



**PLANNING BOARD**  
**TOWN OF EAST KINGSTON**  
**NEW HAMPSHIRE**

*20042005*  
*James Roby Day, Jr., Chairman*  
*Richard A. Smith, Sr., Vice Chairman*

**MINUTES**  
(Regular Meeting and Public Hearing of January 20, 2005)

**AGENDA:**

7:00PM – **Call to Order and Board Business**

7:15PM – **Public Hearing**– for a proposed 22-lot subdivision of Bowley Real Estate, LLC, involving MBLs 1-1-1 and 2-2-3 (PB 05-01).

8:00PM – **Continued Public Hearing**– for a proposed subdivision plan of William R. and Deborah A. Osgood, 148 Haverhill Road (MBLs 10-1-1 and 11-1-2) (PB# 04-03).

8:50PM – **Public Hearing**-- for proposed change recommendations for Zoning Ordinance Article XI – Single-Family Cluster Residential Development; and Article XII – Elderly Housing. Copies of the change text are available in the Town Office.

9:10PM --**Public Hearing** -- for proposed change recommendations for Zoning Ordinance Article VIII – Uses Permitted to allow accessory housing units attached to residential dwellings. Copies of the change text are available in the Town Office.

9:25PM – **Public Hearing**– for proposed Citizens' Petitions involving Zoning Ordinance Article VI – Wetlands Conservation District regarding setback distances from poorly drained and very poorly drained soils; and Article XI – Single-Family Cluster Residential Development and Article XII – Elderly Housing regarding natural landscape buffer zones; and Article XII – Elderly Housing regarding protective well radii; and Article XII – Elderly Housing regarding the reduction of elderly housing units as a proportion of standard residential units; and Article XII – Elderly Housing regarding the repeal of the entire ordinance; and Article XII – Elderly Housing, Sec. B(11) and G(3) regarding residency requirements. Copies of the change text are available in the Town Office.

10:00PM – **Adjournment**

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

**ROLL CALL:** Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Dr. RA Marston, DVM, Mr. M Dworman, ex-officio alternate

Alternate members present – Mr. EV Madej, Mr. J. Fillio, Mr. JD Burton

Advisers present – Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department, Building Inspector, Raymond Donald

**Designated Voting member** – Mr. Day noted that this month Mr. Burton is the designated voting member.

**BOARD BUSINESS:**

**Minutes–**

**MOTION:** Mr. Fillio **MOVED** that the Board accept the minutes of the December 16, 2004 meeting with corrections. Mrs. Belcher seconded and the motion carried unanimously.

**MOTION:** Mrs. Belcher **MOVED** that the Board accept the minutes of the January 6, 2004 work session as presented. Mr. Fillio seconded and the motion carried unanimously.

**Action/Information Items –**

**Town Report Insert** – Mr. Day asked for comments. Mr. Burton and Mrs. Belcher agreed that it was very well written. Mr. Day stated that if the Board has any further comments, to please get back to him as he has to get this to the administrative assistant.

**Administrative assistant proposal for simplification of application** – Mr. Day stated that he has gotten feedback from the administrative assistant at the Town Offices regarding simplifying the application and fees. He stated that every time someone comes into the office with an application, the administrative assistants have to check it to make sure the amount of money is correct. He stated that a flat fee was suggested. Discussion ensued regarding charging everyone the same amount no matter the number of abutter notices involved. Mrs. Belcher stated that the application fee is dependent on the number of lots, there are residential and non-residential site plan reviews and there should be different fees applied for different uses and different proposals.

Mr. Donald stated he agreed with Mrs. Belcher because a person coming in with a lot line adjustment shouldn't have to pay the same price as someone with a 40-house lot subdivision.

**Review from Dr. Jill Robinson, the RPC Senior Planner** – Mr. Day stated that she is a lawyer and JAG in the military and presently she is the circuit rider for Newton, North Hampton and Kensington.

**Maura Carriel's replacement** – The Rockingham Planning Commission is still in the process of filling Ms. Carriel's position.

**Library Trustees** – Mr. Day stated that the Library trustees came to him with a request to be added to the February 17 Agenda.

**NROC** – January 29, 2005 workshop 9:00AM– 11:00AM (Snow date: February 5, 2005). Mr. LK Smith stated that this is a land protection workshop put on by Charlie Tucker and will be discussing conservation easements.

**PUBLIC HEARING—FOR PROPOSED 22-LOT SUBDIVISION OF BOWLEY REAL ESTATE, LLC, INVOLVING MBLs 1-1-1- AND 2-2-3(PB 05-01)**

Mr. Day opened the public hearing.

Mr. Mike Garrepy, Bowley Real Estate, LLC appeared before the Board. Mr. Day explained that this is the first time the Board has seen this plan and that Mr. Garrepy is ultimately proposing a cluster housing development; but he first has to show what the density will be using the standard subdivision parameters. Mr. Garrepy presented an overview of the plan. Mr. Garrepy stated that he is representing the owner of record of the first property (Bowleys) (MBL 1-1-1) and he introduced Betty Beane, the owner of record of the second property (MBL 2-2-3). Mr. Garrepy also introduced attorney, Mr. John Ratigan of Donahue, Tucker & Ciandella.

Mr. Garrepy stated that the property is approximately 110 acres, inclusive of the Betty Beane lot. He added that he is proposing an open-space cluster subdivision, which requires him to go through a two-phase process. He stated that he must first demonstrate that a conventional density can be achieved meeting all the subdivision requirements. He added that the reason he is before the Board at this time is to start the first step in the process. He noted that the cluster ordinance requires that two plans be submitted; one a conceptual conventional and one a conceptual cluster plan.

Mr. Garrepy stated that he has received the comments from Dr. Jill Robinson of the Rockingham Planning Commission and will address those. Mr. Garrepy pointed out where Bowley Road is located on the plan as well as Route 108 and where the Newton line is. Mr. Garrepy stated that one of Dr. Robinson's comments was that the plan scale be not more than 100 feet to the inch, which he has corrected.

Mr. Garrepy showed where the through-road starts and finishes and where the cul-de-sac road is located. He added that the road is approximately 1,500 feet in length. He stated that there are 21 new lots and showing the Beane property as the 22<sup>nd</sup> lot, which is not going to be included in the yield calculations for density for the cluster plan.

He stated that all the lots comply with the 2-acre requirement and have a 200 foot road frontage and show proposed well locations, proposed driveway, proposed house site and proposed septic leaching areas. He added that in response to Dr. Robinson's comments, there was one lot that was sized incorrectly (Lot 20), and he made that modification on the plans. He stated that he has provided a table that breaks down all of the total lot sizes, amount of poorly and very poorly drained soils, steep slopes in excess of 25%, total uplands per lot. He stated that all the lots meet the requirements. He pointed out where the three cisterns would be located. He reminded everyone that this was just a conceptual plan and it is not what he intends to build, it is the first stage of the process.

Mr. Garrepy stated that after the technical review meeting at the Planning Commission office, he was advised to approach the Department of Environmental Services Wetlands Bureau to demonstrate that the crossings are viable. He pointed out where these crossings would be on the plan. He added that there are very little wetlands impacted by this. He stated that he has received a letter from the DES, which basically states that the DES would support this cluster application and, if required, would permit these crossings as shown. Mr. Garrepy stated that they would be using box culverts, which would make sure there was no holding-back of water and that he would comply with the standards of the DES.

Mr. Day pointed out that Lot 1 did not have 200 feet on one road, which is required. Mr. Garrepy stated that he did not know the frontage had to be on one single road, but could modify Lot 2 or reconfigure the road curve to make it have a 200-foot road frontage on the new road.

Mr. Garrepy went on to present the proposed cluster plan, which he felt meets all the Town's requirements after the Planning Board grants the density that he is asking for. He stated that they are proposing to construct two roads that meet the current cul-de-sac standards, which is 1,000 feet in length. He added that he would be reducing the total road network by several thousand feet. He stated that they chose to propose individual private septic and well for each lot so he sized the lots appropriately to meet DES requirements. He added that the lots also meet the Town's requirement for frontage and lot size requirements for a cluster development. He stated that all the lots are approximately 1.5 acres. He added that they ended up protecting quite a bit of the land, out of the 110 acres, 70 acres will be preserved, 22 of which are upland acres.

Mr. Day addressed Dr. Robinson's comments regarding the conventional plan:

1. **The plan set does not distinguish between poorly drained soils and very poorly drained soils.** Mr. Day noted that the new plans distinguish between poorly drained soils and very poorly drained soils.

2. **Minimum lot size, conventional plan. Lot 20 appears to have fewer acres than required to meet the standard for minimum lot size.** Mr. Garrepy stated that the revised plan provide an adjustment for that and also provides a new table.

3. **Information concerning septic areas and building envelopes. No information has been provided concerning septic areas, building setbacks, or ground floor area.** Mr. Garrepy stated that these are shown on the revised plans.

4. **Lot width. Subdivision regulations state, "At no point shall any lot be narrower than 125 feet." Lots 1, 21 and 20 do not appear to meet this requirement.** Mr. Day stated that the Board tries to encourage rectangular shaped lots. Mr. Garrepy stated that 20 and 21 have both been modified.

5. **Street grade. Insufficient information is provided to determine street grade.** Mr. Day stated that the grades are needed as part of the subdivision regulation. Mr. Garrepy stated that since this is a conceptual plan and designing the street would be an undue expense on them to fully engineer the plan. He added that it's his hope that they don't have to provide information with that level of detail. He stated that based on the topography of the site, there would be no grade issues that would have to be concerned about in regards to exceeding the maximum allowable grade. Mr. Day stated that the regulation that Dr. Robinson refers to only addresses the grade of the road. Mr. Garrepy stated that the grade would be fairly easy to provide.

6. **Septic. The plan cannot be evaluated for compliance with Subdivision regulation VII.N because septic system leach fields are not shown.** Mr. Day noted that they are shown on the revised plan.

**7. Fire protection. Insufficient information is provided to determine whether adequate fire protection has been provided per subdivision regulation VII.R.** Mr. Day noted that three cistern locations are shown on the revised plan. Mr. Garrepy stated that he would consult with the fire department for exact locations of the cisterns. Mr. Conti stated that he had not seen the plan before but that they seemed relatively well placed. Mr. Day stated that he felt the Board could be reasonably confident that the locations of the cisterns will meet the 1,200 foot standard.

**8. Scale. The scale of the preliminary layout should be not more than 100 feet to the inch.** Mr. Garrepy stated that on the conventional plan they have increased the scale, and the cluster plan will be increased when it is presented.

**9. Water mains, etc. More information is needed concerning existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water and sewer.** Mr. Garrepy stated that Dr. Robinson is probably not that familiar with East Kingston's services. He added that any culverts will be identified on the plan.

Mr. Burton asked for more information to determine if Lots 1 and 2 were viable lots in regard to the grade of the driveway. He also asked if Mr. LK Smith could provide his concerns regarding the wetlands. Mr. LK Smith stated that the main concern brought up at the initial meeting was they needed to be sure that there was going to be some protection of the wetlands. He stated that the two critical crossings were at the top in very poorly drained soils, the rest of them are in poorly drained. He added that on the map it would be helpful if the soil type numbers were on it and the drainage class instead of the dotted line that is hard to see. Mr. Garrepy stated that soil class will be listed on the plan. Mr. Garrepy stated that the grade of the driveway is probably 16%.

Mr. Day stated that he has a concern with the proximity of wetland and the proposed driveway for Lot 2. He added that in order to get the 200 foot frontage for Lot 1, the lot line for Lot 2 has to be moved and it may end up in the wetlands. Mr. Garrepy stated that he was planning on shifting the road.

Mr. Day opened the floor to abutter comments.

Cheryl Durkee, 15 Rowell Road. Ms. Durkee asked for clarification as to what a cluster development consisted of and the need for a conventional and cluster plan. Mr. Day stated that the cluster housing ordinance has been on the books since 1989 and Brandywine is a cluster development. He stated that the advantage of a cluster development is that there is an opportunity to save some open space, it's conservation minded. This plan will preserve contiguous larger lumps of area for open space. He added in order to establish how many houses can be built in a cluster development; it has to begin from a normal subdivision. Mr. Day added that there will be 22 houses in the cluster development and depending on how good Mr. Garrepy is with his plan, there are opportunities for bonuses which, in this instance, wouldn't amount to more than a couple of houses.

Ms. Durkee stated that her road is one of the oldest and it is very narrow and asked how this would impact traffic. She asked if the road would have to be widened. Mr. Day stated that this may have to be addressed with the developer.

Laurene Laveille, 19 Rowell Road. Ms. Laveille asked to be shown where the existing dwellings are located on the plan. Mr. Garrepy showed the existing dwellings and stated that these are taken from aerial photos. Mr. Garrepy pointed out where the nearest house would be to Ms. Laveille's house on the conventional plan and it could be 400 feet. Mr. Garrepy stated that under the cluster open space requirements, there has to be a 100-foot buffer. Ms. Laveille also expressed her concern about the increased traffic on Rowell Road. Mr. Garrepy explained that traffic is the reason he proposed to not have a through road. He pointed to the cluster plan where there are two roads with 9 or 10 houses accessed from Rowell Road.

Ms. Laveille also expressed concern regarding how all the new wells would affect hers. Mr. Garrepy stated that the State regulates all wells and septic design.

Wayne Couture, 20 Rowell Road. Mr. Couture asked if there were any drainage studies done because at the wettest time of the year, there is a lot of runoff. Mr. Garrepy stated that he is required to not increase any runoff. He added

that he felt the runoff would actually improve after development. Mr. Garrepy stated that there is a culvert underneath Rowell Road near the Fish & Game property.

Mr. Garrepy stated that they will be preparing a stormwater drainage plan when he gets into the design of the road.

Suzanne Ryan, 592 Stoneway Road, Wolfboro, NH. Ms. Ryan asked for the names of all the Newton abutters. Mr. Garrepy pointed out where the post office is located on the plan. He added that he did not have the names of the abutters at hand. Mr. Day stated that it is required to have the owners' names and addresses on the plan. Ms. Ryan asked about the gas line. Mr. Garrepy showed where the gas line easement is located on the plan and that he has received approvals for both gas companies to cross. He added that there is also a Public Service of New Hampshire easement located on the plan. Mr. Day stated that it is depicted, but not labeled.

Mr. Garrepy stated that a site walk may be appropriate at some time in the future for the Board and members of the public. Ms. Ryan suggested to the Board that when they receive a more definitive cluster plan, they should scrutinize Lots 1 and 2 very carefully as to the slope and the proximity to wetlands. She stated she questioned their viability because of the steepness. She wished the Board good luck. Mr. Day stated that the ordinance is designed to account for wetlands and densities are calculated accordingly. He added that no matter how this land is eventually developed, the developer will not be getting any more than is appropriate for the property.

Carl Leach, 23 Rowell Road. Mr. Leach asked about the access road, which is right next to his property. Mr. Garrepy stated that it is on the conventional plan, but it is shifted another 200 feet away from his boundary line.

Bill McAvoy, 134 N. Main Street, Newton. Mr. McAvoy stated that his property abuts the proposed Lot 1 and his fear is that the construction of the new road will cause damage to his home. He stated that around his house there is a lot of ledge and blasting could cause damage. Mr. Garrepy addressed the concern of damage to surrounding houses by saying that if there is ledge that does require blasting, there are very specific blasting requirements that have to be adhered to. He added that if there is any disturbance from blasting, it would be his responsibility.

James Goodwin, 128 N. Main Street, Newton and 216 Haverhill Road, East Kingston. Mr. Goodwin stated that his house is in East Kingston and his driveway is in Newton. He stated that the slope is very extreme and it is all ledge. He asked Mr. Garrepy if he could guarantee that his well will be the same after the building is completed and can he guarantee that his foundation doesn't crack. Mr. Garrepy reiterated that if there is a need to blast, there are specific guidelines that have to be met.

Mr. Day closed the floor to abutters.

Mr. Day instructed Mr. Garrepy to present the cluster development plan. Mr. Garrepy stated that the plan is proposing 21 new units, there is an existing house to make it 22, both roads are less than 1,000 feet in length, the lots are approximately 1.5 acres. He added that 70 acres out of the 110 acres proposed to be preserved as open space and 22 acres are upland. He stated that the main reason for him being before the Board at this meeting is to work on getting the plan approved for density. He asked for Board input as to what would be needed to get the plan approved.

Mr. Day stated that he is concerned about Lot 1 because it plays into both the conventional and the cluster. He stated that he needs to be convinced it is a viable lot before the plan can be approved. He added that he thought this was the beginning of a good plan. Mr. Garrepy stated that he would reconfigure the lot to prove its viability or eliminate it. He asked to verify what the requirements were:

1. Work on Lots 1 and 2
2. Proposed road grade
3. Soil types
4. Add abutters' names to plan
5. Show easement area of gas line
6. Documentation from gas company

Mr. Day stated that this hearing would be continued to February 17, 2005 at 8:15PM.

**MOTION:** Mrs. Belcher **MOVED** that the Board continue this public hearing to February 17, 2005 at 8:15PM. Mr. Burton seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED PUBLIC HEARING--FOR A PROPOSED SUBDIVISION PLAN OF WILLIAM R. AND DEBORAH A. OSGOOD, 148 HAVERHILL ROAD (MBLS 10-1-1 AND 11-1-2) (PB#04-03)

Mr. Day opened the public hearing.

Mr. Dennis Quintal appeared for the applicant and submitted revised plans.

Mr. Quintal went through Maura Carriel's comments from December 10, 2004:

1. The plan needs to be amended to clearly present both a subdivision and lot line adjustment. Mr. Quintal stated that this has been done.
2. Subdivision Regulations require that the plan be stamped by a Licensed Land Surveyor. Mr. Quintal stated that this will be provided on the final mylar.
3. Wetland delineation methodology and the CWS/CSS stamp need to be added to the plan. Mr. Quintal stated that this will also be provided on the final mylar.
4. Even though it is developed, building setbacks should be shown for the proposed Lot 10-1-1, particularly as the side setbacks on the property. Mr. Quintal stated that they have shown the setbacks on the revised plans.
5. The SSSS codes indicate the present of very poorly drained soils, but the areas are not identified as such. The plan should clearly identify all very poorly drained soils, either with a key to the soil codes, or with text as was done with the edges of poorly drained soils. Mr. Quintal stated that this is shown on the site plan.
6. Zoning Ordinance Article VI.E.2 requires, for every subdivision proposal within the Wetland Conservation District, submittal of a drainage report and calculations prepared by a Registered Professional Engineer describing the extent of any impacts on the wetlands. While impacts will be minimal, particularly as no roadway is proposed, the Board cannot grant relief for this zoning requirement. Mr. Quintal stated he would supply the Board with copies of the drainage report.
7. The applicant needs to provide calculations to show that proposed Lot 10-1-12 will comply with Zoning Ordinance Article VI-- Wetlands Conservation District, Sec. D. If it does not comply, the Board should deny the application and the applicant can pursue relief from the ZBA. Mr. Quintal stated that this has been shown.
8. There is no boundary provided for the required 4,000 sq. ft septic reserve area for proposed Lot 10-1-12. The test pits shown are located outside of the septic setbacks, but without the boundaries of the 4K area, it is not possible to confirm that it would be placed and comply with setbacks required by the Zoning Ordinance. Results of the test pits should also be provided for the file. Mr. Quintal stated that this has been revised, originally there was a long, slender area that was about 5,000 sq. ft. He added that he made the area more rectangular.
9. A note needs to be added to the plan specifying whether or not the lots are located within a flood hazard area. Mr. Quintal stated that it is not in a flood hazard zone, but when there is a major storm event, there have been times when the water level reaches a height where it goes over Route 108. He added that, as far as flooding was concerned, the elevation of Route 108 is the limit of flooding and would not go into the building area.
10. I defer to the Fire Department for confirmation of the distance to the nearest hydrant. Mr. Quintal stated that one hydrant is 1,200 feet +/- and the other is 1,100 +/-.

11. Lot 10-1-11 does not comply with Subdivision Regulation Section VII.A, which states that, "At no point shall any lot be narrower than 125'." No waiver request has been submitted. Mr. Quintal stated that he is widening this lot.

12. Why is the proposed driveway to Lot 10-1-12 located to access the smaller of the two buildable areas? Mr. Quintal showed where the buildable areas were and stated that he showed the worst case scenario where someone could place a house if they wanted to be secluded.

13. The Board requires a Certificate of Monumentation prior to final approval. This will be provided.

14. State Subdivision approval is required prior the Board's final approval. Mr. Quintal stated that he hasn't gotten this, but he expects it any time.

15. An NHDOT driveway permit is required for proposed Lot 10-1-11 prior to the Board's final approval. Mr. Quintal stated that it has been sent in and they asked for more detailed information.

16. The proposed layout of Lot 10-1-12 consists of a well and driveway on one buildable area and the septic proposed for the other buildable area. The buildable areas are separated by wetlands. A State Wetlands permit would be required in order to construct piping from the house site to the leach field. Approval from the Wetlands Bureau should be received prior to any final approval for the Board. Mr. Quintal stated that waste water could be piped under the wetlands instead of digging them up.

Mr. LK Smith stated that he didn't think there would be any problems.

Mr. Day stated that the Board normally asks for a depiction of a typical dwelling on the proposed lot. Mr. Quintal stated that that can be done. Mr. Day stated that the RPC has reviewed this plan and they noted that Mr. Quintal appears to have answered Maura Carriel's comments. He added that in regard to Lot 10-1-12, the RPC is appalled at the prospect of someone having to pump across wetlands to a septic. Mr. Day stated that he would be inclined to agree.

Mr. Day noted that on the existing conditions sheet Lot 10-1-1 is described as 11-1-2. Mr. Quintal stated that he would correct this.

Mr. Quintal stated that the longer line depicts poorly drained soil and the shorter line depicts very poorly drained soil.

Mr. Day stated that the Board has to decide to take jurisdiction or not.

Mr. Day opened the floor to abutters, of which there were none and he closed the floor.

Discussion ensued regarding the placement of a house on the land and Mr. Quintal stated that he was showing the worst case scenario. Mr. Dworman stated that at ¼ of an acre, it is large enough to hold a house.

**MOTION:** Mr. Burton **MOVED** that the Board take jurisdiction of the lot line adjustment and subdivision plan. Mr. Dworman seconded and the motion carried unanimously.

Mr. Quintal stated that all he is waiting for is the State subdivision highway access. He added that he will show a typical building on the plan, correct the lot number and clarify poorly drained and very poorly drained soils.

Mr. Conti stated that the Fire Department hasn't had a chance to verify the distance to the dam from Rowell Road, he added that due to the recent fire, they do know that the two Haverhill Road lots are protected.

Mr. Quintal stated that the monumentation will be done. Mr. LK Smith stated that he saw no problems with the drainage report.

Mr. Day read his list of conditions for a conditional approval:

1. Correct MBL 10-1-1 on Existing Conditions page. This will be corrected
2. Proposed dwelling placements on subdivision and site plan. This will be done.
3. Fire Department approval of suppression system adequacy. Mr. Conti will take care of this.
4. NHDOT approval of highway access for MBL 10-1-11. Waiting on this.
5. State subdivision approval.
6. State wetland permit(s). This is not needed.
7. State septic system approval(s). Mr. Quintal stated that this is done prior to a building permit.
8. Final plans marked with LLS and CSS stamps and signatures.
9. Final plans to include a note on the sheets to be recorded indicating they are a part of an "X" number of pages in the plan set on file with the Town. Mr. Day stated that there would be three sheets.
10. Certificate of Monumentation signed by Building Inspector.
11. All fees and charges due the Town in connection with the subdivision, including but not limited to the review of Town Counsel, Town Engineer, RPS Senior Planner, and Fire Department, and administrative costs incurred by the Town be fully discharged.
12. Final mylar(s) to be submitted to the Board for Chairman signature and recording.
13. Identify uplands with poorly drained and very poorly drained soils.

**MOTION:** Mr. Dworman **MOVED** that the Board grant conditional approval to the Osgood lot line adjustment and subdivision plan with the eleven conditions. Mr. Burton seconded and the motion carried unanimously.

Mr. Day closed the hearing.

PUBLIC HEARING – FOR PROPOSED CHANGE RECOMMENDATIONS FOR ZONING ORDINANCE ARTICLE XI– SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT; AND ARTICLE XII–ELDERLY HOUSING

Mr. Day opened the public hearing.

Mr. Day explained that the Planning Board looked at the Cluster Housing ordinance and the Elderly Housing ordinance and compared and contrasted them to see how the Board might make them more clearly focused in intent and outcome. He stated that out of that discussion came the following amendments:

ARTICLE XI–SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT

**AMEND** Paragraph G.1 to read:

1. No dwelling unit or accessory structure shall be located closer than (50) 15 feet from poorly drained soils and (75) 30 feet from very poorly drained soils. *Septic system leach field boundaries shall be located no closer than 50 feet from poorly drained soils and 75 feet from poorly drained soils.*  
(Amended 3/05)

Mr. Day stated that the cluster housing ordinance has 50 feet and 75 feet respectively and it directly contradicts the Wetlands Conservation District ordinance, which says 15 feet and 30 feet.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor

Mr. Day stated that the Board also included specific verbiage about septic system leach field boundaries, which are 50 feet and 75 feet from poorly drained and very poorly drained soils. Mrs. Belcher stated that she recalled that at the time it was changed to the 15 and 30, it was because there was no scientific documentation to support that people could not use that much of their property.

**MOTION:** Mrs. Belcher **MOVED** that the Board place an amendment to Article XI – Single-Family Cluster Residential Development to amend Paragraph G.1 as read on the ballot. Mr. Burton seconded and the motion carried unanimously.

ARTICLE XI– SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT



**AMEND** Paragraph E. Minimum Tract Size 2. to read:

K. Frontage is required on an existing Town approved road or a State highway. For the purpose of this ordinance, a Town road shall be defined as a road that has been accepted by the local legislative body at the annual Town Meeting. *No housing units or other structures are to be built on land encompassed by the development within 200 feet of any development entrance as measured from the originally existing public or private road. The land precluded from any construction by virtue of this provision may be included, assuming it is otherwise eligible, in the development calculations for the required common land/open space. Two planning goals are thereby satisfied, i.e., 1) higher residential density offset by using common land/open space, and 2) privacy enhanced and traffic noise pollution abated in the neighborhood from adjacent highways.* (Amended 3/05)

Mr. Day stated that the Board tried to get the cluster development and elderly housing ordinances to look a little more alike and have the same kind of conservation edge to them. He explained that they decided to make the cluster ordinance look more like the elderly housing ordinance and made 200 feet the minimum distance into any development.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board place an amendment to Article XI – Single-Family Cluster Residential Development to amend Paragraph E. Minimum Tract Size 2. as read on the ballot. Mr. Burton seconded and the motion carried unanimously.

#### ARTICLE XI – SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT

**AMEND** Paragraph K. Landscape Buffer to read:

L. Landscape Buffer. A cluster development shall have a one hundred foot landscaped buffer around its entire perimeter to provide an adequate division of transition from abutting land uses and existing town roads. *This landscaped buffer, which shall include the frontage setback from a development entrance, may consist in whole or in part of existing natural growth. The Planning Board shall determine whether the type of landscaping proposed is acceptable in light of local geographic and topographic features.* (Amended 3/05)

Mr. Day explained that what the Board did in this instance was clarify what a landscape buffer would look like. He added that it is all about conservation and preservation of the environment.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mr. Burton **MOVED** that the Board place an amendment to Article XI – Single-Family Cluster Residential Development to amend Paragraph K. Landscape Buffer as read on the ballot. Mrs. Belcher seconded and the motion carried unanimously.

#### ARTICLE XI – SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT

**AMEND** Paragraph L. Parking to read:

L. Parking *Provisions for parking shall allow for not less than two (2) spaces per single dwelling unit, each at least 9 feet wide and 20 feet long exclusive of traffic and maneuvering space. Access driveway design and proposed parking locations shall be subject to Board approval.* (Amended 3/05)

Mr. Day explained that the Board was concerned that the cluster ordinance required paved parking, whereas the elderly housing ordinance did not. It was felt that the requirements should be consistent. He added that this is removing the requirement to be paved and leaving those decisions up to the discretion of the developer and the Planning Board to decide what is the best configuration.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mr. Burton **MOVED** that the Board place an amendment to Article XI – Single-Family Cluster Residential Development to amend Paragraph L. Parking as read on the ballot. Mrs. Belcher seconded and the motion carried unanimously.

#### ARTICLE XI – SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT

**AMEND** Paragraph O. Use of Common Land to read:

- O. Use of Common Land. Such common land shall be restricted to *conservation and passive, non-motorized, recreational use. Setbacks, front, rear, and sides, are considered part of the common land, and no use is permitted that would disturb the natural vegetation within these areas (see paragraph H.3. Restrictions. above).* These restrictions of the use of the common land (including the landscaped buffered area), shall be stated in the covenants running with the land. (Amended 3/90, 3/05)

Mr. Day explained that this was amended to take steps to conserve the environment.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board place an amendment to Article XI – Single-Family Cluster Residential Development to amend Paragraph O. Use of Common Land, as read on the ballot. Mr. Burton seconded and the motion carried unanimously.

#### ARTICLE XII – ELDERLY HOUSING

**AMEND** Paragraph B. General Standards. 15. to read:

15. The perimeter of all such elderly housing developments shall be treated with a landscaped buffer zone of a minimum of *one hundred feet (100')* which may consist in whole or in part of existing natural growth. *The Planning Board shall determine whether the type of landscaping proposed is acceptable in light of local geographic and topographic features.* (Amended 3/05)

Mr. Day explained that the landscape buffer zone for the cluster housing ordinance is 100 feet. He added that they changed the acreage requirement for the elderly housing to 20 acres and felt that with a 100 foot landscaped buffer zone, it would go a little way to conserve open space.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mr. Burton **MOVED** that the Board place an amendment to Article XII – Elderly Housing to amend Paragraph B. General Standards. 15. as read on the ballot. Mrs. Belcher seconded and the motion carried unanimously.

#### ARTICLE XII – ELDERLY HOUSING

**AMEND** Paragraph C. Common Land/Open Space. Subparagraph entitled “Use of Common Land“ to read:

Use of Common Land. Such common land shall be restricted to *conservation and passive, non-motorized, recreational use. Setbacks, front, rear, and sides, are considered part of the common land, and no use is permitted that would disturb the natural vegetation within these areas.* These restrictions of the use of the common land (including the landscaped buffered area), shall be stated in the covenants running with the land. (Amended 3/05)

Mr. Day stated that this verbiage is the same as in the same as is now used in the Cluster Housing ordinance focusing on conservation and passive non-motorized recreational use.

Mr. Day opened the floor to public comment, of which there was none, and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board place an amendment to Article XII – Elderly Housing to amend Paragraph C. Common Land/Open Space as read on the ballot. Mr. Burton seconded and the motion carried unanimously.

Mr. Day closed the public hearing

PUBLIC HEARING – FOR PROPOSED CHANGE RECOMMENDATIONS FOR ZONING ORDINANCE ARTICLE VIII – USES PERMITTED TO ALLOW ACCESSORY HOUSING UNITS ATTACHED TO RESIDENTIAL DWELLINGS

Mr. Day opened the public hearing.

Mr. Day stated that he has received counsel's comments on this change recommendation, and that he had no comment on all the previous changes. He added that almost all of the recommended conditions constitute special exception conditions, which the ZBA would then examine and decide whether or not that particular configuration meets the parameters. He stated that the plan is to have a dwelling addition which doesn't change the look or feel of a neighborhood or the residence itself. He added that the occupancy provision calls for no more than a single family in one of these accessory dwellings and the Board of Selectmen is required to have documentation from the owner establishing who the tenants are. He added that the accessory dwelling unit and the conventional residential dwelling that it is attached to is different from a duplex by virtue of ownership. He stated that a duplex requires three acres of land and this would not require any more than a conventional building lot because the idea is for it to be invisible and remain a part of the single-family neighborhood.

ARTICLE VIII – USES PERMITTED

**AMEND** by ADDING a new paragraph:

F. Accessory Dwelling Units (Adopted 3/05) Colloquially described as “mother-in-law apartments”, accessory dwelling units can help maintain the integrity of family groups, and provide relief from pressures for affordable housing. Such a second dwelling unit, attached to, and integral with, a dwelling structure, is distinguished from duplex dwellings in East Kingston by provisions which include ownership, occupancy, construction, living area configuration, and lot acreage requirements.

Accessory dwelling units, shall be permitted in East Kingston by SPECIAL EXCEPTION which, if granted, shall be recorded in the Rockingham County Registry of Deeds. An accessory dwelling unit is permitted on any approved building lot, other than lots which are a part of elderly housing unit developments or single family cluster residential developments, provided the East Kingston Zoning Board of Adjustment (hereinafter “ZBA”) is satisfied the following conditions are met:

1. Ownership. The owner of the property shall occupy one of the units as a primary resident, and be owner/landlord of the secondary, accessory dwelling unit (*special exception condition*). These ownership and residency provisions shall not change in the event the property is sold. Without limiting any other restriction herein, any kind of condominium ownership arrangement for the accessory dwelling unit and/or the principal residence is prohibited.
2. Living Area Configuration. Total living area floor space for an accessory dwelling unit shall not exceed 500 square feet, and shall consist of not more than one (1) bedroom, one (1) kitchen/living area, and one (1) bathroom/water closet. The accessory dwelling unit shall be clearly secondary to the principal residence. (*special exception condition*).
3. Construction. Only one accessory dwelling unit is permitted per residential lot, and it must be built within or attached to the principal dwelling to preserve the appearance of a single-family dwelling. An outside entry way to the accessory dwelling unit shall not be placed on the front/street-side of the principal residence, and interior passage through the dwellings' common wall(s) shall provide for safe egress. (*special exception condition*)

4. Manufactured Housing. The addition of an accessory dwelling unit to a manufactured housing dwelling is prohibited. The use of a manufactured housing dwelling as an accessory dwelling unit attached to a conventional principal residence is prohibited.
5. Occupancy. All occupants of an accessory dwelling unit shall be members of one family, and in no case shall more than one family reside in it. The owner shall provide documentation for the Board of Selectmen to establish that all tenants, and any change of tenants, conform to this requirement. Dormitory-style facilities are expressly prohibited, whether seasonal or otherwise.
6. Parking. Off-street parking shall be available for a minimum of two automobiles for the principal residence and two automobiles for its accessory dwelling unit. Room for vehicle ingress, egress, and turn-around on site shall be provided. A new curb cut for the accessory dwelling unit is prohibited. **(special exception condition)**
7. Septic facilities and water. An accessory dwelling unit shall conform to all applicable structural, water and sanitary standards for residential structures. Prior to a dwelling renovation or accessory dwelling unit construction, the owner shall provide evidence to the East Kingston Building Inspector that septic facilities are adequate for two families, and satisfy Town and State standards. If deemed necessary by the Town officials, such evidence shall be in the form of certification by a State of New Hampshire licensed septic system designer. The owner shall also provide evidence that there is adequate potable water according to State standards.
8. Certificate of Occupancy. When renovation or construction is complete, or an accessory dwelling unit is ready for occupation, the owner shall request a Certificate of Occupancy from the Building Inspector. Occupancy of the accessory dwelling unit (or the primary residence if the entire dwelling is new construction) is prohibited until a Certificate of Occupancy is obtained.
9. Pre-existing conditions. Any pre-existing accessory dwelling unit in a non-complying residence (i.e., in existence before March 8, 2005) must be shown to conform to the requirements of this ordinance within six months of its passage, and the owner obtain a Certificate of Occupancy. **(special exception condition)**

Mr. Day opened the floor to public comment.

Mr. Dennis Quintal questioned the condition that it has to be owned by the occupants. He stated that he owns a house with his siblings that has an existing accessory apartment, but does not live in it and wants to keep it for his grandchildren. Mrs. Belcher stated that the reasoning for this was that if there is a family living there, they are going to be more attuned to what is going on in the apartment.

Mr. Donald stated that this doesn't affect any legal apartment that was in existence before zoning in 1962. He added that, just like they did with home occupations, this is a way to let someone with an illegal accessory dwelling come into compliance with the ordinance.

Mr. Burton stated the changes as: 1) second paragraph, change "and" to "or"; 2) Septic facilities and water, add "and State" after Town; 3) Pre-Existing Conditions, remove "an accessory dwelling unit".

**MOTION:** Mr. Burton **MOVED** that the Board place an amendment to Article VIII – Uses Permitted to amend by adding Paragraph F. Accessory Dwelling Units with changes on the ballot. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING – FOR PROPOSED CITIZENS' PETITIONS INVOLVING ZONING ORDINANCE ARTICLE VI – WETLANDS CONSERVATION DISTRICT REGARDING SETBACK DISTANCES FROM POORLY DRAINED AND VERY POORLY DRAINED SOILS; AND ARTICLE XI – SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT AND ARTICLE XII – ELDERLY HOUSING REGARDING NATURAL LANDSCAPE BUFFER ZONES; AND ARTICLE XII – ELDERLY HOUSING REGARDING PROTECTIVE WELL RADII; AND ARTICLE XII – ELDERLY HOUSING REGARDING THE REDUCTION OF ELDERLY HOUSING UNITS AS A PROPORTION OF STANDARD RESIDENTIAL UNITS; AND ARTICLE XII – ELDERLY HOUSING

REGARDING THE REPEAL OF THE ENTIRE ORDINANCE; AND ARTICLE XII—ELDERLY HOUSING, SEC. B(11) AND G(3) REGARDING RESIDENCY REQUIREMENTS.

Mr. Day opened the public hearing.

Mr. Day stated that there are a total of six citizens' petitions and they have been placed in the draft ballot as warrant articles. Mr. Day explained that the Planning Board acts as host for citizens' petitions and are statutorily required to offer a recommendation to the voters as a consequence of the content of the petitioned article. He added that it is not up to the Board to lead the discussion.

**Are you in favor of the adoption of Amendment No. 2 as proposed by the citizens petition of Richard Lee and 27 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT).**

**To see if the Town will vote to amend Article XII,B(11) and G(3) to require at least one permanent resident of all elderly housing dwelling units to be at least 55 years of age. This section currently requires all permanent residents to be at least 55 years of age.**

Mr. Day opened the floor to whomever would like to present the petitioned article Article XII – Elderly Housing that addresses the residency question requiring two residents older than 55. He stated that the petitioned article would have the Board require only one resident be 55.

Attorney Ratigan stated the he drafted the text at the direction of one of his clients who experienced many instances where it was difficult to sell some units because of this age requirement. He added that it would be helpful to have a larger pool of prospective purchasers for elderly housing. He added that the condominium documents clearly state that there can be no school-age children in these units.

Mrs. Belcher expressed her disdain for Mr. Ratigan's part in the drafting of this petition because of his involvement with the Board during a couple of developments and gave input. She stated that she feels he is trying to undermine what the town has implemented. She expressed her disappointment. She stated that she could never recommend this amendment.

Mr. Burton stated that there is nothing in the ordinance that says that no children are allowed. He added that the Board is not there to help real estate developers but to enforce the law and go forward with the will of the people. He added that he doesn't think anyone in the Town would support it except people with special interest.

Mr. Day stated that counsel has looked at this and stated that it is a doable suggestion; however, the people who are putting this forward must understand that present developments will not change because they are already approved. He stated that he would not entertain any changes to present elderly housing developments.

Mr. Fillio stated that he is against this and wants to stick with the ordinance as written because it will cause a loophole and that it was the Board's intention that this not happen. Mr. Dworman, Mr. Madej and Dr. Marston stated that they were against it as well.

Mr. Day stated that it will not be recommended to the Board of Selectmen because it flies in the face of the Board's intent and the purpose of the ordinance.

Mr. Paul Lepere, Hampton Real Estate, Hampton Falls asked to give some examples of situations where people were denied because both of the residents were not 55. Discussion ensued regarding allowing Mr. Lepere to speak as he is not a resident of East Kingston.

**MOTION:** Mr. Dworman **MOVED** that the Board not recommend to the voters this warrant article. Dr. Marston seconded and the motion carried unanimously.

Mr. Day stated the next five citizens' petitions were generated by Bob Moore.

Mr. Burton stated that he wanted to make it clear that the Board asked for comment or someone to lead the discussion and there was no one.

Mr. Donald also wanted to make it clear that there was no comment from any resident with only comment from a real estate developer and a real estate developer's attorney.

Mr. Day stated that Mr. Moore presented five petitions, which were given to Town Counsel for comments.

**Are you in favor of the adoption of Amendment No. 17 as proposed by the citizens petition of Robert Moore and 34 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: 9TO BE VOTED ON BY BALLOT)**

**We the undersigned registered voters and citizens in the Town of East Kingston hereby petition an amendment of Article VII,B.3 of the East Kingston zoning ordinance, pursuant to RSA 675:4. We petition that the amendments read as follows, with language to be added shown in bold, and language to be deleted shown in brackets:**

**Amendment to Article XII, B.3**

**The total number of elderly housing units shall not exceed (fifty) ~~twenty-five~~ percent of the total number of standard residential dwelling units existing in the Town of East Kingston.**

Mr. Day stated that there was an administrative correction: it should be B(3), not B(2).

**MOTION:** Mr. Dworman **MOVED** that the Board recommend to the voters this warrant article. No second.

Discussion ensued regarding the number of standard dwelling units and the number of elderly housing units. Mr. Donald stated that there are currently 722 houses existing. Mr. Burton stated that the Board has no statistical information about how this might affect the town's finances or the development of the town. He stated that twenty-five percent is an arbitrary number and the Board cannot recommend something without a basis of fact.

**MOTION:** Mr. Burton **MOVED** that the Board not recommend to the voters this warrant article because no basis of fact has been provided. Mrs. Belcher seconded, all but Mr. Dworman were in favor and the motion carried.

Mr. Dworman stated that NROC recommended twenty-five percent.

**Are you in favor of the adoption of Amendment No. 20 as proposed by the citizens petition of Robert Moore and 33 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT)**

**We the undersigned registered voters and citizens in the Town of East Kingston hereby petition an amendment of Article XIII of the East Kingston zoning ordinance, pursuant to RSA 675:4. We petition that the amendment read as follows, with language to be added shown in bold and inserted as a new section B.15 of Article XII:**

**All common wells within the elderly housing development shall in no instance have a protective radius of less than 125 feet, and when applicable, state requirements for a greater radius shall apply. In no instance, shall any sewage system, road, parking area, or dwelling unit be allowed within the protective well radius of any common well. Private wells shall not have any roads, parking or septic systems within a 75 foot radius. Whenever possible, the well(s) shall be located on an up-gradient from any sewage system, structure, roadway, driveway, parking area, or walkway, and any potentially harmful run-off shall be directed away from the protective radius.**

Mr. Day stated there was an administrative error. He stated that it should be added to Section B as another paragraph. Mr. Quintal stated that the State has specific regulations and there is no reason to have separate town

regulations. Mr. Donald stated that this would create aggravation for the homeowner and the designer when the standards are different from the State's.

**MOTION:** Mrs. Belcher **MOVED** that the Board not recommend to the voters this warrant article based on Town Counsel's advice; State requirements in effect; and no reason has been supplied by Mr. Moore. Dr. Marston seconded, and the motion carried unanimously.

**Are you in favor of the adoption of Amendment No. 19 as proposed by the citizens petition of Robert Moore and 21 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT)**

**We the undersigned registered voters and citizens in the Town of East Kingston hereby petition an amendment of Article VI,E.3 of the East Kingston zoning ordinance, pursuant to RSA 675:4. We petition that the amendment read as follows, with language to be added shown in bold, and language to be deleted show in brackets:**

Septic system leach field boundaries shall be located no closer than 75 feet [from] to very poorly drained soils, or 50 feet from poorly drained soils. Buildings, roads, driveways, [etc.] and other forms of development shall be located no[t] closer than [30 feet] **75 feet** to very poorly drained soil and no closer than [15 feet] **50 feet** to poorly drained soil, with the exception of driveway or road crossings necessary to access the buildable land.

Mr. Day noted that Mr. Moore is taking the numbers that the Board just corrected to match the Wetlands District setback and wants to make them the old number. Mr. LK Smith stated that the 30 and 15 feet is also a recommendation from the Wetlands Bureau.

**MOTION:** Mrs. Belcher **MOVED** that the Board not recommend to the voters the passage of this warrant article based on the recommendations from the Wetlands Bureau and the recent amendment to the ordinance and there is no scientific evidence to support restricting the use of one's property. Dr. Marston seconded, and the motion carried unanimously.

**Are you in favor of the adoption of Amendment No. 21 as proposed by the citizens petition of Robert Moore and 33 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT)**

**We the undersigned registered voters and citizens in the Town of East Kingston hereby petition an amendment of Article IX, I and Article XII,B.12 of the East Kingston zoning ordinance, pursuant to RSA 675:4. We petition that the amendment read as follows, with language to be added shown in bold, and language to be deleted in brackets:**

Amendment to Article XI,K

A cluster development shall have a one hundred foot (100') landscape buffer around its entire perimeter, which shall, to the greatest degree possible, consist of natural growth, to provide an adequate division of transition from abutting land uses and existing town roads. This landscaped buffer shall be required whether or not the abutting properties, including those separated by roads [across the street,], are developed or underdeveloped. The Planning Board shall determine whether the type of landscaping proposed is acceptable. **Where the abutting property is occupied, the required landscaped buffer must create a dense visual barrier to the satisfaction of the Planning Board.**

Amendment to Article XII,B.12

The perimeter of all such elderly housing developments shall be treated with a landscaped buffer zone of a minimum of [twenty-five (25')] one-hundred feet (100') around its entire perimeter which shall, to the greatest degree possible, consist [may consist in whole or in part of] existing natural growth. This landscaped buffer shall be required whether or not the abutting properties, including those separated by roads, area developed or undeveloped. The Planning Board shall determine whether the type of landscaping proposed is acceptable.

Where abutting property is occupied, the required landscaped buffer must create a dense visual barrier to the satisfaction of the Planning Board.

Mr. Day stated that Town Counsel has stated that he had some concern that the language "to the greatest degree possible" lacks any standard for enforcement. Mr. Burton stated that this has already been addressed in an enforceable manner.

**MOTION:** Mr. Burton **MOVED** that the Board not recommend to the voters the passage of this warrant article because its substance has already been addressed that has been approved by counsel as enforceable and counsel has raised questions whether the language in this amendment is enforceable. Mrs. Belcher seconded, and the motion carried unanimously.

Are you in favor of adoption of Amendment No. 18 as proposed by the citizens petition of Robert Moore and 66 other registered voters of the Town of East Kingston for the Town of East Kingston Zoning Ordinance as follows: (TO BE VOTED ON BY BALLOT).

We, the residents of East Kingston, have witnessed a rapid increase in residential growth over the past 3 years. We feel the rapid increase in housing is producing a negative impact on the rural character of the town and is contributing to an increase in traffic flow patterns. We recommend that the town return to a sensible rate of growth. We feel this can be accomplished by repealing Article XII (elderly housing ordinance adopted 3/00). We feel the number of these units already standing and those approved to be built has reach saturation. Approval of future elderly housing developments will place additional pressure on the town's natural resources and will limit the town's ability to serve the needs of its residents. The undersigned are in favor of repealing Article XII (elderly housing ordinance adopted 3/00).

Mr. Burton stated that a reason why the elderly housing ordinance is important because without this relief valve, the Town is open to the potential for unrestricted growth. He added that the only people that would benefit from repealing the elderly housing ordinance are developers, wealthy land holders.

**MOTION:** Mr. Dworman **MOVED** that the Board not recommend to the voters the passage of this warrant article because innovative land use is important to the town as a relief valve of the construction burden. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

**ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Board adjourn. Mr. Burton seconded, and the motion carried unanimously at 10:50PM.

Respectfully submitted,

Helen M. Lonek  
Recording Secretary

*approved 2/17/05*