

January 19, 1995

East Kingston Planning Board

Attending: Chairman Richard Smith, Joseph Cacciatore, Catherine George, Dr. Robert Marston, & Amanda Rossi-Lashoones.

Others attending: Sarah Campbell, RPC Circuit Rider, and Larry Smith, Conservation Chairman

Meeting called to order at 7:35pm.

Mr. Dennis Quintal presented a sketch in behalf of Marshall Merrill, requesting a waiver from the planning board regarding current requirements to build a road. The sketch was of 14 Acres with 140' frontage. Mr. Merrill wants 2 lots and would have to request a variance for frontage for a Right Of Way or would have to request a waiver from the road frontage requirements.

Mr. Quintal stated that an abutter was agreeable to negotiate selling a 60 ft. parcel to Mr. Merrill. This would then give Mr. Merrill a 200 ft. minimum road frontage. The sketch also showed a shared driveway whose only purpose would be to access the newly created lot. The 60 ft. ROW would be deeded to the Town.

Step Two: The ROW meets 60' W requirement, back approximate 200', create a lot line to meet frontage requirements-no new driveway, just access to the 2nd lot and the road; basically a private way.

S. Campbell checked the ordinance re: 200' on the Road, not comfortable about the 200' frontage but might be a way to get around the requirement; this doesn't deserve a variance but still might get one.

Mrs. Campbell stated this sounds like they would be building a house without the frontage. Regulations state frontage on a ROW and they could request a waiver from the Town Regulations for bonding the ROW.

Mr. Quintal stated there would be enough frontage to have the abutter be able to meet the requirement.

Dr. Marston arrived at this time.

Mr. Smith stated that a landowner should be able to do things with such a large lot of land.

There was a question if the Town would be liable if anything happened on the ROW (if placed near Mr. Merrill's house).

Mr. Quintal noted that the land is high and dry enough to support a septic system then drops off to a swale.

Mr. Quintal stated his client would be willing to do whatever is necessary, including paving.

Mr. Smith suggested the board would discuss, and get back to Mr. Quintal with a recommendation.

The Public Hearing regarding the Posted Zoning Ordinance Changes was opened at 7:50 pm.

Mrs. George motioned to adopt adding the \$45.00 Public Notice newspaper fee for the procedure obtaining approval for Subdivision, and to include the change upon the application for subdivision.

Mrs. Rossi-Lashoones seconded the motion.

The motion passed unanimously.

The Public Hearing was closed at 7:55pm.

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A discussion of the 12/15/94 Minutes regarding an addition and amendment of the first page to clarify Mrs. George's motion to adopt three changes regarding Subdivision Regulations, and the Clarification of motion made by Mrs. George Conditional Approval and Home Occupancy.

Mrs. Marden agreed to address corrections to the minutes at next meeting scheduled 2/16/95.

At 8:50pm the Public Hearing regarding Citizen Petition to create another Commercial Zone as noted on map. Mr. Larry Bean and other petitioners used a map showing a shaded area consisting of approximately 22 acres, which is proposed to be rezoned as commercial property.

It was noted one abutter of the property change was present. It was also noted that only Mr. Bean was present of the property owners whose property is included within proposed zone change.

S. Campbell advised the petition was submitted correctly, and would be on the March 1995 ballot. This meeting is to establish whether or not the Planning Board approve of this change.

Mr. Jim Corton spoke his opinion that the entire Route 108 strip should be zoned commercial, rather than zoned separately in pieces. Mr. Corton suggested the board should look at the future regarding the increased property values in commercial zoning vs. residential zoning.

Mr. Larry Smith suggested to include it in the town report.

Mrs. Rossi-Lashoones questioned the fairness of the Home Occupant with a small craft business versus the Commercial Business.

Mrs. Marden pointed out that the tax, irregardless of zone, is calculated on the assessed factor based on use vs. zone.

Mr. Cacciatore agreed that the Master Plan should be addressing this problem, as it relates to rezoning the entire section of Haverhill Road from Main Street to the Newton line.

Mr. Bean confirmed that the map is fairly accurate. Mr. Larry Smith also agreed that the map is close.

Mrs. Campbell stated that this question will appear on the ballot.

Mrs. George motioned the Planning Board recommend approval of this article on the ballot.

Mr. Cacciatore seconded the motion.

The motion passed 4 - 1. Mrs. Lashoones dissenting.

The Public Hearing closed at 8:23pm.
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At 8:25pm Mr. Lawrence E. Morse, president of NH Soil Consulting Inc. Newmarket, NH presented 3 maps of Lots 34, 37, 38 Rowell Road currently owned by the Currier Heirs, C/O Jean Bacas. Mr. Morse represents Stonemark Management Co. Inc., and was hired to do the Septic Systems designs on the lots.

Mr. Morse asked the board it's recommendation on procedure on the proposal to build two structures, while negotiating a sale contract on the three parcels.

The owners are concluding the lots are grandfathered.

With respect to the ordinance concerning wetlands, Lot 11 has a poor drain line, and Lot 12 does not have any high dry land.

The building inspector (Glenn Clark - absent) had conflicts with the setbacks, denied plans for both Lot 10 and 11. A 100' variance would then be needed.

Mr. Smith asked that if they combine all three they would then meet the setbacks. The response was no. The Town requires 100 ft. setbacks for septic systems. The State requirement is 50 ft. The designs submitted meet the State's setbacks.

Mr. Larry Smith, Conservation Commission had no problem with one lot, has a problem with one because of the setback and noted that one lot is totally wet.

Mr. Morse stated there is a contract to buy all three lots.

Mrs. Campbell read the Zoning Ordinance which states that lots should be combined to be more conforming.

Mr. Morse stated he believes the subdivision was done in 1972 originally. The survey was done in August 1972. The proposal is to build two structures.

It was noted that the owners could go to the Zoning Board of Appeals based on the denial from the building inspector.

Mrs. Lashoones motioned that Lot 10 requires a variance; and recommend Lot 12 be added to Lot 10 and/or Lot 11. Board finds Lot 11 to be acceptable.

Mr. Cacciatore seconded.

The motion was passed unanimously.

S. Campbell said that the 3 copies of the Water Plan have been reported as lost in the mail. These copies would be resubmitted, but noted two months delay.

A Public Hearing will be scheduled February 16, 1995 regarding a Site Plan Review for garage addition for MSK, and a Home Occupancy for portrait photography.

Mrs. Rossi-Lashoones motioned to adjourn.

Mr. Marston seconded the motion.

The meeting was adjourned at 9:23pm.

Respectfully submitted, Sandra Johnson