



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2017-2018
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 15 February 2018
7:00 pm

AGENDA:

- ◆ Call to Order
- ◆ **Public Hearing** - Application for Lot Line Adjustment, Alan/Linda Resnick, 34 North Road (MBL 14-03-01) and Stumpfield Road (MBL 15-04-02), East Kingston, NH - EK PB 18-01
- ◆ **Board Business**

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:00 pm.

Members Present: Chairman Joe Cacciatore, Vice Chairman Dr. Robert Marston, Josh Bath, Bill Caswell, and Ex-Officio Richard Poelaert.

Advisors Present: RPC Senior Planner Julie LaBranche, East Kingston Building Inspector John Moreau, and Assistant Building Inspector Tom Welch; East Kingston Fire Chief Ed Warren.

Also present: Applicant Alan Resnick, and abutters Mr. & Mrs. Gamache and Vickie Brown. Ms. Brown is also on the Conservation Commission and stated they have no issues with the plan as there are no wetlands involved.

Public Hearing - Application for Lot Line Adjustment, Alan/Linda Resnick, 34 North Rd (MBL 14-03-01) and Stumpfield Rd (MBL 15-04-02), East Kingston, NH - EK PB 18-01

Mr. Cacciatore opened the public hearing and asked Mr. Resnick to explain his application to the Board.

Mr. Resnick stated he owned both lots in question. After he purchased 34 North Road and the lot on the corner of Stumpfield Road, he also purchased a small strip of land which is labeled Parcel A on the plan. He added this Parcel A to his property at 34 North Road. He would now like to take Parcel A and remove it from 34 North Road (14-03-01) and incorporate it into the Stumpfield Road property (MBL 15-04-02). He is selling his house at 34 North Road but is retaining ownership of the Stumpfield Road lot.

Mr. Resnick has submitted a Request for Waiver from Regulation VII A which requires a minimum lot width of 125', stating his rationale that it would restore the shape to the original configuration when he purchased it in 2001 and also protect an existing monument which is located under a tree and is outside of the haying area of the lot. He proposes a triangular-shaped lot line at the rear of Parcel A.

Mr. Moreau referred to Subdivision Regulation VII A which states that to the maximum extent possible, all newly created lots shall be rectangular in nature. He noted the Board had already required a subdivision application to re-configure one of their lots in a different location on North Road for not being rectangular. He opined allowing this pointed configuration could set a precedent.

Ms. LaBranche referred to RSA 674.36 II.n. which states that the Planning Board may grant a waiver if the Board finds...that (1) strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or (2) specific circumstances relative to the subdivision, or conditions of the land in which subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. Technically this is not a subdivision, but the rationale for the waiver is the same.

Mr. Bath asked Mr. Resnick if he could "square" off the end of Parcel A to conform to the regulation. Mr. Resnick stated they had already put in a pipe to mark the location in case the Planning Board denied his waiver, so he could make that change. Board discussion noted they would prefer the lot line conform to the regulation. Mr. Resnick will have his engineer make the change and resubmit the plan.

There was discussion regarding the fence which goes along half of the newly proposed property line. It waivers in places from one lot to the other. Mr. Resnick was asked if he wanted to remove the fence so there would be no complications in the future. Mr. Resnick noted he did not think there would be complications and did not see any reason to remove the fence; it had been there for 25 years.

Mr. Cacciatore asked for a motion to take jurisdiction.

Mr. Bath **MOVED** to take jurisdiction of the Application for Lot Line Adjustment for Alan and Linda Resnick, 34 North Rd (MBL 14-03-01) and Stumpfield Rd (MBL 15-04-02), East Kingston, NH - EK PB 18-01; second by Dr. Marston. Motion was unanimous.

Mr. Resnick asked how soon a certification of monumentation could be issued as the house has already sold (sooner than they expected). Mr. Moreau stated he could meet Mr. Landry and witness the monumentation at the time it is set to expedite the procedure if Mr. Landry calls him with a date and time.

Mr. Cacciatore asked for a motion to approve the lot line adjustment.

Mr. Bath **MOVED** the Board approve the Lot Line Adjustment for Alan and Linda Resnick, 34 North Rd (MBL 14-03-01) and Stumpfield Rd (MBL 15-04-02), East Kingston, NH - EK PB 18-01 with the following conditions: the Southwest corner of Lot 15-04-02 (Stumpfield Road) will be squared off to meet the regulation requirements; a Certification of Monumentation signed by the East Kingston Building Inspector reflecting granite/concrete bounds and markers are properly set will be received; a final mylar with all required engineering stamps and signatures will be provided for Planning Board Chairman signature and recording; and all outstanding fees due to the Town will be fully discharged; second by Dr. Marston with a unanimous vote.

Mr. Resnick thanked the Board.

Resignation

Mr. Cacciatore noted that Mr. Chris Delling has regretfully resigned from the Board due to increased responsibilities in his job. Mr. Delling thanked the Board for the opportunity to serve, but feels he cannot give the Town his full attention as a Board member at this time. He would like to give someone else the opportunity to serve on the Board.

New Member Request

The Planning Board met with resident Mr. Tim Allen, who is interested in a serving on the Planning Board as an alternate. Mr. Allen is a long-time resident and a licensed septic designer. He is also a member of the East Kingston Zoning Board. Mr. Allen was asked, in light of Mr. Delling's resignation and vacant position on the Board, if he would be interested in serving as a regular member and not an alternate.

Mr. Allen stated he would like to be considered as a regular member. It was the Board consensus to accept Mr. Allen as a regular member and a recommendation letter will be sent to the Selectmen.

Minutes

Mr. Cacciatore asked for a motion to approve the December and January minutes.

MOTION: Mr. Bath **MOVED** to approve the December and January minutes as presented, Dr. Marston seconded. The motion passed unanimously.

89 Main Street

Mrs. White noted there had been questions as to the allowable capacity at this address for the restaurant and had contacted Fire Chief Warren for the number in his records. Chief Warren noted in September 2008 the Planning Board gave a limitation of 40 people including staff for the restaurant, and an additional 14 on the outside deck. He has issued a Place of Assembly on February 9, 2018 which is good for one year for 40 people including staff for the restaurant, and an additional 14 on the outside deck.

Mr. Moreau had noted a letter from Emanuel Engineering on September 25, 2015 to the DES requesting waivers for a nitrate setback, lot loading, and a well radius waiver. It appears there have been several replacement system plans on file, but no replacement system has ever been installed.

On February 15, 2018, the Selectmen's Office received communication from the NHDES that the owner of 89 Main Street is not in compliance with the regulations for a public water system as the required follow-up testing has not been completed after e-coli was found in the groundwater. Several communications have been sent to the owner and been unanswered and no requested tests have been received.

On Friday, Mr. Moreau and Chief Warren will contact the new prospective tenant and let him know that he cannot open for business until the required testing has been received by the NHDES.

35 South Road

There have been complaints regarding what appears to be a commercial business taking place at this address. Mrs. White tried to mail a letter from the Planning Board to the property owner, but the Postmaster informed her the address had neither a mailbox at the address nor a post office box. All mail for that address is being returned. A business address in Salem has been found for the property owner.

Ms. LaBranche will consult with the Town Attorney for letters to be sent to the above two addresses.

Home Occupation Application

Mr. Caswell opined more questions should be included on the applications for home occupation so the Board could make more informed decisions.

Adjournment

MOTION: Dr. Marston **MOVED** the Planning Board adjourn, Mr. Bath seconded. The motion passed unanimously.

Dr. Marston closed the meeting at 8:30 pm.

The next Planning Board meeting will be on March 15 at the Pound School, 41 Depot Road.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved May 17, 2018