



PLANNING BOARD  
TOWN OF EAST KINGSTON  
NEW HAMPSHIRE

2006-2007:  
James Roby Day, Jr., Chairman  
Catherine Ellen Belcher, Vice Chairman

**MINUTES**  
(Public Hearing Minutes of 18 January 2007)

**AGENDA:**

- 7:00PM – **Board Business**  
7:15PM – **Public Hearing** – Site Plan of Kathleen and Charles Ford, 13 Depot Road, East Kingston, MBL 09-03-04, (EKPB 06-OD) for a business utilizing pre-made storage units in the Commercial District.  
8:00PM – **Compliance Hearing** – Kathleen and Glenn Clark, 21 Burnt Swamp Road, East Kingston, MBL 10-04-08, for a 9-lot residential cluster subdivision, (IAW EK ZO Art XI) (PB#06-03).  
9:00PM – **Adjournment**

**CALL TO ORDER:** Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

**ROLL CALL:** Mrs. White called the roll.

**Members present** – Vice-Chairman CE Belcher, Chairman JR Day, Dr. RA Marston, and Mr. RA Smith, Sr. Mr. RF Morales, ex-officio, was unable to attend due to illness. Mr. Caron was to attend in his place, but was not present. Mr. A Conti, Fire Chief, was in attendance in place of Chief Alan Mazur.

**Alternate members present** – Mr. DF Sullivan and Mr. EA Lloyd, Jr.

**Advisors present** – Dr. J Robinson, Senior Planner, Rockingham Planning Commission (RPC)  
Mr. A Conti, East Kingston Fire Captain  
Mr. LK Smith, Chairman, East Kingston Conservation Commission  
Mr. RR Donald, Building Inspector

**Voting members** – Mr. Day noted that there were four voting members present.

**BOARD BUSINESS:**

**Minutes** – Mr. Day noted that the Board would be approving the minutes from 14 December and 21 December. Mrs. Belcher's changes for the 19 December minutes have already been noted, and there were no other changes brought forth.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board approve the Planning Board work meeting and public hearing minutes of 14 December 06. Mr. Sullivan seconded, and the motion carried unanimously.

**MOTION:** Mr. Lloyd **MOVED** the Planning Board accept the Planning Board regular meeting minutes of 21 December 06. Mr. Sullivan seconded, and the motion carried unanimously.

**BOARD BUSINESS**

Mr. Day went over the handouts that had been distributed to the Board.

- ◆ A memo from Dr. Robinson regarding the Ford application; also a memo from Mr. Day to Dr. Robinson regarding the same.
- ◆ A note from Jay Stephens, Town Engineer, to Mr. Day regarding bonding for the Clark subdivision.
- ◆ A letter from the Federal Energy Regulatory Commission to the Conservation Commission regarding installation of a third gas pipeline. Mr. Larry Smith, Conservation Commission Chairman, reported there was a proposal to put a liquefied natural gas terminal on the Maine- Canadian border. If the pipeline is approved, the pipeline will be expanded all the way to from Maine to Dracut, MA. The new pipeline would be installed within the same right-of-way that presently exists.
- ◆ The East Kingston Community Profile Master Plan chapter. The last page may be missing on the Board's copy, and Mr. Day will make sure all receive the missing pages. Mr. Day had also received new information from Dr. Robinson regarding architectural styles, which he will get to the Board members. The hope is to get the Community Profile chapter on the agenda for hearing in February.
- ◆ A flier from the Office of Energy and Planning (OEP) for their annual spring Planning and Zoning Conference, which is being held on Friday, February 23, at the Radisson Hotel in Manchester. Mr. Day has received no agenda yet, but reported that the conference usually covered various subjects. He suggested that it would be a helpful for Mr. Sullivan, as a new Planning Board member, to attend this conference.
- ◆ Next year's Planning Board calendar. Mr. Day reported that he had scheduled the CIP meetings earlier for 2007, and that for the next Targeted Block Grant, the Board could propose a complete update of the CIP language which was now 10 years old.

- ◆ A National Pollution Discharge Elimination System Storm Water Construction General permit from Mr. LK Smith. Mr. Smith reported that it was a comparison of Federal versus State requirements.
- ◆ A bulletin on the New Hampshire Estuaries Project, offering “free assistance for your Conservation Commission or Planning Board”. Mr. Day asked Mr. Smith if he could offer any information as to how the Board could use this information. Mr. Smith reported that the Town already had some of the information, but had not received the buffer maps as of yet.
- ◆ December 26, 2006 Selectmen’s Meeting Minutes. Mr. Day thought the Board might find the item at the bottom of page 4 of interest.

**Planning Board Budget.** Mr. Day reported that the Planning Board’s budget had been approved for next year. It was several thousand dollars more than last year’s because of increased advertising costs. The Board would start advertising in the *Atlantic News* in order to conserve costs some.

**Mr. LK Smith’s interpretation of the warrant articles.** Mr. Day thought Mr. LK Smith did an excellent job condensing the quite lengthy information into a more compact version for the ballot. He also suggested that since he did such a good job, he should be in charge of writing it for next year also. Mr. Smith informed the Board he had done so because of the new AccuVote counting system the Town would be using for Town Meeting in March. An excess of cards would be used if all the information were included on the ballot cards. He reported that the information *would* be included in the Town Report in its entirety, and that the Selectmen’s letter will also contain a note informing the public that they should read the Town Report to get all the information in regard to the two large articles. Mr. Day noted that the Board would need to brainstorm how to get the new warrant information across to the public, both before and at Town Meeting. They would do this at the end of tonight’s meeting, if there was time.

**New Hampshire Cell Tower Litigation.** Mr. Day reported that in New Hampshire, several towns were dealing with litigation regarding cell tower proposals. One such Town is Conway; apparently their situation is similar to East Kingston’s present one. Related to that subject, the Planning Board has had, over the last few years, a considerable amount of experience with having to address legal challenges to its decisions and the process. Mr. Day is confident that the Board members all understand that what goes on with regard to an application only goes on within the forum of a public hearing. Likewise, there is the official record, which is available for everyone to see and make copies of if they choose. In Mr. Day’s opinion, he does not think the Board needs to be told what to do; he thinks the Board has done a very good job in the past few years attending to the legal particulars. Mr. Day reported that on January 17<sup>th</sup>, the Town was served with a request for a rehearing of the ZBA decision, and that meeting will most likely be held in the middle of February.

Mr. Donald asked what the legal precedence was for having a rehearing versus going directly to Superior Court. Mr. Day replied that it was required in the case of a ZBA decisions. Mrs. Belcher stated that the next step before going to court is to give the Town the opportunity, if there was an error, to correct that error, then that would have to be done before it went to Superior Court. This only applies to Zoning. If it was a regulation, the applicant or aggrieved party could go directly to court. Mr. Day added that it gave the Town the opportunity to reexamine what it did, but there was a twist since the ZBA was not being asked to change its decision, it is being asked to review how it got to the decision it reached. Regardless of what the decision was, if they look at what they looked at when they made the decision and say “there was no administrative or procedural flaw”, then they have no reason to say that the decision was invalid. They have to deal with what information was available at that time. Mr. Day thought the aggrieved party would not be able to introduce new information; Mrs. Belcher suggested there might be circumstances which would permit the submission of new or additional information.

PUBLIC HEARING FOR SITE PLAN OF KATHLEEN AND CHARLES FORD, 13 DEPOT ROAD, EAST KINGSTON, MBL 09-03-04, (EKPB 06-OD) FOR A BUSINESS UTILIZING PRE-MADE STORAGE UNITS IN THE COMMERCIAL DISTRICT.

Mr. Day opened the public hearing.

Mr. Day reminded the Board that they were in possession of Dr. Robinson’s review comments and discussion with DES regarding this application.

For the applicant, Mr. Dennis Quintal, Civil Construction. Mr. Quintal passed out updated copies of the plan to the Board members and stated that both Mr. and Mrs. Ford were present if the Board or the public had any questions to ask of them.

Mr. Quintal described the property for the proposed business. It is just over 2 acres in size, abuts the railroad tracks on Depot Road, is located across from Jewett’s store, and runs behind several houses along Depot Road (#’s 7, 9, 11, 15 & 17). The Highway Department utilized the property previously to store salt and asphalt in the 1950’s and 1960’s. There is gravel covering much the entire property and also the foundation of the old state shed. There are trees on the North side of the property and some bushes along the railroad tracks at the entrance. Mr. Ford has a garage/ workshop located on the property. The Ford’s have kept this parcel of property clean and neat. In surveying the property, Mr. Quintal found the tax map to be incorrect and the corrected plan showed the proper placement of the property line.

Since there is a demand for storage units, especially with elderly housing in the area, the Ford’s would like to establish a storage business.

The units are to be 8’x40’ overseas containers, sectioned and retrofitted with 4 garage doors, for a total of four 8’x10’ units each. Mr. Quintal passed around to the Board a depiction of what the units look like. The units would be placed end-to-end, for a total of 40 individual garage units. They would be placed on flat ground, with a gravel base and no grading would be necessary. There would be minimal traffic and no designated parking area. The most activity was anticipated to be in the spring and fall when people were either storing their belongings for the winter, or taking them out in the spring. It was anticipated that people would spend no more than 10-15

minutes at the units at a time. Although Mr. Ford has a light on his existing garage for safety sake, there are no lights proposed for the storage area.

Mr. Quintal went over Section V of the Site Plan Regulations.

- A. *Existing features, etc.* The plan shows existing vegetation and wetlands on the property.
- B. *Existing buildings.* The plan shows the existing garage/workshop.
- C. *Proposed elevation view of buildings.* This is shown on the updated plan.
- D. *Offsite parking and loading spaces.* There will be none.
- E. *Access/egress.* Access is from Depot road; there is plenty of width to get in and out on the gravel entrance road.
- F. *Water and sewage.* There is no water or sewage on the site. Abutter's wells or septic systems are not shown since they were not changing the grade of the property or the landscaping.
- G. *Solid waste disposal.* There will be no dumpster on site for the proposed business, and Mr. Ford takes care of disposal of materials for his garage/workshop.
- H. *Drainage.* Drainage contours are on the plan. Water would shed off the property the same as it always has since there was to be no disturbance of the grade of the property.
- I. *Existing contours.* Land contours will not be changed and are shown on the plan.
- J. *Landscaping and open space.* Existing landscaping is shown on the plan, and there are no plans for additional landscaping.
- K. *Location and size of sign.* There will be one sign located at the end of the driveway on Depot Road. This sign would conform to all zoning regulations.
- L. *Location of public services.* The only service on the property is to the garage/workshop, which runs underground from the Ford's residence. There are no telephone poles on the property.
- M. *Lighting.* The only lighting is on the garage/workshop, which is shown, and there is no other lighting planned for the property.
- N. *Existing adjoining streets.* These are shown on the plans.
- O. *Surveyed property lines, monuments and abutters.* These are shown on the plans.

Mr. Quintal asked if the Board had any questions.

Dr. Robinson noted that the gravel area on the South West side of the property looked like it extended onto the abutting property. Mr. Quintal reported that that gravel was there historically years ago, when the state had the gravel and salt stored on the property. It was encroachment on the abutter's property at that time, since the 50's. When the survey of the property lines was done, the exact location of the property line was established. The abutters, Mr. and Mrs. Damsell, were apprised of the finding. The Damsells stated that since there was wetland on their property at that location, they did not come anywhere near it. Mrs. Damsell stated that "Fred Ford was a good neighbor, and she did not have any problem with Mr. Ford using that area of her property." Mr. Quintal reported that the Fords and the Damsells were talking about implementing some sort of document, and that he had stressed the importance of at least an easement document for each of their protection; perhaps a perpetual easement document. Dr. Robinson asked about the easement on the North East section of the property. Mr. Quintal stated that this was a railroad easement.

Dr. Robinson asked if the storage units would have any electrical power, lights and heat for example. Mr. Quintal answered that there would not be any electricity; there would just be manually opened garage doors on the units.

Dr. Robinson asked if there were going to be any typical use hours designated for the storage units. Mr. Quintal answered that it would be daylight hours only, which would be designated on the sign. He would also put this on the plan.

Dr. Robinson asked for a review of the parking situation. Mr. Quintal reported that the entire area was mostly gravel, but the Ford's may fill in somewhat with a skim coat of  $\frac{3}{4}$  gravel to make it look neater. There were no planned designated parking areas, since the people using the area were expected to be in and out in a short amount of time. It was not expected to be a high traffic situation.

Mr. Sullivan asked what the distance was from the railroad tracks to the proposed site. Mr. Quintal stated there was a 25' setback from the tracks, and that the proposed location was 40-50 feet from the railroad tracks.

Mr. Lloyd asked if the Ford's intended to fence in the area. Mr. Ford answered that he had discussed with Mr. Quintal the idea of fencing two sides of the area and planting some shrubs around it, but that there was no definite plan as of yet. Mrs. Ford noted that a fence on the trackside would keep children from wandering onto the railroad the tracks and shrubbery would make it look nice. Mr. Sullivan added that he thought the fence would not need to be more than 4' high.

Mrs. Belcher asked about the height of the storage units, and Mrs. Ford answered they were 8' high. Mrs. Belcher also asked if there would be enough room for a car to drive in between the rows of storage units, and Mr. Quintal answered that there would be 20' between rows.

Mrs. Belcher noted that traffic might encroach onto the setback area. Mrs. Belcher confirmed that there would be no lights in the area and that business hours would be during daylight hours only. Mrs. Belcher interjected that fencing around all the units would ensure the safety of any children in the area. Upon further discussion, Mr. and Mrs. Ford acknowledged that a fence was a good idea from a safety standpoint. Mr. Quintal stated he would show the fence on the plan.

Mrs. Belcher noted that abutters' wells were not shown on the plans and questioned how much control the Fords might have on what people would store in the units. She was concerned that some hazardous materials might leak. She would like to see the location of the wells noted on the plans, for the protection of the abutters.

Mrs. Belcher asked Mr. LK Smith if he had any concerns about drainage on the site. Mr. Smith answered that since the Fords were not disturbing any existing ground or changing the grade of the property in any way, he had no concerns regarding drainage. Mrs. Belcher asked that the wetlands be shown on the updated plan, and Mr. Quintal agreed.

Mrs. Belcher noted that the garage was located very close to the property line, which was contrary to present restrictions. She told the Ford's that there was a relief for that situation, in what was called an Equitable Waiver of Dimensional Requirement. The Fords would present an application to the Zoning Board of Adjustment, who would determine if: 1) the violation was not noticed by the owner until a specific time, 2) that the violation was not an outcome of ignorance of the law, 3) the physical violation does not constitute a public or private nuisance, and 4) the cost of correction far outweighs any public benefit. She explained that all of these items would protect the Fords as the owners and if they ever wanted to sell their property, it would show that they have met the code because they will have been given a waiver from the Town for being in violation.

Mr. Day asked when the garage was built. Mr. Ford said the Building Inspector at the time was Everett Stone, which would make it sometime in the 1970's. Mr. Day agreed that the existing garage was within inches of the property line, and it did not meet today's setbacks for that structure.

Mr. Ray Donald, Building Inspector, mentioned that there was a similar storage business on Route 125 in Kingston. That entire area is fenced in and they have a separate office Building. They also have a take in-take out agreement and renters sign a legal document which states they will have no garage sales, what type of items are allowed to be stored, that no flammable items are allowed to be stored in the units, etc. Mr. Donald suggested that the Board might want to see a rental agreement pertaining to the Ford's business.

Mr. Donald referred to the statement "limited building permits" on the bottom of the flier for the storage units. In his opinion, he thought there would need to be some sort of building permit necessary, as they were semi-permanent structures. Mrs. Belcher stated that if there was to be electricity outlets or lighting on the site, Mr. Donald could make sure they were up to code.

Dr. Robinson asked if the units were going to be placed on a foundation, or placed on the existing gravel. Mr. Quintal stated they would be installed directly on the gravel that is presently on the ground.

Mrs. Belcher asked how much the units weighed; no one was sure of the weight. Mr. Quintal suggested they might weigh as much as a dump truck trailer.

Mr. Day noted that there was a trailer depicted in the plans and asked if it was going to remain. He also wondered if it was going to be used for the office for the business. The Ford's stated that the trailer would remain; Mr. Quintal stated it was used for storage of tires, etc. Mr. Quintal stated that the office would be at the Ford's house. Mr. Day stated that in that case, it became a home occupation.

Mr. Day referred to Page 9 on the tax map, noting that except for a small portion of wetlands in one corner of the property, the rest of the area is in the commercial zone. He also noted that the Ford's residence is in a residential zone.

Mr. Quintal asked since the Fords already had a home occupation permit to run their business out of their house, could they modify it to include this new business. Mr. Day explained that since it was a different business, it would be a different home occupation and would need its own permit.

Mrs. Ford stated in that case, they could put a small office at the rental site, rather than administering the business out of their home. Upon further discussion, the Fords decided that they would make one of the storage units the office. They would need no power to utilize it as such, as it would be by appointment only and during daylight hours. As an editorial comment, Mr. Day stated that under the proposed Town Center District, that type of business would be allowed without a home occupation permit, but would still be subject to Planning Board review.

Mr. Day explained that the next process was for the Board to decide whether or not the plan was sufficiently complete enough to take jurisdiction. He asked the Board for their opinion.

Mrs. Belcher was unsure if all of Dr. Robinson's concerns regarding the application had been addressed, and asked Dr. Robinson to inform the Board which items had and had not been met, in her opinion.

Dr. Robinson stated that Mr. Quintal had gone through section 5 and explained why he set up the plan the way he did. Typically, on a site plan, one sheet would show rough conditions of the site, and another sheet would show the buildings to be added, grading, etc. It was explained that the paved and gravel areas were existing conditions, the grade of the land was not being changed at all, and the units were to be placed on top of the existing gravel area. Dr. Robinson's major concern had been the area of overlap on the abutter's property and Mr. Quintal had stated that they were in discussion on that matter with the abutter.

Dr. Robinson had contacted the State regarding the gravel area next to the wetlands, but from their perspective, it was not something they would become involved in, as it is an existing condition with no proposed development in that area. The State had said if there was additional grading, they would want to see silt fencing, but since no grading was planned, that was not an issue. Dr. Robinson feels her concerns have been addressed, and with the exception of a few items, which need to be added to the plan, she feels that the Board has enough information to evaluate the plan.

Mr. Day asked Mr. Quintal about the "iron rods set" and "iron pin found" notations on the plan, and inquired if Mr. Quintal had set them. Mr. Quintal stated they were not, but would be. Mr. Day reminded him that the Planning Board required either concrete or granite bounds. Mr. Quintal stated he understood that concrete or granite bounds were required for subdivisions and changes of property lines, but stated that this was not a new property line but just a confirmation of where the existing property lines were. Mr. Donald agreed that it was not a subdivision and, and Mrs. Belcher stated that since no new property lines were being established, concrete or granite

bounds were not necessary and the iron rods would suffice. Mr. Day stated that the site plan parameters were tied to the subdivision regulations; where something is not covered in the site plan section then the standards in the subdivision section do.

Mr. Day entertained a motion to take jurisdiction.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board invoke jurisdiction of the site plan application of Kathleen and Charles Ford as complete. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day noted that the 65-day clock was now ticking, and explained to the Fords that the Planning Board was charged with reaching a decision within that period of time. If they did not reach a decision within that timeframe, the Fords could request a continuance, or in the event the applicant objected, the Board might need to deny the application for the lack of pertinent information.

Mr. Day asked Fire Captain Conti if the Fire Department would want to make periodic inspections. Mr. Conti stated he would like to review what the Ford's lease documents stated in regards to hazardous materials, as from what he could see, the only flammable items at the site would be the contents of the units. He also stated he would like to see the plan indicate the two water holes within reach of the property with distances shown; one at Den's Auto and one at Maplevale.

Mr. Day reminded Mr. Donald that he had mentioned a building permit as asked him what the requirement would be. Mr. Donald replied a standard-issue building permit would suffice, so there would be some method of accountability. He stated that the price would be the same, five cents a square foot, whether they applied for the building permits all at one time or individually. Mr. Day stated that this was more informational for the Ford's than the Planning Board.

Mr. Day stated that Mr. Quintal had indicated there was a gravel driveway on the property. He reiterated that a conventional driveway would need to be shown on the plans, and asked Mr. Quintal if he could show the proposed gravel drive intended to be used for access. Dr. Robinson showed Mr. Day her colored copy indicating it was already on the plan. Mr. Day retracted his request.

Mrs. Belcher asked how the installation of the fencing would affect the placement of the containers as shown on the plan. Mr. Quintal pointed out that the fence would be installed on the property line, and would not affect the location of the containers. Mr. Ford interjected he would enclose the units with the fence and Mr. Quintal will add that to the plan.

Mr. Larry Smith stated that the Conservation Commission had reviewed the plans last week at their meeting, and since there is no proposed impact to the wetlands as the activity is at the other end of the property and there is no change in grade, they have no concerns.

Mr. Day opened the floor to abutters.

**Michelle Cotton-Miller, 17 Depot Road.** Mrs. Cotton-Miller asked if there would be any changes to the property in the back of her lot. She was concerned as there are wetlands at that corner of her property. Mr. Quintal answered that since there were no changes to the grade planned, there would be no changes in the drainage at that portion of her property.

Mrs. Cotton-Miller also asked of there was a fence proposed along the lot line at the rear of her property to keep people from having access to her back yard, and asked if the Ford's would be expanding the business further on behind her property. Mr. Day answered that the Ford's were only seeking permission for 40 units and that for anything more than that, they would need to come back before the Planning Board with a changed site plan.

There was discussion regarding Mrs. Cotton-Miller's concerns about street parking for people returning the keys for the storage units. Mrs. Ford stated she would not want strangers in her house, and that there would be no parking either in the street or in her driveway. There would be a number on the sign for people to call and she would meet them at the business site for return of the keys, or they might install a drop box. Mrs. Belcher stated that the Planning Board could make it a condition that all transactions would be conducted at the site and not in the residential zone.

Mr. Donald reminded the Ford's they would need to approach the Selectmen for approval of any sign they intended to install. Mr. Day reminded the Ford's that since they were in the commercial zone, and the site plan review addresses signs, he thought it best to have a depiction of the proposed sign on the plan, which is standard operating procedure. Mrs. Ford stated that she and her husband had not really even discussed what they would include on a sign yet, but she thought they might not even have a sign out at the road, but on the fence around the units. Mr. Quintal will show the details of the sign on the plans.

Dr. Robinson indicated she was not sure if Mrs. Cotton-Miller's question of how much of the property would be fenced was answered. To Dr. Robinson, it sounded like the concern was if just the units were fenced in, what would stop people from driving behind the houses on the rest of the property. Mr. Ford stated that he would install fencing between the fencing around the units and the existing cement foundation, with a gate for his ingress and egress. This would keep people from driving behind the houses.

**Chris DeBroad, 15 Depot Road.** Mr. DeBroad had concerns regarding people dumping trash over the fence if there was no dumpster. He wanted to protect both his property and the wetlands. Mr. Quintal stated the fact that having a dumpster on the site would encourage others to dump their trash there, not just those who were storing items at the site.

**Julian Miller, 17 Depot Road.** Mr. Miller wanted to know what would be happening with any leftover items that people might leave in the storage units. He was worried about people just discarding unwanted items behind his house. He also wanted to know if the Ford's would be having auctions or garage sales for items people left and was concerned with parking issues as a result. Mrs. Ford explained that they would be checking the units when the people brought back the keys, and that there should be no items left in the units. Mr. Day explained that most of Mr. Miller's concerns would be addressed in the conditions of the lease that each person renting a unit would

need to adhere to. Mrs. Ford stated that they were not considering anything like a sale and would take anything left to the dump themselves.

Mr. Quintal stated that the Ford's have lived there for a long time, and should be commended for keeping the site as clean as it had been. In his opinion, they would not change the way they have been keeping things neat and clean just by having the storage business.

Mr. Donald stated that by the Ford's installing the fence from the corner of the fenced-in units to the existing foundation, and limiting access, most of the concerns that the abutters might have should be alleviated.

Mrs. Belcher asked how high the fence would be. Mr. Quintal stated that the standard was like a pool fence, which was 4 ½ to 5 feet high. Mr. Day stated if they were speaking of a security fence, they would need a fence 8' high. Mr. Donald suggested the Ford's look at the fence around the rental units on Route 125 and their lease agreement to get some ideas of their own.

Mrs. Ford added that in order for anyone to get behind #15, #17 or #19 Depot Road, they would need to go by #13, which is where they live. She stated she would not hesitate to call the police if anything suspicious was going on or if there was a problem of any sort.

Mr. DeBroad asked if storage was going to be confined to the area where the units were shown on the plan, or if the Ford's intention was to provide storage for boats and trailers also. Mrs. Ford answered that there would not be enough room to store boats or trailers, and that storage would be confined to inside the storage units only; there would be no outside storage of any sort.

Mrs. Mazur interjected that she had no problems with anything that the Ford's wanted to do.

Mr. Day closed the floor to abutters.

Mr. Day stated that there was a long laundry list of concerns, and that it had been suggested the Board look at the similar business on Route 125. He suggested continuing this hearing for one month, in order to allow Mr. Quintal time to make the declared changes to the plan, for the Ford's to put together a lease agreement, and for the Board to have time to check out the business in Kingston.

Mr. Day went over the list of items.

1. Define operating hours.
2. Depict the 8' fence around the area.
3. Placement of abutter wells.
4. Indication of underground electrical service.
5. Siting of an office structure.
6. Provide a copy of the lease documents.
7. A note to the effect that the Fire Department will need to have access for periodic safety inspections.
8. Show the water sources.
9. A note that all transactions shall be conducted on site.
10. Include sign detail.

Mrs. Belcher added

11. Indicate internal storage only, and
12. A notation that no flammable materials will be allowed.

In answer to the question of showing the abutter's wells, Mr. Ford stated that water runs downhill and all the abutter's properties were higher than the site of the business. He wanted to know if it was necessary to show it on the plans. Mr. Day stated that Mr. Quintal had that information and could easily include it on the plan.

Mr. Day concluded that between this evening and February 15, the Board would take a look at the Kingston site.

Mr. Day entertained a motion to continue the hearing.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board continue the hearing for the site plan review of Kathleen and Charles Ford until 7:15pm on 15 February 2007. Dr. Marston seconded, and the motion passed unanimously.

COMPLIANCE HEARING FOR KATHLEEN AND GLENN CLARK, 21 BURNT SWAMP ROAD, EAST KINGSTON, MBL 10-04-08, FOR A 9-LOT RESIDENTIAL CLUSTER SUBDIVISION, (IAW EK ZO ART XI) (PB#06-03).

Mr. Ken Berry, *Beals Associates*, for Kathleen and Glenn Clark. Mr. Berry handed out copies of the Notice of Decision with some items highlighted that he would be talking about to the Board members. He had some questions regarding the interpretation of the Notice of Decision and the responsibilities of Bealls and Associates.

Mr. Berry reported that until bonding was in place, he would not be presenting a Mylar to the Board. The presented plans include items # 1, 2, 3, 4, and 5. The proposed homeowners association documents and easement deed language have been turned into Town Counsel.

Mr. Berry wanted to know if certain items were, in the Board's opinion, subsequent conditions; 6) Fire Department approval of fire suppression systems; 8) Town Engineer inspection and acceptance of completed roads, and 9) new lots numbers.

Mr. Berry also had a question regarding Number 10, certification of monumentation. He stated that the monuments have not been set; they would not normally set the bounds until after the road was complete. He referred the Board to the cover letter by the Mr. Jay Stephens, Town Engineer, and the attached spreadsheet by *Beals Associates*. In the bond, they have proposed \$10,400 for placement of monuments. Mr. Berry asked for clarification that the Board interpreted that condition the same as Bealls and Associates had.

Mr. Day stated that their thinking was parallel, as he and Mrs. White, the Recording Secretary, had reviewed the Notice of Decision to determine what had been done and what was yet to be completed. Item #6 was obviously after the fact. The Town Engineer had confirmed item #7 some time ago, and items #8, #9 and #10 were all after the fact.

In reference to the certificate of monumentation question, Mr. Day explained that the Building Inspector has a form he uses to certify that the bounds are set where they are supposed to be. Mr. Donald reiterated that only lots 4, 5, 6 and 7 would need to be reclaimed before building permits were issued, and that he could issue building permits for the other lots. Mr. Day stated that that was correct.

Mr. Donald stated that normally, the Planning Board mandated that monumentation be signed off before the Mylar was signed. Mrs. Belcher agreed, except for the monumentation along the road, which would be set after the road was completed. Mr. Donald asked if the Board was going to allow all monumentation to wait until the road was completed, or just the monumentation along the road. Mr. Donald reminded the Board that for Winslow Woods, all the back monumentation was completed; first the road monumentation was done after the road was complete. Mr. Day recalled that the back monuments were done first, then the road monuments so they were not knocked down when completing the road. Mrs. Belcher asked if the reclamation work on lots #4,5,6, and 7 would interfere with setting the bounds on those lots.

Mr. Berry requested, since the lots were relatively small and in light of the reclamation work needing to be done, that all of the monuments be part of the bond. Mr. Donald stated that it sounded rational to do it that way. It was Mr. Berry's understanding that a bond needed to be in place with the Board of Selectmen, but he was unsure as to just when the Mylar would be signed.

Mr. Day stated that in reference to the easement language, Town Counsel had not seen any easement deed language for the two lots affected by the fire pond and the evaporator. Mr. Berry stated that there was language in the back of the restrictive covenants, and it was his understanding that Counsel for the applicant, Mr. Cronin, thought that he had covered it with that language.

After he reviewed the documents, Mr. Berry had communicated to Mr. Cronin that an actual easement document was necessary, and that the restrictive covenants were not an easement. Mr. Day reported that he had received a copy of the Declaration of Covenants and the Conservation Covenants from Town Counsel, and that neither Town Counsel nor the Planning Board had had a chance to review either of those documents.

Mr. Day reported that the Town Engineer had clarified the bonding for his understanding, and that when the Selectmen receive the bond, the Planning Board can sign off on it. Mr. Berry stated that they had asked for a clarification of the difference in the numbers they had submitted to Mr. Stephens and the number that he had approved. They have asked Mr. Stephens for an itemized breakdown. Their number was \$285,000 and his number was \$340,000, and the reason that that number will be important to them is that at some time, the contractor doing the building will want to do bonding draw-downs.

Mr. Day stated to the Board members that he would distribute to them the new information he had received pertaining to the covenants. He also asked Mr. LK Smith to scrutinize the Conservation Covenants.

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

Mr. Day complimented Mr. Berry on his superb engineering work on the plans.

Mr. Day entertained a motion to continue the hearing.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board continue the compliancy hearing for Clark-DeBross until 8:00pm on 15 February 2007. Dr. Marston seconded, and the motion passed unanimously.

Mr. Berry thanked the Board for their time.

#### CONTINUED BOARD BUSINESS

**Master Plan.** Mr. Day hoped that they would be able to hold the public hearing for the Master Plan Community Profile chapter at the next meeting. Mr. Day stated that usually this time of year was a madhouse getting ready for Town Meeting, and they were in very good shape this year.

**Advertising for the Targeted Block Grant.** Mr. Day asked for ideas on how to advertise for the Targeted Block Grant meetings, and asked Dr. Robinson if she had any suggestions. Dr. Robinson stated that she thought that January and February were not good months as the weather was too unsure; she suggested planning it in March or April. Mr. Day stated that this would be a Saturday event.

Mr. Lloyd asked if they were talking about doing something similar to the Visioning Sessions they had last year, and Mr. Day agreed that they would need to do some brainstorming.

Dr. Robinson stated that other communities had had more success by combining their session with another community event, perhaps connected to the schools or the grade, for example. North Hampton had had theirs in conjunction with the High School Chili Supper Fund Raiser.

***Advertising for Zoning Ordinance changes.*** Mrs. Belcher asked that in addition to being in the Annual Report and the Selectmen's Letter in their entirety, were the zoning amendments going to be anywhere else for people to read the text? Mr. LK Smith stated that the Selectmen's letter would have a note about the zoning ballot, with a recommendation the voter READ all the change proposals.

Mr. Day thought the Planning Board owed the Town its clear perspective on the plans, and thought it could be an insert in the Town Report.

Mr. Donald suggested combining the visioning/brainstorming sessions with the Open House for the new Police Station.

**ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn. Mr. Lloyd seconded, and the motion carried unanimously at 9:15pm.

Respectfully submitted,

Barbara A. White  
Recording Secretary

James R. Day, Jr.  
Chairman

Minutes approved 15 February 07