



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

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

MINUTES
(Public Hearing Minutes of 15 February 2007)

AGENDA:

- 7:00PM - **Board Business**
- 7:15PM - **Continued Public Hearing** – Site Plan review of Kathleen and Charles Ford, 13 Depot Road, East Kingston, MBL 09-03-04, (EKPB 06-OD) for a business utilizing pre-made storage units in the Commercial District.
- 8:00PM - **Continued Compliance Hearing** – Kathleen and Glenn Clark, 21 Burnt Swamp Road, East Kingston, MBL 10-04-08, for a 9-lot residential cluster subdivision, (IAW EK ZO Art XI) (PB#06-03).
- 8:45PM - **Public Hearing** for a revision/update to the Community Profile Master Plan chapter.
- 9:00PM - **Continued Board Business**
- 9:15PM - **Adjournment**

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

ROLL CALL: Mrs. White called the roll.

Members present – Vice-Chairman CE Belcher, Chairman JR Day, Dr. RA Marston, Mr. RA Smith, Sr., and Mr. RF Morales, ex-officio

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

Advisors present – Dr. J Robinson, Senior Planner, Rockingham Planning Commission (RPC), and Mr. Alan Mazur, East Kingston Fire Chief

Voting members – Mr. Day noted that there was a full Board in attendance.

Mr. Day noted that Mr. LK Smith, Chairman, East Kingston Conservation Commission and Mr. RR Donald, Building Inspector, were not in attendance. He asked Mr. D Quintal, also on the Conservation Commission, to stay until the end of the meeting, as there were questions for the Conservation Commission. Mr. Quintal agreed to stay.

BOARD BUSINESS

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

- ◆ Materials for the Ford continued hearing.
- ◆ Materials for the Clark continued hearing.
- ◆ A copy of the East Kingston Community Profile Master Plan chapter
- ◆ A few pages of the proposed Article 3-A Town Center District. There is the possibility of discussion at the end of the meeting.
- ◆ A Legal Budget graph, which will be discussed later. Mr. Morales referred to the numbers at the bottom of the graph, and asked if they were supposed to represent the years. Mr. Day explained that the computer had changed the years to sequential numbers and he would be fixing that problem. The numbers represented 1973 through 2007.
- ◆ A Town Reports insert. Since the Board had discussed a handout previously, Mr. Day had put the insert together for the Board to review and if approved, be submitted to the Board of Selectmen for inclusion in the Town Report.
- ◆ An updated Planning Board calendar. Mr. Day stated that he had changed the calendar to reflect a joint work session with the Conservation Commission, and the Master Plan soirees.

- ◆ A copy of the Town Budget. Mr. Day explained that the Budget Hearing had been on February 12th.
- ◆ A letter from Granite State Cover stating that Paul Masone has sold the controlling interest to David Callahan. Mr. Day was not sure how much Mr. Masone would be involved from this point on. Mr. Mazur stated that everything would be run the same as it always had been, and that Mr. Masone had only brought in a partner. Mr. Day stated that Mr. Masone would still be the person coming to the Board with new tenants, since he owns the entire complex.
- ◆ The Source – a periodical from the Department of Environmental Services (DES).
- ◆ A Public Service Company of New Hampshire memorandum regarding Transmission Line Easements, Procedures and Survey Requirements.
- ◆ ZBA Meeting minutes from 8 February 07.
- ◆ Selectmen Meeting minutes from January 22 and February 6, 2007.

ZBA Meeting. Mr. Day reported that the ZBA did hold a meeting to consider a motion for rehearing regarding the cell tower variance the ZBA had previously granted, and a decision was made to hold another hearing. Mr. Day asked Mrs. Belcher if she had any other pertinent information to offer to the Board regarding the meeting since she had been present.

Mrs. Belcher explained that one reason for the granting of the rehearing was a matter of new information. New evidence can only be accepted if that evidence came to light between the last hearing and the Motion for Rehearing. Any evidence that was available at the time of the actual hearing, but was not presented, does not need to be considered, and the ZBA would most likely not base a new hearing on that evidence.

One of the arguments was whether the ZBA had investigated enough alternatives versus having a cell tower. Did the applicant demonstrate that all those other alternatives had not been explored? Mrs. Belcher had thought it was a Planning Board issue and not a ZBA issue, but Town Counsel indicated it was a ZBA matter. This was a new revelation for Mrs. Belcher, and her primary reason for her having made the Motion to grant the rehearing. Mr. Day stated that you could argue both sides, and Mrs. Belcher answered that that was what was happening, which made the decision difficult.

Mr. Day stated if the ZBA variance stood, then nothing would be changed for the Planning Board. If the ZBA decided not to grant the variance, that would give the new aggrieved party the opportunity to request a rehearing. Mrs. Belcher noted that the courts would not hear a case until every way possible to fix it at the local level had been exhausted.

Atty. John Daly. Mr. Day reported that Atty. Daly was no longer Town Counsel, having to step down for personal reasons. The new Town Counsel, who is also with Pierce Atwood, is Atty. Mark Beliveau, whom Mr. Daly had highly recommended. Atty. Larry Edelman, from the same office, will represent the Town in litigation situations.

Legal Budget graph. Mr. Day explained he had generated a Legal Budget graph from 1973 through 2007, corrected for inflation. He chose this timeframe because the Town had had a special Town Meeting in September 1972 to adopt ordinances that are recognizable today. Mr. Day noted that in the subsequent 15 years, very few legal expenses were incurred. There was an increase in expenditures in 1988, and another increase in 1989. In 1988, planned legal expenses were \$3,200; in 1989 they were \$17,000, but the Town spent \$22,000. In 1994, the budget was \$47,000 and the Town spent \$45,000. Mr. Day concluded that the Town's present spending for legal expenses was not out of line with the last 15 years.

Mr. Morales as ex-officio. Mr. Morales announced that this meeting would be his last as the Planning Board ex-officio representing the Board of Selectmen. He had chosen not to run again for selectmen, and asked the Planning Board if it would consider him as an alternate member. Mr. Morales stated that he had stayed in the position of ex-officio because of the steep learning curve of the process; he wanted to make sure he knew the things that were necessary to the position.

Mr. Day stated he thought Mr. Morales had done an excellent job as ex-officio, and that his work was greatly appreciated. Mr. Day suggested the Board submit a letter of recommendation to the Board of Selectmen in March to have Mr. Morales join the Planning Board as an alternate member. Board members agreed with both Mr. Day's endorsement and recommendation.

New ex-officio. Mr. Day was not sure whom the Board of Selectmen would choose as the new ex-officio; Mr. Morales speculated it might be between Mr. Caron and Mr. Poalaert, as Mr. Forrest did not have the time.

OEP Conference. Mr. Day reminded the Board that the OEP conference is on Saturday, April 28th, and encouraged Mr. Sullivan to attend. The form to sign up has not been received as of yet, but would include the agenda for the three tracks.

Town Report. Mr. Day asked the Board to look at the insert for the Town Report for their consideration and critique later in the meeting.

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

Mr. Day opened the public hearing.

For the applicant, Mr. Dennis Quintal, Civil Construction. Mr. Quintal passed out updated copies of the plan to the Board. He went over the changes he had made to the plan from the Board's discussion at the last meeting.

- ◆ The number of units is indicated
- ◆ The hours of operation are shown on the sign depiction
- ◆ The chain link fence around the proposed units is shown
- ◆ The fence dividing the two parcels is shown.
- ◆ The abutters wells are shown
- ◆ The underground electrical service is indicated
- ◆ The distances to the two dry hydrants are shown
- ◆ The first storage unit is labeled as the office
- ◆ A typical lease agreement was provided to the Board
- ◆ The following has been added to the notes:
 - all transactions are to be conducted on site
 - the hours of operation
 - that no flammables would be stored inside the units
 - all storage is to be within the storage units only
 - periodical FD inspection would be allowed

Mr. Day brought up the question of the encroachment onto the Damsell property, and whether or not an easement agreement had been obtained from the Damsells by the Fords. Mr. Day was concerned that the Board might be considered at fault for approving a plan with a known encroachment that has not been addressed. Mr. Day asked Mr. Ford if he had discussed the issue with the Damsells, and Mr. Ford answered that the property in question was part of 13 Depot Road, and the proposed business was at 5 Depot Road. Therefore, the question should not be an issue.

Mr. Quintal clarified that the parcel depicted actually consisted of two separate tracts of land, each with their own deed, and that the tract where the Ford's wanted to locate this business was not on the tract where the encroachment was an issue. Mrs. Ford stated that 5 Depot Road was the address of the lot in question for the business, and that the encroachment was on the other lot behind their house at 13 Depot Road. Mrs. Belcher offered that if the site plan were for 5 Depot Road, the Board would not need to consider the encroachment.

Mr. Day asked why each tract did not have a separate number on the plan, and Mr. Quintal stated that the Town's tax map was incorrect, and showed it was one parcel of land even though there were two separate deeds. Mr. Day offered that the tax map was not always 100% accurate, and that other discrepancies had been found in the past. Dr. Robinson stated that the deeds would supercede the tax map as an authoritative source.

There was much discussion among the Board members, Mr. Quintal and the Fords whether or not the encroachment would continue to be an issue if the business was to be at 5 Depot Road and not on the parcel where the encroachment was located. Mr. Day was of the opinion that if the deeds showed the lots as two different parcels, that was what they were no matter what the tax map indicated.

Mr. Quintal stated that the dividing line for the two parcels was in the area where the line depicting the division of the residential and commercial zones was on the plan. Mr. Day stated that in that case, he could show the dividing line of the two lots and indicate each MBL number on the plan. Mrs. Ford asked if it would require an entirely new drawing, and Mr. Day answered that it would not; all that would need to be added was the line delineating the two tracts.

Mrs. Belcher noted Mr. Quintal's hesitation to agree to that and inquired what the problem might be. Mr. Quintal stated that he had not researched the division lines stated in the two deeds in depth, and could not assure the Board absolutely that part of the parcel in question with the encroachment did not reach behind the other parcel; he would need to investigate further to be sure if it did or not.

Mrs. Ford stated that they had bought the piece of property that reaches behind the lots on Depot Road at the same time they bought their house at 13 Depot Road, and that they had purchased the parcel at 5 Depot Road at a later date. Mrs. Belcher noted it looked as if at some point in time the Town had merged the two pieces of property into one, and depicted it as one parcel on the tax map.

Discussion ensued regarding whether or not the two tracts could be considered separate from each other, and there was also discussion regarding undersized, non-conforming lots and the proposed Town Center District concept. It was understood that a pre-existing, conforming lot could not be made into a non-conforming lot. Mr. Day inquired whether the two parcels could be sold separately, or did they need to be conveyed together so as not to create a landlocked parcel? Mr. Day offered that the Fords could complete a voluntary lot merger (VLM) of the two lots, which would eliminate the issue of the landlocked parcel, but the encroachment issue would still need to be rectified. A VLM would only need the completion of a form, and would not necessitate a hearing. It would also serve to include the other lot in the Town Center District. Dr. Robinson stated that there would be no problem with the use, since it was an existing use. The Town Center District and the Commercial District would overlap, and the lesser requirements would apply.

Mr. Day explained that a lot line adjustment worked out with the Damsells would rectify the question of the encroachment.

Mr. Smith confirmed that the State used to have their shed at the end of the property near the railroad tracks. Mr. Hilliard, who was in charge of the State shed at that time, had a chance to purchase the other piece of property in back of his house, so he bought it to go with the property the shed was on and from then on, it was always used together. Mr. Smith did not think the land had been surveyed at that time. Mr. Day stated that even so, if there were two deeds, they were two separate pieces of property.

There was also a problem with the existing garage being too close to the newly-discovered lot line between the Ford's property and the Damsell's property as it did not conform to the current setback standards. Mrs. Belcher noted that pursuant to RSA 674.33A, an Equitable Waiver of Dimensional Requirement would be the easiest way to rectify that problem. It basically states that the Zoning Board could grant the waiver if it found the violation was discovered after the structure was completed, had been caused by a good faith error, did not constitute a nuisance, that the cost of correction would outweigh the public interest, and that it could be shown that the violation had existed for 10 or more years. It would only grant the physical layout, but not the use thereof.

Mrs. Ford asked if it would require another hearing, and Mr. Day stated that it would, but that only the abutters would need to be notified; there would be no publication costs associated with the hearing.

Mr. Day stated that a simple lot line adjustment between the Ford's and the Damsells would be the easiest fix to the problem; then they would not need to go to the ZBA, and then back to the Planning Board.

Mr. Day suggested that the first step should be for Mr. Quintal to find out where the lines actually were in respect to the two tracts of property, and then the Board could better advise the Fords how to proceed after they knew where those lines were.

Mr. Day opened the floor to abutters.

Julian Miller, 17 Depot Road. Mr. Miller wanted to know if the two lots merged, would zoning be affected in any way. He understood that the tract of land nearest to the railroad tracks was zoned commercial and that the other tract was zoned residential. Mr. Day stated that with the merging of the two lots, the Ford's would ensure that both tracts would be part of the Town Center District. Mrs. Miller asked if merging the lots would make the entire tract commercial, and Mr. Day answered that it would not; it would only ensure the tract became part of the Town Center District and subject to different rules. He directed the Millers to read the Town Report, which explained all about the new proposed Town Center District. If the second tract were not made a part of the first tract, it would become a back lot and would not become part of the Town Center District.

Mr. Day closed the floor to abutters.

Mr. Day entertained a motion for continuance.

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

Mr. Day closed the hearing.

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

Mr. Ken Berry, Beals Associates, for Kathleen and Glenn Clark.

Mr. Day reminded the Board that at the last meeting, Mr. Berry had advised the Board of the engineering aspects of the plan. The Notice of Decision was reviewed and many items were agreed upon. Mr. Day stated that outstanding questions included the bonding, the Homeowner Association Declaration of Covenants and Restrictions, the Conservation Covenant (for the open space), and the fire suppression easement language (for the two lots affected by the fire pond location).

Mr. Day stated that the day before the last meeting, the Board had received the Conservation Covenant Language and the Covenants and Restrictions language from Counsel for the applicant, Mr. Cronin. In discussion with Town Counsel, there was concern regarding the provisions in the conservation covenants, which was to be readdressed to Mr. Cronin. Mr. Day reported that he had not heard back from either counsel on the matter. Mr. Day asked Mr. Berry to fill the Board in on what was happening.

Mr. Berry reported that he knew that documents had gone back and forth between Mr. Cronin and Mr. Beliveau, the new Town Counsel, but that was outside his purview of the project and he did not know what the status of the approval of those documents was. Mr. Berry asked if Mr. Day had been in contact with Mr. Beliveau, to which he answered that he had not.

Mr. Day asked Mr. Morales if he knew if the bonding was in place, and Mr. Morales stated that he had not heard that it was. Mr. Berry reported that Mr. Nadeau was in attendance and could state that the bond was not yet in place. Mr. Nadeau had spoken to Mr. Cronin last Friday, and he stated to him that everything was all set with the Town, but he had not seen any paperwork himself.

Mr. Day stated that the Planning Board was unaware of any changes to the draft documents, from either side, which means that bonding and the covenants are still questions for the Board.

Mr. Day asked Mr. Nadeau if the fire suppression easement language had been addressed with Mr. Cronin. Mr. Nadeau stated he had asked Mr. Cronin if everything had been addressed and he had told him it had been. He thought the new Town Counsel was perhaps getting up to speed on the issue.

Mr. Berry reported that two fire suppression documents were submitted to Mr. Beliveau; one being on lot 10-8-4-1 and the other on lot 10-8-4- B, which is the open space. Mr. Berry had specifically asked Mr. Beliveau to prepare them as two documents, and had prepared the legal descriptions himself.

Mr. Berry asked that when everything was received and confirmed, was the procedure to sign the mylars in a public forum?

Mr. Day answered that the Planning Board has authorized the Chairman or Vice Chairman to sign mylars with a single signature, and that the signing did not need to take place in a public forum. The following conditions would need to be satisfied before the mylar was signed: 1) bonding needed to be in place; 2) the covenants had to be acceptable to the Conservation Commission and the Planning Board, and 3) the Fire Department would need to see the fire suppression easement language to be sure it meets their requirements. There would be no need for another hearing if the conditions were satisfied.

Mr. Berry stated that he had asked counsel for the applicant to communicate directly with the Chairman, and had been told that based on the ethics and standards of the legal profession, because the Town is represented, he could not send materials directly to Mr. Day. Mr. Day understood, and stated that if the Town Counsel had the documents, the Board would be receiving a copy from him.

Mr. Nadeau asked if he could get the paperwork to the Chairman by next week, could the mylar be signed then? Mr. Day answered no to that question. Mr. Nadeau asked why the Board needed to see the documents again if Town Counsel had looked over everything to make sure the recommendations from the Planning Board had been done. Mr. Day explained that the Board needed to review the documents first, and that the applicant would need to come back to a hearing next month.

Mr. Day stated there was a list of conditions that still need to be done, but many of them were after-the-fact, and that they were well on their way.

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

Mrs. Belcher asked if Mr. Berry had rectified the differences in the bonding numbers with the Town Engineer. Mr. Berry answered that he had not followed up on that point since it would not be germane until construction was well under way. They would be requesting a bond drawdown at some point in time when the road was based-coated, and would match up the numbers at that time.

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

Mr. Day stated when the outstanding items were in place, he did not see anything on the list of conditions that would prevent him from signing the mylar.

Mr. Day entertained a motion for continuance.

MOTION: Mr. Morales **MOVED** the Planning Board continue the compliancy hearing Kathleen and Glenn Clark, 21 Burnt Swamp Road, East Kingston, for a 9-lot residential cluster subdivision (MBL 10-04-08), (PB#06-03) until 8:00pm on 15 March 07. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day closed this hearing.

Mr. Berry thanked the Board for their time.

DISCUSSION ONLY WITH MR. JAMES BIOTEAU WITH REGARD TO THE PROPOSED TOWN CENTER DISTRICT.

Mr. Bioteau inquired if, with the proposed Town Center District, could a parcel of property under 4 acres be subdivided? He thought the parcel in question would meet all the set backs required by the state for a septic system. Mr. Day directed the Board's attention to Page 4, I. Dimensional Requirements, of the proposed Town Center District. I.1. states that *"Minimum lot size for purposes of water-shed and sanitation requirements, and therefore density, shall be that which may be allowed under New Hampshire Department of Environmental Services (NHDES) Septic System Design Rules"*.

Mrs. Belcher asked if they were talking about a pre-existing lot or subdividing a lot? Mr. Bioteau stated that the lot in question was more than 4.35 acres in size, and he was talking about subdividing it into 2 lots. Mr. Belcher stated the intent was not for subdividing, it was to change the lot size requirements within the Town Center District.

Mr. Morales stated that you could not make a conforming lot a non-conforming lot, and stated that properties in the proposed Town Center District were all less than 2 acres to start with. They were talking about existing lots; they were not talking about subdividing. The intent was to give people the ability to do things with those lots that they couldn't do otherwise since they were smaller lots. Mr. Bioteau suggested that the houses could be closer together.

Mr. Day inquired what the Planning Board's intent was; did they understand density to effectively be lot size? Mrs. Belcher said that was what it said, but was it what they meant?

Mr. Morales offered that they had discussed subdividing a nonconforming lot, and dividing something that was conforming into a non-conforming lot, and they had decided at that time that that was not the intent of the standards. It was to take the existing lots there now, most of which are non-conforming under the current ordinances, and allow the ability to do something with them. The intent was not to allow people to subdivide already non-conforming lots. Mrs. Belcher noted the difference between non-conforming and pre-existing.

Mr. Morales agreed, but did not think that, for example, they were intending for a person to subdivide an 80' lot and divide it into two 40' lots, both of which would now be non-conforming. Mrs. Belcher noted that the proposed ordinance changes the lot size requirements for anything that falls within the Town Center District. Whether the Board intended that or not, the language supports this.

Dr. Robinson referred back to the *Purposes* section of the Town Center District proposal, which states that the Town Center is where the Town wants growth to occur, rather than in the outlying areas. One of the tools to accomplish this end is by the use of soil-based lot-sizing rather than a 2- or 5-acre sized lot, which would allow for whatever the Board thinks the land could safely bear. Looking at it from that perspective, one might allow small, compact housing lots. Historically, this part of Town had such development, and it would be an appropriate place for that type of growth to happen. Mr. Day stated he agreed with Dr. Robinson's interpretation, although he felt one could argue the Paragraph I.1. either way, and Mr. Morales agreed. The Board had decided on a minimum lot size concept of what the land would bear.

Mr. Sullivan stated that condensing the housing could be a benefit to the Town Center District, and that Mr. Bioteau's project could be a start to condensing growth within the Town Center District.

Mr. Bioteau asked if the Board was aiming for the Town Center to model itself after North Conway, with a village center. Mrs. Belcher agreed the Board had envisioned something along those lines.

Mrs. Belcher stated she had not envisioned a large parcel being split up into 4 or 6 smaller lots for houses. Dr. Robinson read from paragraph G.5. *On parcels deeper than 500 feet, the frontage portion of the lot to a depth of 500 feet shall be considered in the District. The remaining portion of the lot shall remain as originally zoned, or as subsequently amended.*

Mr. Day could conceivably envision development along Main Street and Depot Road to look much like the housing that is already there.

Mr. Quintal stated that the existing lots would not support more septic systems without waivers and variances for new septic systems. Mr. Day explained that people would have opportunities to use their property for commercial use, not necessarily meaning they were going to subdivide and build another house.

Mr. Bioteau asked if when the Fire Department built a new firehouse, could it please stay in East Kingston, and not located down by Newton, as the Police Department and the Post Office were. Fire Chief Mazur stated that regulations required that Fire and Rescue facilities needed to be in the center of Town.

Mr. Bioteau thanked the Board for their time.

Mr. Day observed that the Board had spent a lot of time on the Town Center District proposal and it was still not perfect. Mr. Morales stated that everyone could interpret it differently since they were not part of the process.

PUBLIC HEARING FOR A REVISION/UPDATE TO THE COMMUNITY PROFILE MASTER PLAN CHAPTER.

Mr. Day opened this public hearing.

Mr. Day reported that Glenn Greenwood, RPC, was finally able to e-mail Table 10 to him, and now the Board had a complete package. It occurred to Mr. Day that the Board uses the Master Plan as a way to make recommendations to everybody, and he asked for the Board's input.

The Master Plan chapter addresses population and growth, mobility, population projections, and age distribution. He noted that the 45-60 age group were swelling. Mr. Lloyd added that we all were getting older.

Mr. Day stated that something in the educational background numbers did not look right to him. The high school graduate number was 29% and the college degree number was 32%; how did you get from 29% to 32%? Mr. Lloyd explained that 29% have a high school education and no more, and 32% have a high school education and also have a college degree. The chart indicated that East Kingston is better educated than both Rockingham County and the State of New Hampshire. Percentage wise, the table shows that more people in East Kingston have a college education than in all of New Hampshire. Mr. Day was not sure he understood it even with the explanation. Mr. Morales explained that if all the numbers were added together, the chart showed that 90% of the population of East Kingston had at least a high school education.

Mr. Lloyd had a question regarding the projected population rates on page 9, Table 6A. He stated that at a Budget Meeting earlier in the week, the population number was 2,100, but this chart showed that East Kingston would be at 2110 in the year 2010. Mr. Morales deferred to Dr. Robinson, as it was his understanding that only official census numbers

could be used in this chart. Even though the Town had more current, accurate numbers for the population of the Town, only the State census numbers were allowed on that top line of the chart.

Dr. Robinson explained that looking at the chart, you could see it was based only on population projection. It also started from 2005, and the last census had been in 2000. The New Hampshire Office of Energy and Planning took its numbers from the 2000 census and calculated the population projections. In the case of East Kingston, the Town has grown faster than the projection. Mr. Morales noted that the chart was showing around 5% growth in a 5-year period, which is 1% per year compounded.

Mr. Day stated that the whole approach to growth management is flawed from a statistical perspective, because we were making projections outside the data base. Mr. Day noted that when he first arrived in Town, the school was looking at school population projection numbers that necessitated our building more schools. We accepted the projections, and as a consequence, East Kingston has more school than it needs. Mr. Morales stated that schools around the country are faced with declining populations, but the consensus of the data shows that they are building more schools. Mrs. Belcher offered that they were not just building more schools, they were building better schools.

Recent lawsuit experience was discussed in light of the Board having relied upon the Master Plan and the recommendations the Master Plan made. The Board used Master Plan recommendations to form the basis on which it denied an applicant's plan. The decision withstood legal scrutiny, and Mr. Day's conclusion from the experience was to make Master Plan recommendations as firm as possible. It occurred to Mr. Day that the word *should* in the last sentence on the last page needed to be changed to *shall*. The Board agreed, and Mr. Day will make the change.

Mr. Morales stated he had read of yet another Town that upheld its Master Plan and had prevailed in Court.

Mr. Smith asked if the road into Glenn Clark's subdivision would be a private road, and Mr. Day answered that it would be. Mr. Smith wanted to know if the covenants needed to state that they would have to arrange for their own rubbish pick-up. Mr. Day answered that they did not require that for this subdivision; it had only been for the elderly housing.

Mr. Day opened the floor to abutters.

Mr. Peter Gilligan, 4 Autumn Lane. Mr. Gilligan stated he had thought East Kingston was trying to develop a Town Center like the one that Hollis has, where all the Community Buildings are together and there is a small shopping center. In Stoughton, Massachusetts, there is vigorous support for all the municipal buildings to be together and stay together in the Town Center.

Mr. Day explained that East Kingston was in the unfortunate position of having lost some of the elements of the Town Center, already, for the Police Station and the Post Office have already moved their locations. The Library is still in the Town Center area. The Board's focus is to preserve what the Town has, and to try to foster what has typically been seen in other New England Town Centers, keeping the scale small.

Mr. Gilligan noted that due to the Town's small population, and other larger cities in the surrounding area, it would be hard to entice businesses to come into Town.

Mr. Day entertained a motion to adopt the Master Plan Community Profile chapter revision.

MOTION: Mr. Lloyd **MOVED** the Planning Board adopt the revisions to the East Kingston Community Profile Chapter of the Master Plan as presented and corrected. Mr. Morales seconded, and the motion passed unanimously.

Mr. Day closed the hearing, and passed around the cover sheet for signature.

CONTINUED BOARD BUSINESS

Minutes. Mr. Day noted that the Board had skipped over approving the minutes from 18 January 07. Changes and additions have been noted.

MOTION: Mrs. Belcher **MOVED** the Planning Board approve the work meeting and public hearing minutes of 18 January 07 with proposed amendments. Mr. Morales seconded, and the motion carried unanimously.

Mr. Day turned over the floor to Dr. Robinson.

Nada Haddad's presentation. Dr. Robinson reported that she had spoken to Nada Haddad, an agricultural educator who works with the UNH Cooperative Extension. Ms. Haddad had given a presentation on *“Creating an Agricultural Commission in Your Town”*. Dr. Robinson explained that an Agricultural Commission (AC) would work much like the Conservation Commission, but for agricultural issues. Typical things the AC would do would be to promote agriculture by serving as an educational outreach, and give advice to the Conservation Commission and the Planning Board on pending proposals. The AC would also be supportive in helping the Town stay farm friendly, taking stock of existing farms, and letting people know what types of farms are out there. Her presentation is very interesting and includes a lot of excellent information about how important farming still is, even though we don't really think there are a lot of big farms left in New Hampshire. Farming is still a huge component of the economy, and the tourism economy. There are a lot of new types of small farms that are springing up in New Hampshire. For a small state, of all the counties in the United States, a couple of the counties in our state are 40th nationwide for numbers of farms.

Dr. Robinson had explained to Ms. Haddad that East Kingston wanted to initiate an agriculture Master Plan chapter and work out how to make the Town more farm friendly. As a result of that discussion, Ms. Haddad had offered to come and give her presentation to the Planning Board at their March meeting. Dr. Robinson reported that it was a very good presentation; the first part covers New Hampshire agriculture, and the second part covers forming the Agricultural Commission. Ms. Haddad thought it would also be good for someone in the local farming community to stand up and say a few words about what farms are still in Town and who is still in farming. Dr. Robinson noted that there were a few resources right on the Planning Board. She thought it would be a good first step for the Planning Board to take. The Board could decide what information they wanted to use in an agricultural chapter, and if it wanted to pursue the idea of an Agricultural Commission, there might be farmers in Town who would want to participate, and they could make some early structural decisions.

Mr. Day and Dr. Robinson had discussed the matter, and thought it might be advisable to have a joint meeting with the Planning Board and the Conservation Commission for Ms. Haddad's presentation. Dr. Robinson thought it would be good for members of the Conservation Commission to attend. Mr. Day was concerned with trying to combine the presentation with a regular hearing meeting, and suggested choosing a stand-alone date for the joint meeting and presentation.

Mr. Morales wanted to know if the Board wanted to talk just to farmers, or also to people who were considering farming and wanted to know more. In his participation in workshops in Brentwood, he had discovered there were a lot of younger people going into niche farms such as organic farming, and felt this sort of thing might be beneficial to them as well. He felt it could be helpful to the existing farm community to learn some new markets they could enter, but it would also be good for new people to consider one of these niche farms. He noted that in East Kingston, anyone could farm the land and sell the produce.

Mr. Morales suggested this could be presented at the visioning session and made a separate program, and could be done at the school on a Saturday. Mrs. Belcher added that personal invitations could be sent out to all the farmers. Dr. Robinson stated that that would be an excellent idea, but suggested that Ms. Haddad's presentation to the Board be a first step so they could decide in which direction to go.

Mr. Quintal thought it all sounded like a good idea, but he reminded the Board that the Rockingham Conservation District (RCD) existed and that they had a wealth of knowledge and were always willing to do what they could to help the farmers. He observed that in the 1970's, Mary Currier stated they were running out of things to do to help keep the farms in operation and start new farms. The State was going to do away with the CD at one time, because the farms were going by the wayside and the land was being developed. Mr. Quintal stated that the CD helped not only the Town of East Kingston, but also the entire Rockingham County. His thought was that if there were individuals in the community who wanted to help, all they needed to do was to contact Mary Currier; if the Town wanted to organize a group, or an agricultural committee on a local level, that would also be helpful. His thought was not to *“reinvent the wheel”* and take advantage of the wealth of knowledge that already existed.

Mr. Day asked Dr. Robinson if the RPC was intending to *“reinvent the wheel”*, and she answered that that was not necessarily the point. She thought Mr. Quintal was correct in looking to existing organizations, especially if there was one already doing a good job. What she had taken from the presentation was that this would be something that would be in your own Town, and that there would be a good relationship between the CD, UNH, and other entities that were trying to work with farmers. The CD could be a local contact. If people talked about it and decided that was not what they wanted to do, they could then choose some other path. She felt it was a good general presentation about agriculture and a good

addition to the forum. Mr. Quintal thought this might be a way for the CD to be an agricultural commission as well, and could open them up to new members. Dr. Robinson agreed that could be another way to go. Mr. Morales reported that there was so much new information coming out of the UNH extension that it was hard to keep up with it. The question was how to get this information to the local farm community.

Mr. Day asked the Board what they thought a good time to meet with the Conservation Committee would be. He suggested a dedicated work session, which would not be burdened with public hearings, so they would have time to devote to the presentation and discussion. If this was to be the kick-off for the Targeted Block Grant project, it would make sense to concentrate on the one issue.

After discussion amongst the Board members, it was decided that this matter should go to the top of the project list. Mr. Day penciled in March 29th and asked Mr. Quintal to check with the Conservation Commission members to see if that was a good date for them. Mr. Quintal will get back to Mr. Day. This would also be a work session for the Planning Board. Dr. Robinson stated it would be a good opportunity for others who were interested to attend, as it was an excellent presentation.

Dr. Robinson will check with Ms. Haddad to see if March 29th is a good date for her, and would take care of advertising for the meeting in the newspaper.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mr. Lloyd seconded, and the motion carried unanimously at 9:35pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

James R. Day, Jr.
Chairman

Minutes approved 15 March 2007