

TOWN OF EAST KINGSTON  
PLANNING BOARD MINUTES

DATE OF MEETING: FEBRUARY 7, 2002  
PLACE OF MEETING: EAST KINGSTON TOWN HALL  
TIME OF MEETING: 7:00 P.M.  
TYPE OF MEETING: MONTHLY MEETING

PRESENT: Richard Smith, Chairman; Beverly Fillio, Vice Chairman; John Fillio, Ex-Officio; David Morse, Dr. Robert Marston and J. Roby Day, Alternate.

OTHERS PRESENT: Maura Carriel, Rockingham Planning Commission  
Larry Smith, Conservation Commission  
Any Conti, Fire Department  
Kent Shepherd, Building Inspector

CALL TO ORDER: Mr. Smith opened the meeting at 7:05 p.m.

BOARD BUSINESS/IN-COMING CORRESPONDENCE:

In-coming Correspondence:

1. Invitation for RPC Annual Legislator's Forum, February 11, 2002, Hampton, NH.
2. Rockingham Economic Development Corp., Intermunicipal TIF District Meeting, February 21, 2002 at 6:30 p.m., Inn of Exeter, Exeter, NH.
3. NH Office of State Planning, ninth annual spring planning and zoning conference slated for April 20, 2002. Formal agenda will be forthcoming.
4. Practical Guide to Zoning and Land Use Law in NH Seminar, February 22, 2002, Concord, NH.
5. "Sustainability of Ground Water Resources in the Seacoast Region of NH" presentation on January 29, 2002 at 9:30 a.m. at the Portsmouth City Hall.
6. Report from Rockingham Planning Commission regarding Maplevale Woods.
7. Report from Rockingham Planning Commission regarding Maplevale Farms.
8. Report from Rockingham Planning Commission regarding Residents of Maplevale.
9. Report from Civil Consultants dated February 7, 2002 regarding Maplevale Woods, Maplevale Farms and Residents of Maplevale.

Board Communication:

Mr. Day announced that due to time commitments, he would only be able to attend Planning Board meetings once per month at this time.

Acceptance of Minutes for January 17, 2002:

The minutes were corrected.

Mrs. Fillio made a motion to accept the minutes as amended. Mr. Morse seconded. The motion passed unanimously.

Continued Public Hearing for Residents of Maplevale, Elderly Housing Community

Mr. Smith and Mr. Morse stepped down from the board as members. Mrs. Fillio presided over the meeting.

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Jones and Beach, Mr. Russell Prescott, PE and Attorney John Radigan, Mr. Jonathan Ring, Jones and Beach, and Mr. F. Giles Ham, PE, Vanesse and Associates were present.

Mrs. Fillio explained the board had adopted new rules of procedure regarding the scheduled cases and keeping to the appointed times. She noted the board will allow for an additional ten minutes this evening. She further requested that any new information presented in the future, be presented prior to the meeting so that all board members could review the information prior to the meetings.

Mr. Coronati introduced Mr. Russell Prescott, PE whose company performed the well drilling and water testing and Mr. Giles Ham, Transportation Specialist, whose company performed the traffic studies.

Mr. Prescott introduced himself and asked if the board had additional questions. The board requested darker copies of the information presented.

Mr. Smith asked for the map which depicted the location of the wells.

Mr. Prescott stated the maps could be provided tonight.

Mr. Smith expressed concern over the amount of water to be withdrawn from the wells and his interpretation that a 400 foot radius is needed, instead of the 200 foot radius as depicted on the plans.

Mr. Prescott stated the radius is calculated on 300 bedrooms x 150 gallons of water usage per day, per bedroom, which requires a 200 foot radius. He noted that the Town library connection was also configured within these ratios.

The Town library connection was discussed, but it was deemed that this connection is not currently being configured within this system and would not be part of this system.

Mr. Prescott noted the test wells have been tested for twice the consumption, for a period of three days. The state permit will be issued based upon this criteria. The test well was tested for 72 hours straight.

Mrs. Fillio questioned the water company ownership. It was noted that the water company would be owned independently of the subdivision. She asked if the water system would be monitoring the system around the clock, if it was self-sufficient.

Mr. Prescott stated although it is not monitored around the clock, it is maintained on a routine basis according to the State's rules. He noted the maintenance is not his expertise, although he knows the maintenance would be done by a licensed operator for the State of NH.

Mrs. Fillio asked if something goes wrong, how would the emergency be handled.

Mr. Prescott stated that most systems have a telephone dial-up and alarm.

Mr. Day noted the proposal includes a single water system serving two developments. He asked how the condominium rules and association rules would be applied and the legal construction of this work.

Attorney John Radigan, Donahue, Tucker and Ciandella was present and explained a letter has been written to the board by Attorney Tucker and himself regarding the homeowners association for the subdivision, a condominium association for the each of the condominiums and because of the shared infrastructure, a master association would be formed to control the dry hydrants and water system. Each group would be allowed a member on the board which would make the necessary decisions with respect to these items. He outlined the process of the approvals of these various association documents, which are generally written after the developments have been approved. He noted approval from the Attorney General's Office is required and approved before a single unit could be sold. He noted that several of these associations have been formed within New Hampshire.

Mrs. Fillio asked Mr. Prescott asked if other condominium developments within the State of New Hampshire have shared well systems, such as what is being proposed.

Mr. Prescott stated he does not know at this time, but could reply to that question.

Mr. Coronati stated he has been working on a similar situation in Hampton, where two different developments are being constructed with one water system, however it has not obtained approval at this time.

Attorney Radigan noted in Southern NH there are two major water companies that service individual homes, as well as other smaller water companies within the area. He noted that the water companies sell the company to a utility company which then in turn is added to the asset base and works out the rate structure. He felt the majority of the condominium complexes in southern NH are located in a well service regulated utility.

Mrs. Fillio stated she is concerned for the residents of the development having water, but is more concerned with the residents within the abutting areas who currently have water and continuing to have water. She stated she is still looking for an answer or guarantee for the people who currently live in that area will continue to have water. She expressed concern over the recent drought.

Attorney Radigan stated the State of NH will not issue a permit until it is satisfied that the water taken from the ground will not impact the abutting properties. He explained the permitting processing and noted that a well of this size would be permitted either once or twice per year. He noted the board does not have a regulatory authority over this issue, but these questions could be addressed by the proper officials.

Ms. Carriel noted hand outs were provided from the DES, Water Engineering Bureau which were given to board members for review. The board discussed concerns with the State overseeing this process for approval. It was noted the board does not have any authority with regard to the water system approval and this is strictly an approval from the state.

Mrs. Fillio stated she is concerned and feels obligated by the citizens of the community to make sure that no

adverse impact will result in the approval of this water system, regardless of the authority or not. She noted the board needs to know that there will be no impact.

Attorney Radigan stated he did not believe the state would meet with the board on this issue, but that the board could contact them with these issues.

Dr. Marston stated he was concerned with the water well-head protection area, he noted the radius extends over to other people's property. He asked if this would limit the use of these abutting properties in the future.

Mr. Prescott stated the 3,600' radius is to protect each person's water supply. The people located within the 3,600' radius who have a water system will be protected on an annual basis by notifying them of the water system and to be careful of with detergents, gas, etc. being used.

Dr. Marston asked if this would prevent Mr. D. Smith from spreading manure on his property.

Mr. Prescott stated so long as it is not located within the 200' radius, he could conduct that activity. He noted strict regulations are in place for what can be done within a 200' radius. This particular radius is located entirely within the property owner's holdings.

Mrs. Fillio asked if there are regulations within the 3,600' radius that would impact an abutter.

Mr. Prescott stated no, in fact another Maplevale could be constructed provided the water system met all the requirements.

Ms. Carriel stated that the 200' sanitary well head protection radius is a voluntary measure with an incentive to create a plan.

Mr. Prescott stated he was unaware that it was voluntary, but that a plan needs to be provided and followed for what may transpire within that 200' radius.

Mr. Jonathan Rings, Jones & Beach Engineering, stated they have designed and permitted many water systems within the area. He gave examples of adjacent similar developments located in Stratham with a joint water system. He noted the state has these guidelines to insure the safety of the residents within the state.

Mr. F. Giles Ham, PE, Vanesse and Associates was present to discuss the Traffic Impact Study that was performed. He noted traffic impact on Route 108 and Route 107 was assessed. He noted in particular Route 107 was assessed with regard to the increase in traffic and the stacking at the railroad crossings. He noted the report summarizes the traffic counts for Route 107 and Route 108. The hours of the traffic study were between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. Cars were actually counted at the intersection.

Mrs. Fillio noted that the morning commuter traffic really begins at 6 a.m. and done by 7 a.m.

Mr. Ham noted they used standard times and that if additional counts are needed between those times they could be done. He noted they use a rating system, volume flow and intersection counts as part of their report. He noted the peak count in the am hours consists of 415 cars at Route 107 with 438 cars being at the 4-5 p.m. peak hour. He stated 4500 cars per day use Route 107. He feels that an average of 536 cars per day will be generated within a 24 hour period. He feels within the commuter period, during the morning 38 cars will

be passing thru with 59 trips in the afternoon.

Mr. Ham continued stating they have watched the cars in the morning and afternoon periods with regard to the railroad crossing. He noted the gate is generally down for 50 seconds each time a train goes thru with a stacking of 3 vehicles during the two times they visited the site. He does not feel that a ten car wait will happen.

Mr. Day stated he has seen a ten car stack up at the railroad crossing.

Mr. Ham stated he only witnessed the passenger train, not the freight trains.

Mr. Ham stated this project will increase the impact by one vehicle in each direction at the railroad crossing.

Mrs. Fillio stated she would agree to that with the 50 second train, but not when the freight trains are running. She noted that sometimes the trains are ten and fifteen minutes long.

Mr. Ham stated he would review this situation and the freight train frequency would need to be determined and the impact of the development based on this scenario.

Mr. Larry Smith asked if a comparison has been made with the Rockingham Planning Commission traffic counts and reports.

Mr. Ham stated those comparisons have not been made, but could be looked at.

Mr. Wayne Carroll, Willow Road, asked about traffic impact on Willow Road and other side roads. He also asked about the impact of the development during other parts of the day and noted this is an elderly complex.

Mr. Ham stated they reviewed the state road impact and used the state standard of time threshold in preparing the report.

Attorney Radigan discussed the level of services at the intersection.

Mr. Carroll expressed concern over traffic studies on the side roads. He noted concern over the number of accidents in the last 15 years and the increase of traffic from the development on Willow Road.

Ms. Carriel asked if the board would like to see a revised report.

Mr. Fillio stated he would like a chance to read the report and noted that the parameters of the test study need to be expanded to include 5 a.m. to 9 a.m. and 5 p.m. to 9 p.m. He also expressed concern that this development is designed for residents 55 years of age and older and that many of them may still be working.

Mr. Ham stated he has referenced the manuals depicting the land use code and the traffic associated with this type of development, elderly housing.

Mr. Fillio stated the age will have an impact on the "real life" study and the impact of the freight trains.

The board received the report for the soil sampling of the orchard area, lab studies and revised waiver

requests.

Mr. Coronati read the waiver request which is as follows:

#### Appendix B-Typical Roadway Cross Section:

The typical cross section for the Town of East Kingston shows 2:1 side slopes for the side of the road when in a cut situation and 4:1 side slopes for a fill situation. Side slopes for the public roadway are shown at 3:1 for a cut or a fill situation except when crossing through the wetlands. The wetland crossings have 2:1 side slopes with guardrail, which is required by the Wetlands Bureau in order to minimize impact. The Town Reviewing Engineer has recommended this waiver.

Mrs. Fillio asked Mr. Larry Smith if he had any comments or concerns regarding this waiver.

Mr. Larry Smith stated he had no problem with the 3:1 slope.

Mr. Day made a motion to grant this waiver request as proposed.

Mr. Fillio seconded. The motion passed unanimously.

Mr. Coronati stated two items from the last meeting include a separate sidewalk from the roadway. It was noted the road has been designed with 24' of pavement with a three foot strip followed by a 4 foot paved sidewalk. The new plans represent this new design. It was noted the driveway will be paved. The second item deals with the lighting issue for the development. Information from Sharon Lighting was presented to the board which included various lighting specifications including illumination and style of lighting. Lighting has been proposed for every 600 feet around the main road, which will eventually be owned by the Town. It was noted the light bulbs would have to be changed by the Town. ½ foot candle maximum would be on the property at any one location. ½ foot candle is a very small amount of light and is a very dim amount of lighting for safety. Mr. Coronati reviewed the various lighting fixtures and illumination effect of the proposed decorative lights v. the 30 foot utility style pole lights.

Mrs. Fillio stated at the last meeting light pollution was discussed.

It was noted that the lights cast the light directly down, which will allow for no light pollution outside of the property. The caps of the lights are solid. It was noted the light cast of the decorative style lamps would be 50 feet with darkness with lamps being placed every 600 feet. This would equal to 500 feet of darkness between the lamps. The location of the lamps has been placed on the plans and at the intersections.

Mr. Day stated he was under the impression that the Residents of Maplevale community would not be lighted, but it was determined that this change was made during a meeting he was not present at. Mr. Day feels the lighting around the circle is unnecessary.

Mr. Hirsch stated similar lighting is used in a subdivision located at Route 111A and Hague Road in Brentwood, NH. He noted the lighting was not for security, but for complimenting the development.

The board discussed the maintenance issue of replacing the light bulbs being a town owned issue. The board discussed the maintenance of the dry hydrants and it was determined that both of these issues should be

addressed in the homeowners association documents.

Mr. Fillio discussed the location of the lighting along the roadway. It was noted that lights will be placed at the loops, at the street sign entrance and four points along the loop road.

The board discussed the water system issues and contacting the State of NH-Water Supply Bureau. It was suggested that board questions be formulated and a phone conversation be held with the appropriate officials to answer these questions. Ms. Carriel will contact the State with regard to these questions.

The board discussed the road connection with this development and that of Lewis Builders. It was noted wetland impacts will occur and that some balancing is needed. The board discussed emergency access, suitability of this proposed connection, traffic increases within the development, lot line changes. It was noted that the Board is not requiring a road connection with Lewis Builders, but an issue that needs to be addressed and is a concern with the board on behalf of the Lewis Builders project. It was noted that Lewis Builders has approached this issue in terms of an emergency access, but the Board noted a road needs to be constructed as a road.

Fire suppression was discussed which includes three proposed ponds as noted on the submitted plans. A dry hydrant and gravel turn around will be provided. The Fire Department still needs to grant approval to this design.

Other issues include the well locations have been placed on the plans, the bounds have been set for a proposed lot line adjustment that has yet to be submitted.

Mr. Coronati stated the Town Engineer has not given a final approval of the project plans. Three issues remain including changing the HISS mapping delineation to SSS. At this point, Mr. Coronati asked for a continuance of the hearing for these plans.

Attorney Radigan has presented a set of covenants for this project which need to be reviewed by Town Counsel. Attorney Radigan asked for a response on this issue as well as a draft conditional approval for the next meeting. He noted Attorney General's Approval cannot be applied for until a Conditional Approval is received. The final Homeowner's Association documents and Condominium documents are generally prepared after a conditional approval is received and ready to be reviewed by the Attorney General. The board reminded Attorney Radigan about keeping this development one which is occupied by residents 55 years of age and older. Some sort of reporting or procedure for enforcing this provision is being worked on.

The board discussed the provision of "permanent resident" and children visiting v. living on the premises.

Mrs. Fillio asked if Mr. Carroll had additional questions.

Mr. Carroll asked about the quantity of water to be used, amount of water on site and traffic impact reports for Willow Road.

Mr. Fillio explained that a traffic impact study cannot be required on Willow Road as they are not required to do so.

The board discussed the abutters wells going dry and tying into the proposed water system.

Mr. Day made a motion to continue the public hearing until April 4, 2002 at 7:30 p.m., at the East Kingston Town Hall.

It was noted that all information including a revised traffic impact report and covenant information by March 20<sup>th</sup> so that this information may be handed out during the Planning Board meeting of March 21, 2002.

The applicant will pay for the services of Town Counsel review of the necessary documents and conditional approval.

Continued Public Hearing for Maplevale Woods, Elderly Housing Complex

Mr. Smith and Mr. Morse stepped down from the board as members. Mrs. Fillio presided over the meeting.

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Jones and Beach, and Attorney John Radigan, were present.

Mr. Coronati stated the following items and notes have been added to the plans. He noted the drilled wells and lighting have been added to the plans. The proposed lighting of the signs has been added. All signs are reviewed and permitted by the Building Inspector to comply with the zoning regulations. Open Space has been designated behind the 3 multi unit complexes. The trail as proposed as been incorporated into the plans and portions will need to be relocated as they run thru driveways. The trail will be maintained as a walking path. Actual dedicated open space will be protected and left in a natural state. No trees shall be cut within this area. The land area that is deemed part of the condominium that a person would purchase will have covenants that allow for minimal disturbance for gardening, etc by the owner, also known as limited common areas. A landscape plan was provided on sheet L-1. Verification of the open space, with the space consumed by the fire ponds needs to be reduced from the current figure. It was noted that the fire ponds need to be fenced due to the slope issues. Final approval from the Fire Department is needed.

Mrs. Fillio noted the items skipped over on the review letter provided by Rockingham Planning Commission will be addressed either on the next set of plans or at the next meeting.

Mr. Coronati noted the remainder of the items, such as #12 and 13 need to be addressed on the plans. Item #14 deals with the septic design be provided along with State Septic Approval. Mr. Coronati stated a note will be added to the plans stating that no building permit will be issued prior to the receipt of State Septic Approval and as built drawings for final septic and building locations will be provided. All test pits have been completed.

Mrs. Fillio instructed Mr. Coronati that all items will be corrected and finished by March 20<sup>th</sup> in order for the board to consider a conditional approval. She stated that there shall be no repeat problems addressed in the next Rockingham Planning Commission report or engineering report.

Mr. Coronati stated a letter was received today from the Board Engineer with three comments. The first comment dealt with the Board Engineer reviewing the design of the water system and the design and length of the pipe. He noted he would talk with the Board Engineer and see if he would like to talk with Mr. Prescott about the design engineering and resolve this matter. The easements, bonding and covenants need to be reviewed by Planning Board Counsel.

Mr. Fillio asked for the bonding, covenants and easements to be reviewed by the Board in conjunction with



Town Counsel.

Attorney Radigan stated the Homeowners Association and Condominium Documents will not be done until after the conditional approval as they are very expensive to be done. He noted that the review will be done later, but these documents are generally done by the builder who builds the project.

Mr. Fillio stated this needs to be incorporated into the conditional approval agreement.

Ms. Carriel stated the board has discussed the street lighting, but not the lighting within the development.

The board reviewed the plans and felt the lighting would be proposed along the two loop roads which are the two senior citizen developments, not on the main road. The board discussed a potential waiver request regarding the ½ foot candle lighting. The board discussed the use of sodium lighting, which would not be practical because of the dimness. It was noted the typical requirement is no less than a ½ foot candle around the lamp, not less than that.

Mr. Day asked for a written waiver request on the lighting issue.

The board discussed the waiver request for side slopes.

The written waiver request for side slopes reads as follows:

#### Appendix B-Typical Roadway Cross Section

The typical cross section for the Town of East Kingston shows 2:1 side slopes for the side of the road when in a cut situation and 4:1 side slopes for a fill situation. Side slopes for the public roadway are shown at 3:1 for a cut or a fill situation except when crossing through the wetlands. The wetland crossings have 2:1 side slopes with guardrail, which is required by the Wetlands Bureau in order to minimize impact. The Town Reviewing Engineer has recommended this waiver.

Mr. Day made a motion to accept this waiver request.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Carriel noted that in comparison with other town's requirements regarding illumination, East Kingston is on the lower end of the light levels. She discussed with the board the lighting not extending onto abutting properties and the vertical lighting v. horizontal lighting.

The applicant asked for a continuance until April 4, 2002.

Mr. Fillio made a motion to continue the public hearing until April 4, 2002 at 8 p.m., at the East Kingston Town Hall.

Mr. Day seconded. The motion passed unanimously.

Continued Public Hearing for Maplevale Farms, Elderly Housing Complex

Mr. Smith and Mr. Morse stepped down from the board as members. Mrs. Fillio presided over the meeting.

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Jones and Beach, and Attorney John Radigan, were present.

Mr. Coronati stated the only additional items which are outstanding from the previous review are items #8 with regard to the slope issues.

Mrs. Fillio asked about the addition of a fire pond and if this has been shown.

Mrs. Carriel stated the fire pond has been shown.

Mrs. Fillio asked to go thru the outstanding item list quickly.

Outstanding items include the license number and seal of a licensed land surveyor; monumentation needs to be shown on the plan set; locus map needs to identify the exact location-already has been completed; names of proposed roads need to be added and verified for the 911 system; overview plan sheet of community water system and drilled well location; lighting plan approval; waiver request for side slopes and two shared driveways.

The written wavier request for side slopes reads as follows:

Appendix B-Typical Roadway Cross Section

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Mr. Day made a motion to accept this waiver request.

Mr. Fillio seconded. The motion passed unanimously.

Mr. Fillio made a motion to approve the waiver for the two shared driveways based upon a recommendation from the board to minimize the number of curb cuts on the main road.

This waiver was requested to minimize the number of curb cuts.

Mr. Day seconded. The motion passed unanimously.

Mr. Coronti continued with outstanding items which included outstanding questions regarding community water systems, Fire Department approvals for fire suppression-fire ponds; verification of open space calculations; addition of missing bounds on sheet C-2; septic reserve area, proposed topography and building and septic system setbacks from poorly and very poorly drained soils; topography shall be provided on sheet C-3 so that the plans will not be cluttered; notation for HISS mapping will be removed and replaced with

SSS; show existing tree line and fences, add line symbol for easements; add elderly housing zone regulation regarding buffer; building setback lines from poorly and very poorly drained soils; list all waivers granted; note stating all off-street parking conforms to two vehicles per dwelling unit; note stating number of sheet are part of this plan set which is on file with the town, show all easements; sheet C-3 corrections include test pit and perk test need to be shown; title block to be changed to read Site Specific instead of HISS; necessary state permits and approval numbers to be added to the plans; and Town Engineer review approval. The Planning Board Counsel needs to review pertinent documents.

Mrs. Fillio asked for board and abutter input.

Mr. Coronati asked for a continuance until April.

Mr. Day made a motion to continue the Public Hearing until April 4, 2002 at 8:30 p.m., at the East Kingston Town Hall.

Mr. Fillio seconded. The motion passed unanimously.

The board requested a picture of the quad plex.

The board took a five minute recess.

Mr. Smith and Mr. Morse resumed their positions with the board.

#### Discussion of Rockingham Planning Commission Service

The board discussed with Ms. Carriel the services of the Circuit Rider for the up-coming year. It was noted 11 hours per month are budgeted and that additional hours would be billed. The Planning Board was informed that 6.5 hours would be billed to the Town for January services. The board noted extra meetings have been budgeted for the 2002 meetings and that itemization of services may be necessary to bill the applicants.

Mr. Smith made a motion to adjourn at 10:23 p.m.

Mr. Fillio seconded. The motion passed unanimously.

Respectfully submitted,

Susan J. Rice, Secretary  
East Kingston Planning Board

Typing completed: February 13, 2002