

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
February 17, 2000

**FILE**

**Members attending:** Richard A. Smith, Sr. – Chairman, John L. Fillio – Ex-officio, and Beverly A. Filio.

**Absent:** Edward C. Johnson – Vice Chairman, Dr. Robert Marston, and Alternates Peter A. Riley, David Morse, and Robert Nigrello.

**Others attending:** Sarah Campbell, RPC Planner and J. Roby Day.

Chairman Smith opened this February 17, 2000 public planning board meeting at 7:12 p.m. with the roll call.

**Clay Pond Development Corporation:** Chairman Smith announced that a design review hearing would be held jointly between the Kingston and East Kingston Planning Boards at the Kingston Town Hall on Tuesday, March 7<sup>th</sup> at 7:30 p.m. Clay Pond Development Corp. is proposing a cluster development on land located in Kingston and East Kingston that is accessed off of Route 111 in Kingston. The design review would be a non-binding discussion where more specifics regarding the plan could be disclosed. Members noted that the plan indicates that the cluster development would be located in Kingston and the septic systems and common land for the development would be located in East Kingston. Chairman Smith requested East Kingston Planning Board members attend this hearing.

**Minutes:** The Board reviewed the planning board minutes dated January 6, 2000.

**MOTION:** Mr. Fillio motioned to approve the January 6, 2000 planning board minutes as presented. Mrs. Filio seconded. With no further discussion, the motion carried 3-0.

The board tabled the approval of the January 20, 2000 and February 7, 2000 minutes until the next planning board meeting as there were not enough members present at this evening's meeting that were present at either of the meetings noted to approve them.

At this time, Mr. Day inquired as to his role as Rockingham Planning Commissioner with relation to the Planning Board. He noted that much of what is discussed at the RPC meetings is far too in depth to continually update the planning board. He also stated that Larry Smith is also a Rockingham Planning Commissioner who regularly attends planning board meetings, thus it would be likely that he (Smith) keeps the board abreast of RPC happenings.

Members advised Mr. Day to feel free to report any items to the board that he thinks Larry Smith might not.

**Future Land Use Chapter:** Mrs. Campbell distributed an executive summary of the Future Land Use Chapter of the Master Plan to board members for review. She noted that it is important each member read and agree on what is written in this chapter as they may find themselves explaining and defending it to their constituents in the future. This summary would be attached to the chapter with a public hearing to be held on its entirety.

Chairman Smith then slated the Future Land Use Chapter and Future Land Use Map on the agenda for the March 16<sup>th</sup> regular Planning Board meeting.

**Bodwell Mylar:** Member reviewed the Bodwell mylar for an approved minor lot line adjustment and 3-lot subdivision located on North Road. It was noted that the conditions for approval had been met: notation on mylar indicating common driveway, review and approval of common driveway easement language, and setting and verification of bounds.

After careful review members noticed that the common driveway servicing lots 15-3-5 and 15-3-17 was not clearly defined on the plan as well as the newly approved common driveway for lots 15-3-14, 15-3-13, and 15-3-6. Members requested that a more definitive outline of the driveways be shown. Noting that a barn on the Tim Bodwell lot was almost complete, members requested that the barn's footprint also be shown on the plan.

**Building Inspector Request:** The recording secretary informed the board that although the Building Inspector could not be present at this evening's meeting, he did want to request a zoning amendment be considered. The Building Inspector is seeking a written penalty for homeowners who move into their new dwellings without first receiving an occupancy permit. Although the Building Inspector forewarns the homeowners of the proper procedure, many are not complying with it. Specific items needing inspection prior to inhabiting the dwelling are smoke detectors need to be installed and operating railings must be installed for stairs, ground fault plugs must be tested, and water temperature must be regulated.

Members stated that the BOCA Code has provisions to issue fines for non-compliance of the codes and that the first step to enforcing them is to notify the Board of Selectmen who would verify the violation and begin assigning fees. The Building Code section of the zoning books states that:

*Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof of who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, if a natural person, or of a felony if any other person. Any such violation shall be punishable by a fine of not more than \$100 nor less than \$10 for each day that a violation continues after the conviction date; provided, however, that total fines imposed for any single violation shall not exceed \$500 which such shall inure to the Town of East Kingston for such uses as the Board of Selectmen may direct.*

It was further noted that the Building Inspector who also acts as the Code Enforcer has the responsibility to enforce the rules. Other suggestions were to include an agreement on the application for a building permit that states an occupancy permit must be issued prior to moving into the dwelling and to further include in this agreement the fines and penalty schedule for violating this rule. This way, the applicant would be acknowledging and signing off that an occupancy permit is needed and that he is subject to a fine if he does not comply.

**Zoning Ballot:** Mrs. Campbell advised each member to read the zoning ballot to be familiar with it to address any questions from residents that might come up.

**Incoming Correspondence:** Chairman Smith acknowledged correspondence from the Office of State Planning regarding preserving the rural character of towns. He requested that copies be distributed to all board members.

With no further business before the board,

**MOTION:** Mr. Fillio motioned to adjourn. Mrs. Fillio seconded. With no further discussion, the motion carried 3-0 and this February 17, 2000 public planning board meeting ended at 7:57 p.m.

Respectfully submitted,

Catherine Belcher  
Secretary

Minutes completed and on file February 21, 2000.

Approved: 3/16/00