are currently no restrictions. The Board defined it to be allowed it in specific areas – the commercial area and the light industrial district. This addition spells out setbacks to churches, cemeteries, schools, how things are displayed, etc.

Mr. Bath asked if there were any public comments. There being none, Mr. Bath asked for a **MOTION**.

Mr. Poelaert **MOVED** the East Kingston Planning Board send the proposed amendment change to Article III-C – Adult Uses to be placed on the warrant with the support of the Planning Board; second by Mr. Allen with a unanimous vote.

Mr. Bath closed this public hearing.

Public Hearing for amendment to Article IV – Commercial District – add Purpose, add Prohibited Uses, and amend Uses Allowed - to be placed on the warrant.

Mr. Bath opened this public hearing.

Mr. Allen explained the added purpose for the commercial district explains why the district was established, and then read the better-defined lists of allowed and prohibited uses.

Mr. Bath asked if there was any public comments or questions.

Mr. Freeman asked why excavation was not allowed in the commercial district. Mr. Bath explained it was allowed in the light industrial district, but not in the commercial district.

There being no more comments, he asked for a **MOTION**.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment change to Article IV – Commercial District to be placed on the warrant with the support of the Planning Board; second by Mr. Caswell with a unanimous vote.

Mr. Bath closed this public hearing.

Public Hearing for amendment to Article V – Light Industrial/Residential District – add Purpose, and amend paragraphs D, D.2 & D.4 – to be placed on the warrant.

Mr. Bath opened this public hearing.

Mr. Bath reviewed the addition and amendments to the Light Industrial/Residential District and asked if there was any public comment. There being none, he asked for a **MOTION**.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment change to Article V – Light Industrial/Commercial District to be placed on the warrant with the support of the Planning Board; second by Mr. Caswell with a unanimous vote.

Mr. Bath closed the public hearing.

Public Hearing for amendment to Article XI. – Repeal Single Family Cluster Residential Development and replace with Article XI. Conservation Subdivision Development – to be placed on the warrant.

Mr. Bath opened this public hearing.

Mr. Allen gave an overview. There are currently two ways to develop land; the standard subdivision that requires two-acre, 200 ft frontage lots and a cluster development, which allows for smaller lots in exchange for providing an open space that is natural and undeveloped. The current cluster development ordinance does not follow along with what most of the rest of the state is doing in regards to the amount of open space that should be conserved; it requires much less area to be conserved (25% to be conserved); the proposed ordinance requires 50% to be conserved.

Also, the cluster ordinance is not as oriented around conservation purposes (i.e. connecting open spaces, providing habitat for wildlife, viewsheds, agricultural land, trail ways, etc.) It would be a voluntary decision on the part of a developer to choose this type of development. The majority of the town is residential/ agricultural and people have made it clear that is how they would like it to stay.

Mr. Bath asked if there was any public comment.

Peter Gilligan, Autumn Lane asked how small of a lot would be allowed? He was concerned about small lots and adequate room for children. Mr. Allen noted that 6 lots per acre could be allowed, but are decided by soils-based lot sizing. There needs to be enough space with the correct type of soil to allow for a house, a septic system and a well. That determines the size of the lots. With community septic and wells, it could go down to 6 per acre, but would still need state approval. Mr. Gilligan asked if community septic and wells would be offered to the developers; Mr. Allen noted it would be the developer's choice, but there are no bonuses for choosing that.

Mr. Gilligan asked if there were any consideration to open space being provided specifically for children to have a place to play? Mr. Bath stated there were no requirements at this time to provide playgrounds in developments, and there is no ability to change the wording of this amendment at this time. Looking forward, amendments could be made to the ordinance in the future.

Ms. LaBranche noted that the subdivision would be governed by a homeowner's association, and those documents would lay out what the open space can be used for. It could be added that it is encouraged to be used for non-motorized sports and recreation.

Mike Jacques noted it should be community give-back of some sort since there would be an impact on the schools if all the lots have children.

There being no more comments, Mr. Bath asked for **MOTION**.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment change to Article XI – Repeal of Single-Family Cluster Residential Development and replace with Article XI – Conservation Subdivision Development to be placed on the warrant with the support of the Planning Board; second by Mr. Poelaert with a unanimous vote.

Mr. Bath closed the public hearing.

Public Hearing for amendment to Title Section 100.1 – Building Code – 1. a & b –update building and fire codes to current state codes – to be placed on the warrant.

Mr. Bath opened this public hearing and explained the changes were made to update the Building Code to current state standards.

He asked if there were any questions. There being none, he asked for a **MOTION**.

Mr. Allen **MOVED** the East Kingston Planning Board send the proposed amendment change to Title Section 100.1 – Building Code – 1.a. & b. – update building and fire codes to current state codes to be placed on the warrant with the support of the Planning Board; second by Mr. Poelaert with a unanimous vote.

Mr. Bath closed the public hearing.

Public Hearing - Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 13-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) Barry Gier / Jones and Beach

Mr. Bath opened the public hearing and explained that there would be lengthy discussion on this application and there was adequate time so the Board did not have to take jurisdiction tonight.

Mr. Bath invited Mr. Gier to make his presentation to the Board.

Mr. Gier explained the subdivision application incorporated 2 lots, MBL 14-03-07 and MBL 14-03-12 totaling 24.63 acres in a residential/agricultural zone located at the intersection of Rt 107 and Rt 108, with access off Tilton Lane. The application is for 16 single family lots in a cluster development, and one lot around the existing 12 North Road location.

A 1900 ft roadway is proposed from Tilton Lane to Route 107. The DOT has approved the entrance onto East Road (Rt. 107). The open space protects 8.9 acres and will be owned by the homeowner's association which will be created. There will be treatment of stormwater from the roadway to the houses. All lots will be serviced by on-site wells and septic systems, and the 100' buffer is shown on the plan. The yield plan shows the capability for 17 standard 2-acre lots. They have applied for an alteration of terrain permit and all other necessary DOT permits. There are no wetland impacts. He has received comments from both the Town Engineer and the Town Planner and those comments will be addressed.

They are proposing two landscape buffers to treat the stormwater coming off the roadway, and would place additional vegetation if required. There was a question regarding having drainage for the landscape buffer on private property. Tilton Lane would be used as a construction entrance and they will post a bond to protect the road.

Regarding test pits for the lots, they are requesting a waiver from Subdivision Regulation VIII, A, 10 and would like those tests for the individual lots to be performed just prior to the building permits being issued.

Mr. Bath noted as per questions from the Town Engineer and the Circuit Rider, they would like to clarify some items. The yield plan does not show any stormwater management. Mr. Gier stated the lots were over 1 acre with $\frac{3}{4}$ of an acre upland, but they could show that for the lots. The radius for the cul-de-sac is proposed for 25 feet, but the ordinance requires 50 feet.

There was a question regarding landscape buffer easements as proposed versus what is stated in the ordinance. Should open space be part of a homeowner's lot? Mr. Gier explained there were drainage easements over a homeowner's lot, and not considered part of the open space. In many instances when a road is accepted by the town, the drainage easements would go with the road and then it would be up the town to maintain those easements. Most towns do not have the funds to do so, so incorporating those easements into the lot, the homeowners are more apt to maintain it as it is on their property.

The policing and maintenance of the drainage easements can be written into the homeowner association documents, so they will bear the responsibility. Mr. Gier stated the ordinance didn't say specifically that it could not be included in the easement.

Ms. LaBranche opined most homeowners would not be schooled in how to maintain the type of easement on their property, and mowing around it would not constitute sufficient maintenance. Ms. LaBranche also noted Sections H.3., K and O make it clear that the landscape buffer should not be used for any type of structure and be maintained as part of the open space.

Mr. Gier stated that they interpreted it one way and the Board interprets as another, so they will need direction from the Board. Landscape buffers are 100', and he does not think the board means there needs to be an additional 25', for a total of 125' – this would be a buffer on a buffer.

Mr. Allen's interpretation of the buffer is to create a boundary around a new development to shield it from surrounding properties. Having the retention basins within the buffer creates a problem since presently the area is wooded and all the trees would need to be removed to create a detention basin, thereby opening up the area to adjoining properties. This defeats the purpose of maintaining the buffer in the first place. That, in conjunction with the fact the ordinance states the boundary is to be common land and not shown as part of an individual lot. Mr. Caswell and Mr. Orleans agreed with Mr. Allen's interpretation that the vegetative buffer should not be disturbed. The board will need to investigate more upon the interpretation of the ordinance.

Mr. Gier opined there were two questions – is the landscape buffer required to be part of the open space and/or are the drainage features allowed to be within the buffer? The Board agreed the drainage should not be in the buffer. There was concern if the buffer was considered part of the individual property owners' lot; what mechanism would there be to ensure it stayed a vegetative buffer unchanged? Mr. Gier noted it could be written into the homeowner's association documents who would have authority to implement fines, etc.

Sheet C2 shows the drainage easements on a few properties located well beyond the 200' buffer, which takes away considerably from the lots area. It was pointed out that the drainage structures should be easily accessible to whatever entity might need to maintain or repair it.

Mr. Allen noted as per the ordinance, vegetative buffer disturbance could be allowed by the Planning Board to improve sight distance along an access from a town or state road in existence prior to submission of application, drainage and utility easements, required landscaping, entrance sign, and any other improvements deemed necessary by the Planning Board to ensure public health, safety and welfare, and that the Planning Board may require additional plantings in the buffer area to provide better screening where necessary. He interprets this to mean the clearing for the entrance to the subdivision, signage, drainage and utility easements for the entranceway to control water coming off the main road, and any other drainage necessary around that area. Mr. Bath opined the landscape buffer is to screen the development and to offer a more pleasant view driving down the rural road than seeing a row of houses; a visual separation from the road and abutting properties. Mr. Gier noted they would remove their stormwater basins from the vegetative buffer.

Chief Ed Warren, East Kingston Fire Department, has some concerns regarding the fire protection and noted the water supply is inadequate. The current dry hydrant on East Road is in poor maintenance and does not meet minimum flow requirements. The ordinance requires fire suppression every 1,000 feet with a flow of at least 1,000 gal./min with a minimum of 30,000 gallons of usable water. The apron would need to be improved so fire trucks could get off the roadway. Or the builder could opt to install residential sprinklers. He also asked about the feasibility of installing a fire pond on North Road. Mr. Gier noted that they could reconstruct the existing fire pond to meet the minimum requirements. Chief Warren reminded the builder of the 35' height restriction. Chief Warren asked if the utilities would be above or underground? Mr. Gier noted they were planning on overhead, but it would be up to the Board to decide.

Mr. Bath stated Tilton Lane was a low-traveled road at the present time and in disrepair. It might need to be rebuilt to ensure equipment could come in and out during construction. Over the next 2 years, the road would take a lot of abuse. Mr. Gier stated they would post a road bond and repair the road after construction of the subdivision. The Town Engineer stated he could formulate a road bond amount for the project. Mr. Poelaert suggested the builder could use the entrance to the subdivision from East Road instead of Tilton Lane.

Another concern was the entrance off Rt. 107; it is down a hill and on a curve. What has DOT said about the proposed entrance location? Mr. Gier stated they are required to have 400' site distance in each direction and the DOT has suggested the entrance where they show it on the plan. He showed aerial pictures and the road plan. Mr. Gier stated they do not have their driveway permit yet, and the DOT may come back and require a deceleration lane.

It was suggested the builder stake out the proximity of where the road would come out on East Road and where the 400' site distance line was on either side so the Board members could observe that configuration. Ms. LaBranche noted the Board could send a letter to the DOT with their concerns regarding the safety issues. It was also suggested that the road could be made one-way with a wide entrance sweep.

Mr. Gier has submitted a waiver from Section VIII, A,10 requiring percolation data be provided on the subdivision plans. He suggested obtaining percolation data prior to submitting for septic system approval. The Town Engineer asked if the person who performed the test pits could provide an estimated percolation report based on that information, which would fulfill the requirement of the town. Mr. Gier stated that could be added.

Exterior Landscape buffer – does this need to be in the open space and not within a lot? Their interpretation is that it can be part of a lot, but the Board appears to think otherwise. The Town Engineer quoted Section N. 1 & 2. Mr. Gier noted if it is included in open space, then they can reduce the size of the large open space area. You get a larger open space area if they can include the landscape buffer in the lots.

Section O states the restrictions of the use of common land shall be stated in the covenants running with the land. If the landscape buffer is left as part of individual lots, does that meet the intent of the ordinance? The future owners of the lots would never be able to do anything with that land.

Mr. Gier noted the buffer line would need to be in the covenants restricting the usage. The homeowner's association would police it and impose fines if necessary. Mr. Quintal noted if the property line was at the setback, it could alleviate the problem. Mr. Gier noted that if they do that, then the 25' setback from the property line would in essence make it a 125' setback, instead of a 100' setback. Mr. Bath asked if there was a mechanism to eliminate the 25' setback? Ms. LaBranche noted they would need a variance for that.

Mr. Allen's interpretation was the perimeter was to be maintained and should not be maintained on a lot; it should be part of the open common land. Common land needs to be assessable which precludes it being owned by an individual. The consensus of the Board was to agree.

Mr. Gier asked about including stormwater easement on lots? Potentially that could happen. Or else on a ROW controlled by the town. They could incorporate them in to the setback for access. More investigation of maintenance costs, etc was necessary.

Mr. Bath opened the floor to abutters.

Steve Lundquist / Apple Hill Golf Club – would like to see the 100' buffer abutting the golf course. The golf course has a tree line at present and the 100' buffer would offer more of a protection to the homeowners. He would also like to see a ROW to the golf course for possible future development of the golf course property. There is an existing ROW from Stumpfield Road in anticipation of any future development.

Gordon Powers / 26 North Road – is in favor of the construction road to the development coming in from East Road instead of Tilton Lane, as Tilton Lane is in poor shape and cannot handle construction vehicles for a 17-lot development on a day-to-day basis. He was also in favor of underground utilities as power poles would be unsightly.

Michael Jacques / 2 Tilton Lane - is in favor of underground utilities also, and feels it would create greater property value. He does not want his field torn up for utility installation and is concerned above ground power lines would be a liability for his property. He inquired if the power would be brought in via Rt 107 and not Tilton Lane, and was informed that decision has not been made yet.

The Tilton Lane roadway is not in good shape, and neither are the fire ponds. He is not in favor of a one-way street through the development. There is a stone wall running the entire length of the proposed development that he is certain would need to stay for historical purposes. The proposed open space is also mostly thorn bushes, which he feels is not really the intent of having open space.

Tim Jones – is concerned of what the impact of 17 more wells will do to his well. He was also worried about any impact children living in the subdivision would have on the school. Chief Warren noted that the school enrollment has gone down.

Peter Gilligan / 2 Autumn Lane – asked what type of drainage would be used to convey the water from the roadway – ditches or a culvert? Mr. Gier noted as per town requirements there would be open swales and a culvert under each driveway.

Matthew Ranz / 131 East Road – wanted to know if there was an abutment to a road, as the proposed road is right on his property line. There are no trees in that area, and he wanted to know if some could be installed. Mr. Gier stated there was a law against “spite strips”, which that could be considered to be. Mr. Ranz asked if could waive that. The builder would need to provide a ROW to the property. Mr. Gier noted some plantings could be planted at the edge of the ROW as a buffer.

Abutters asked if they could have a set of plans, and were asked to wait until the updated plans were drawn up. Ms. LaBranche noted she could put them up on line.

Mr. Bath closed the floor to abutters.

Mr. Bath summarized this evenings discussion. The application is conditional on state permits, a road bond would need to be posted for Tilton Lane, and satisfactory resolution of the following preliminary issues: Town Engineer concerns about the radius of the cul-de-sac, landscape buffers not be contained within a lot, compliance with the 35’ height rule, and the East Road hydrant / proposed new hydrant at the North Road location. The application is conditional on satisfactory resolution of Tilton Lane road conditions, and concerns for the Rt 107 entrance. The applicant was asked to put up stakes marking the proposed entrance on East Road, and show a planting plan on the ROW by Mr. Ranz’ property. The yield plan needs to set aside areas for stormwater management, the Town Engineer will provide some background and analysis for ground water, and the Planning Board will write to the DOT re: their concerns about the entrance on 107

Mr. Bath noted they Board was not taking jurisdiction at this time as they are waiting for the updated plan addressing the board’s concerns.

Mr. Bath **MOVED** to continue the Public Hearing for the Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 13-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision to February 20, 2020; second by Mr. Allen with a unanimous vote.

Ms. LaBranche will send a punch list to Mr. Gier, updated copies of the plan will be ready for board review by Friday Feb 7th, and copies of the plans will be available for those requesting them by February 15th.

Mr. Gier was asked to show the location of the test pits on the yield plan.

Annual Review of the Growth Management Ordinance / Elderly Housing Ordinance

Mr. Bath **MOVED** to continue the Growth Management review until February 20; second by Mr. Allen with a unanimous vote.

Mr. Mierswa asked to be put on the February agenda; Mrs. White will do so.

Adjournment

Dr. Marston **MOVED** to adjourn; Mr. Allen seconded, with a unanimous vote.

Mr. Bath closed the meeting at 10:10 pm.

The next Planning Board meeting will be on February 20th.

Respectfully submitted,

Barbara White

Joshua Bath

Planning Board Secretary

Chairman

Minutes approved February 20, 2020

E. The following items must be considered by the Site Plan Review process prior to Site Plan Approval.

1. Hazard or detrimental effect to adjacent property: No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.
2. Odor: No objectionable odors shall be detectable beyond the property line.
3. Gases: No noxious, toxic or corrosive fumes or gases be emitted.
4. Dust and Smoke: No observable dust or smoke shall be exhausted into the air.
1. Heat and Glare: No heat and glare shall be evident beyond the property line.
6. Exterior Lighting: No exterior lighting; other than properly shielded street lighting, shall shine directly on adjacent properties or towards any street.
7. Noise: No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the time and point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness. No external loud speakers shall be permitted.
8. Vibration: No inherent and recurrently generated vibration shall be perceptible at or beyond the property line.
9. Radiation: No dangerous radiation shall be detectable outside any structure.
10. Waste Disposal and Water Service: Water service and waste and refuse disposal methods shall comply with pertinent health regulations and shall be in accordance with the approved site plan.
11. Storage: Fuel, raw, partially processed, finished or other material, machinery, supplies and equipment, including company owned or operated vehicles, shall not be stored between the street line and the front line of structures on the subject lot or, if there be no structure, within forty (40) feet of the street line, and in no case shall be visible from the street.