



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

*2004-2005  
James Roby Day, Jr., Chairman  
Richard A. Smith, Sr., Vice Chairman*

**MINUTES**

(Regular Meeting and Public Hearing of February 17, 2005)

**AGENDA:**

- 7:00PM– **Call to Order and Board Business**
- 7:15PM – **Library Trustees**
- 7:45PM – **Public Hearing** – for a proposed two-acre subdivision of Franklin Park LLC, MBL 11-2-11 (PB# 05-02)
- 8:15PM – **Continued 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)
- 9:15PM – **Public Hearing** – for a proposed 18-lot residential cluster development of Glenn and Kathleen Clark, 21 Burnt Swamp Road (PB# 05-03)
- 10:15PM – **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, Vice Chairman RA Smith; Dr. RA Marston, DVM, Mr. R Morales, ex-officio  
Alternate members present– Mr. EV Madej, Mr. JD Burton  
Advisers present – Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department

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

**BOARD BUSINESS:**

**Minutes–**

**MOTION:** Mrs. Belcher **MOVED** that the Board accept the minutes of the January 20, 2005 meeting with corrections. Dr. Marston seconded and the motion carried unanimously.

**Action/Information Items –**

**EOP Planning and Zoning Conference** – Saturday, April 9; deadline. Mr. Day stated there is one topic on Smart Growth and Planning.

**REDC CEDS Presentation** – Comprehensive Economic Development Strategy cycle of review and development. Mr. Day stated that the Selectmen could benefit from exposure to these questions.

**New Hampshire Planning and Land Use Regulation books** – Mr. Day informed the Board that the new books are available.

**Library Trustees** –Mr. Day introduced Library Trustee Ted Lloyd. Mr. Lloyd explained the need for a new library building, the cost as well as the building plan.

**PUBLIC HEARING–FOR PROPOSED TWO-ACRE SUBDIVISION OF FRANKLIN PARK,LLC, MBL11-2-11(PB#05-02)**

Mr. Day opened the public hearing.

Mr. Dennis Quintal appeared before the Board representing the owners, Franklin Park, LLC. Mr. Day explained that the RPC has not formally reviewed this application. Mr. Quintal stated that the property is across from the Post Office, it's a two-acre parcel on Bowley Road. He stated that they have identified the wetlands and the poorly drained soils. He added that test pits were done. He pointed out where the well and the protected zone around the well would be located. He stated that when construction work was done on the road, a lot of the soil was identified as sandy soil, which is well drained soil

Mr. Quintal submitted a waiver from the need to do a site specific soil survey. He added that the lot is not in a flood hazard area. He stated that as far as fire protection is concerned, when they did the subdivision plan, they designed a pond with a dry hydrant. He added that it is about 1,200 feet away from this two-acre parcel. He said that there will be another pond constructed about 800 feet away. He stated that this should be adequate fire protection.

Mr. Day went through his list of proposed conditions of approval.

**MOTION:** Mrs. Belcher **MOVED** that the Board invoke jurisdiction of this application. Mr. Morales seconded and the motion carried unanimously.

Mr. LK Smith stated that he had no concerns. He stated that there were soil surveys done on the previous proposals in that area and there is uniform sandy soil.

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

Mr. Day stated that the Board has to consider the waiver request. Mr. Day read the requirement:

Section X – Soils and Wetlands Data Requirements (Amended 11/99) B. 2. If the project meets at least one of the following three development intensity criteria, the applicant must submit Site Specific Soil Map (SSS Map) information as specified in VII.D.

**MOTION:** Mrs. Belcher **MOVED** that the Board grant a waiver from Section X.B.2 of the subdivision regulation based on 1) the recommendation of the Conservation Commission Chairman and; 2) that this property was recently surveyed. Dr. Marston seconded and the motion carried unanimously.

Mr. Day noted the conditions of approval:

Waiver from Section X.B.2

1. State subdivision approval (RSA 485-A:29 1).
2. State septic system approval.
3. Letter of agreement/acknowledgement from PSNH for land use within utility easement.
4. East Kingston approval of driveway location on the plan.
5. Fire Department approval of suppression system accessibility.
6. Final plan to include proposed building location.
7. Final plan to include proposed driveway location
8. Certificate of Monumentation signed by Building Inspector
9. Final plans to include a note on the sheets to be recorded indicating they are a part of a two-page plan set on file with the Town.
10. Final mylar(s) to be submitted to the Board for Chairman signature and recording.
11. Waiver note on final plan.
12. Test pit data on final plan.

**MOTION:** Mr. Smith **MOVED** that the Board grant a conditional approval of this plan. Mr. Morales seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED 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 )

Mr. Day opened the public hearing.

Mr. Mike Garrepy, Bowley Real Estate, LLC appeared before the Board. Mr. Garrepy stated that he has received Dr. Jill Robinson's (RPC Senior Planner) review. Mr. Garrepy stated that Dr. Robinson stated in her letter she recommended that the Board accept the conventional plan as the yield plan as long as the applicant can provide and stamp and seal of a certified wetland scientist.

Mr. Garrepy stated that he has addressed all of the concerns raised at the last hearing. He noted that the plan now has a list of the abutters on it. He stated that two easements are shown on the plan. He added that Lots 1 and 2 have been merged to make just one lot, having a total of 20 new lots and one existing lot. He stated that he was hoping to get an acceptance of the yield plan so that he will be able to move forward on the cluster plan. He showed a road plan with grading for the conventional plan. He added that most are 1% and 2% grade with two 5% grades.

Mr. Day stated that he didn't recall seeing any test pit results on the conventional plan pages. Mr. Garrepy stated that they have done extensive test pits on the site and, based on discussions with Mr. Day and Dr. Robinson, he did not attempt to dig test pits in the center area. He stated that the reasons for this were 1) he did not want to cross the wetland system to get to the area; and 2) they are not proposing to build in that area.

Mr. LK Smith stated that the soil is well drained soil. Mr. Day stated that the Board has to decide to take jurisdiction for purposes of establishing a yield number for a cluster plan.

**MOTION:** Mrs. Belcher **MOVED** that the Board invoke jurisdiction over the entire plan. The Motion failed by virtue of not having a second.

Mrs. Belcher stated that she didn't think it was possible for them to move forward with the cluster plan until the conventional plan is accepted. Mr. Smith expressed his concern in regard to the traffic flow on the road during construction and after.

Mr. Morales stated that he also had traffic impact concerns. Mr. Madej stated that he felt more information was needed with regard to the layout of the homes. Dr. Marston stated that he had concerns of the four lots in the center where no test pits were performed. Mr. Burton stated that Dr. Robinson's letter stated that she would recommend it for the purposes of yield calculations if they could get a wetland scientist stamp.

Mrs. Belcher read the definition of invoking jurisdiction: "A completed application means that sufficient information is included or submitted to allow the Board to proceed with consideration and to make an informed decision."

Discussion ensued with regard to invoking jurisdiction or just giving permission to go forward. Mr. Garrepy stated that he has many years' experience working as a town planner with various boards on how they accept jurisdiction on a yield plan and then accept jurisdiction later on the cluster plan. He stated that at this meeting they would only be taking jurisdiction over the conventional plan, not the cluster plan because then the clock starts. Mr. Day reminded the Board that it has been advised by the Conservation Commission that the property is of like kind to the area to the north and would most likely result in similar test pit results. Mr. LK Smith stated that the survey was done in 1994 and the soil has not changed since then because there has been no activity. Mr. Day suggested that the Board take jurisdiction for purposes of affirming a conventional yield number so they can press on with their cluster design.

**MOTION:** Mrs. Belcher **MOVED** that the Board invoke jurisdiction over the conventional only for the purpose of determining the number of units to be in the cluster plan. Mr. Morales seconded and the motion carried unanimously.

Mr. Day stated that there will have to be a decision or a continuance by April 23.

Mr. Day opened the floor to abutters.

Mr. Dennis Quintal asked about the wetland crossings. He stated that it is his understanding that when there are major wetland crossings, the Wetlands Bureau is requiring compensation for them. He asked if they are requiring compensation for wetland crossings, could the plan still be done. Mr. Garrepy stated that they propose to impact 34,000 square feet of wetlands in total for the crossings. The cluster plan reduces that impact to 6,000 square feet. He added that there is a favorable letter from the DES stating that the conventional plan might work, but they really want the cluster plan.

Mr. Day closed the floor to abutters.

Mr. Burton asked if it made sense to drag back-hoes out and dig up an area that the applicant is not considering using for building since this is supposed to be a conceptual plan. Mrs. Belcher stated that it was, but it is not unreasonable to ask them to do that. Mr. Burton stated that since this is a conceptual plan, the applicant shouldn't have to meet every single requirement of a regular plan.

Mr. Garrepy stated that he could have done the test pits at the time, but was advised that it was not necessary.

**MOTION:** Mrs. Belcher **MOVED** that the Board advise the applicant with a yield number of 20 for a cluster development. Mr. Morales seconded. Dr. Marston voted against and the motion carried.

Mr. Day noted that the cluster plan is C-4. He stated that he has advised Mr. Garrepy that the Haverhill cul-de-sac is too long at 1,080 feet so that will have to be adjusted. He stated that they will also have to have a traffic study done on both Haverhill and Rowell Roads. Mr. Day suggested that Mr. Garrepy get the revised plans to the Board as soon as possible as the Town Engineer will be consulted. Mr. Day stated that the Board has always relied on the applicant to find a traffic engineer to do the traffic study and then the Town Engineer would review it. Mr. Day advised Mr. Garrepy to include a landscape plan and a lighting plan. Mr. Garrepy stated that they can do a bonding analysis for the road, as it will take a beating from all the construction. Mr. Day stated a homeowner association will be needed because the open space is part of the property.

Mr. Day stated that there will be a site walk.

Mr. Day noted the driveway on lot 1 is 640'. Mr. Morales pointed out the plowing problem on this as well if it is a shared driveway. Mr. Garrepy stated that this will all be clearly stated in the homeowner documents as to who will be responsible for the maintenance of the driveway.

Mr. Garrepy requested a continuance to March 17. Mr. Day stated that the Board will need the revised plans three weeks before the next meeting. A site walk was scheduled for Saturday, March 19 at 10:00AM. Abutters are encouraged to participate. Meet by the Beane property on Rowell Road.

**MOTION:** Mr. Morales **MOVED** that the Board continue this public hearing to 7:45 on March 17. Dr. Marston seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING – FOR PROPOSED 18-LOT RESIDENTIAL CLUSTER DEVELOPMENT OF GLENN AND KATHLEEN CLARK, 21 BURNT SWAMP ROAD (PB# 05-03)

Mr. Day opened the public hearing.

Mr. Ken Berry, co-owner Beals Associates, Exeter, NH appeared for the applicant, Mr. Bruce Nadeau. Mr. Berry introduced his associate Mr. Scott Cole who is available to answer technical questions, Mr. Morton Rusty Lovell, land surveyor, and Mr. Bruce Nadeau, owner of DeBross Builders, Inc. The wetland delineation was performed by Mr. Peter Spear, Certified Wetlands Scientist. He added that work in the form of soils in test pits and high intensity soil survey done by Mr. Peter Schauer, Certified Soils Scientist.

Mr. Berry presented an overview of the plan. He stated that they are asking for less lots in the cluster subdivision than the yield plan would have provided for. He added that they are planning a 15-lot cluster subdivision that would include three open space parcels on 41.16 acres. He stated that it will include 2,800 linear feet of road in a horseshoe configuration. He said that there is one existing residence on the property.

Mr. Berry stated that a boundary survey has been completed as well as a wetlands delineation and topographic survey. He added that they have done a number of test pits, both in the preliminary investigation and with the Building Inspector.

Mr. Berry referred to Sheet 5 of 14, which is labeled the "Yield Plan". He noted the horseshoe shaped road of 3,050 feet. He stated that it can accommodate 16 lots on the conventional plan. He stated that there is a highway access plan. Burnt Swamp Road is Route 107A. Mr. Berry stated that they have applied to the Department of Transportation District 6 for a driveway permit for access for the two locations. He noted that there is correspondence in the Board of Selectmen's files that states that there are no more driveway permits allowed for this piece of property. He explained that what they are proposing is that the existing driveway into the existing residence will be abandoned and one of the roadway access points will take the place of that existing driveway. He stated that they have worked out a deal with the abutter to the west of the property to abandon their driveway (Flower Hill Road) and the developer, in return will give some land to that abutter and the driveway will be reconfigured coming off from the proposed subdivision road. He stated that two existing driveway curb cuts will be replaced by two proposed driveway curb cuts.

Mr. Berry explained the three waivers for the cluster plan: 1) 20-foot road right-of-way radius; 2) asking that the Board consider one test pit per lot in the subdivision and one percolation test per lot in the subdivision where the regulations require two; 3) requesting a road that will be allowed to be an 8% road grade where the regulations require no more than 5%.

Mr. Berry stated that on February 11, he received a review letter from Dr. Jill Robinson, RPC. He stated that there are three concerns brought up by her. Mr. Berry read from Dr. Robinson's letter, "Based on the above, the yield plan appears to be complete for the purposes of determining density if the Board is satisfied that the applicant has addressed all of the comments in part one". Mr. Berry stated that he has addressed all of Dr. Robinson's comments.

Mr. Berry stated that Dr. Robinson's comments were: 1) she had asked for a chart of poorly drained soils and very poorly drained soils, Mr. Berry stated that a chart has been developed that demonstrates the land areas with the upland soils and the total area without the very poorly drained soils and this has been added to the yield plan. 2) Mr. Berry stated that the septic system on Lot 15 had to be moved because it did not conform with setbacks from very poorly drained soils. 3) With regard to the high intensity soil survey, Mr. Berry's response to Dr. Robinson was "The designation of the drainage class of 7 is a result of the natural soil surface having been removed within the gravel pit excavation. The Seasonal High Water table shown for test pits 4 and 6 as reported by the Certified Soil Scientist, Peter Schauer as 36 and 26 inches respectively. Based on these results, using the Hydraulic Soils Group (HSG) of the adjacent soils as modeled in the drainage analysis is valid." Mr. Berry stated that Dr. Robinson was asking for an explanation of why the 700 series soil had been identified in there. 4) Dr. Robinson's comment about the yield plan was asking if the applicant was asking for any density bonuses. Mr. Berry stated that the applicant will not be applying for density bonuses.

Mr. Berry stated that Dr. Robinson's final comment was that the plan appears to be complete for the purpose of determining density.

Mr. Day stated that there are three parts to Dr. Robinson's memo, the first part has to do with the conventional plan and the second and third parts deal with the cluster plan. He added that he felt the application was complete enough to take jurisdiction.

Mr. Berry showed where there is a triangular piece of land between an abutter and the road which they are proposing to deed to the abutter in order to relocate the driveway. He added that in order to get the Department of Transportation curb cut, the parent parcel in June 1971 had to have certain dimensional requirements that if it was less than 500 feet in width, it only got two curb cuts; if it was greater than 500 feet in width, it got three. He added

that the State of New Hampshire and the East Kingston Selectmen had had discussions that there would be no further driveway allocations made on this property, therefore one driveway will be abandoned and replacing it with a proposed road. He added that in order to come in with a second point of access, another driveway had to be found. Mrs. Belcher asked for some sort of authorization letter from the abutter that this is agreeable.

Mr. Berry stated that the grades on both plans are similar.

Mr. LK Smith stated that HISS is no longer used in East Kingston and it hasn't been since November of 1999. He said a site specific soil survey system is used today and he would expect any new developments to use that system. He added that it is in the subdivision regulations. Mr. Berry stated that he received a letter from Mr. Peter Schauer that may address the Conservation Commission's concern about the soils. Mr. Berry stated that he believed the HIS data can be converted to the site specific methodology.

Mr. LK Smith stated that with regard to the steep slopes, the subdivision regulations clearly state that proposals must not be inconsistent with the recommendations of the Master Plan. He added that the Master Plan recommends that there be no development on slopes exceeding 15%. Therefore, in his opinion, those steep slopes cannot be used as the basis for any development even in a conventional subdivision. He stated that the steep acreage must be thrown out in the calculations. He also noted that they didn't break out the acreage involved in steep slope. He stated that the open space plan on the cluster proposal uses the entire 41 acres as the basis of calculating 25%, they didn't throw out the very poorly drained soils or the steep slopes as required by the regulations. Mr. Berry stated that the plans were revised and those calculations have been made, there were minor adjustments made to Lots 15 and 16 having to do with the very poorly drained soils. He stated that the regulations do not have anything in either the zoning or the subdivision regulations that prohibit the use of slopes. He stated that there is a provision that slopes greater than 35% have to be shown, he has demonstrated on the plans the areas that are greater than 35%; to which Mr. LK Smith disagreed and pointed to Section III.C of the subdivision regulations where it states "Subdivision and development shall be harmonious with the town and its environs. Developments must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities and must not be inconsistent with the recommendations of the East Kingston Master Plan". Mr. LK Smith stated that in the soil section of the East Kingston Master Plan clearly recommends that no development be allowed on slopes in excess of 15%, therefore, there is a requirement that they cannot build on steep slopes. Mr. Berry stated that the fact that that has not been translated from the Master Plan to either the ordinance or the regulation, would be a fallacy in the ordinance. Mr. LK Smith stated that Town Counsel should be consulted before going any further.

Mr. Berry stated that in Part 2, paragraph 1 of Dr. Robinson's letter, Article XI.H.1 of the Zoning Ordinance states that "The front, side and rear setbacks shall be a minimum of 100 feet from all abutting property lines. This setback is not shown on all areas of the perimeter of the plan. The applicant needs to show this area and also file a written request with the Board seeking approval for the road to pass through this area." Mr. Berry stated that they had previously put on the plans setback lines as the setback line would apply to the development on individual lots and that is how they interpreted the word "setback". He stated that they have added to the plans a 100 foot buffer line which corresponds with setback lines and also the landscape buffer. He stated that in his response to Dr. Robinson's comment, he stated that the front, side and rear setbacks were represented on the plan as they related to development on the 15 individual lots. A 100 foot buffer has been demonstrated in areas that were previously considered to be non-buildable area. As recommended, and pertaining to Article XI.H.3, the applicant is requesting that the Planning Board allow the roadway to be placed within the side or interpreted rear setback so that the loop roadway can logically connect with Burnt Swamp Road (Route 107A). The narrowness of the strip of land is what is resulting in this request. Land is being deeded to the westerly abutter and extra land is slotted in between what would normally be a 50-foot right-of-way and the abutter that is located within the horseshoe and we did submit a written request that is attached to my response to that effect.

Mr. Berry stated that the item that gave them the most concern had to do with landscape buffers. He noted Dr. Robinson's letter Part 2, paragraph 2. "Article XI.K states that a landscaped buffer shall be required whether or not the abutting properties are developed or undeveloped. This provision as written is not within the control of the Planning Board and the applicant would need to seek a variance if the requirements of this provision cannot be met." Mr. Berry stated that he respectfully disagrees with Dr. Robinson on this. He went on to read Article XI.K:

"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 shall be required whether or not the abutting properties, including those across the street, are developed or undeveloped. The Planning Board shall determine whether the type of landscaping provided is acceptable."

Mr. Day stated that at the January 20 meeting, a hearing was held and changed the verbiage in that particular paragraph. Mr. Berry stated that his concern is that Dr. Robinson is saying that the road passing through the landscape buffer requires a variance and he thinks that if that is the case, then any cluster subdivision that comes before this Board is going to have to have a variance and he didn't think that was the intent of the writers.

Mr. Day stated that Dr. Robinson's concerns when they met were with the restrictions in paragraph H.3 which were, "In no instance, shall any of the following be allowed within the front, side, and rear setbacks: structures of any type, additions to existing structures within the cluster including garages, decks or porches; parking areas, walkways, driveways, or any privately owned road or street. (Town roads, or collector road may not pass through any side or rear setback, unless approved by the Planning Board and may only pass through a front setback for purposes of access to an existing town or state road..."

Mr. Berry stated that in regard to passing through the setbacks, Dr. Robinson wrote in her review that the applicant needs to show this area and also file a written request with the Planning Board seeking approval, which he stated they have done. Mr. Berry stated he disagrees that a variance is required and he feels that this conforms with the regulations within the jurisdiction of what the Planning Board can administer.

Mr. Day opened the floor to abutters.

Norman Brandt, 41 Burnt Swamp Road. Mr. Brandt stated that on the plan page 12 John Barrett is at 41 Burnt Swamp Road, he believes that number should be 17 Burnt Swamp Road.

Mark Brinkerhoff, 32 Burnt Swamp Road. Mr. Brinkerhoff stated his concern is a watershed issue. He stated that his land is getting wetter and wetter, which he attributes to the large scar in the earth left from the gravel pit. He asked that before the Board moves forward, shouldn't that gravel pit be reclaimed.

Susan St. Martin, 5 Burnt Swamp Road. Ms. St. Martin stated that there is a pond where the Flower Hill Road driveway is located. Mr. Berry stated that the pond is actually located between Flower Hill Road and the strip of land and he has just contracted with a wetland scientist to go out on that parcel of land to delineate the wetlands around that. He stated that the reason they are addressing that wetland in particular is because of fire protection. He added that in the proposal at this time, fire protection is to put a dry hydrant from that pond in addition to other fire protection measures.

Ms. St. Martin stated that her property is to the left of Flower Hill Road and the water is close to two feet deep. She asked where the water would go after closing Flower Hill Road. Mr. Berry stated that as far as closing Flower Hill Road, he hasn't specifically spoken to the owners yet, but the road would just be barricaded. He stated that the road would not be gouged out so the drainage pattern will not be changing. He explained the drainage pattern.

John Barrett, 17 Burnt Swamp Road. Mr. Barrett stated that there is a swale that runs down through his property and the Clark property that is full of silt

Malcolm McLeod, 27 Burnt Swamp Road. Mr. McLeod stated that he has lived adjacent to Glenn Clark's property for 20 years and as far as he is concerned his house was built under water. He added that at certain times of the year there is standing water everywhere in the front.

Mr. Brinkerhoff asked where would all the water go.

Ms. St. Martin stated that her house is built up and there is a swale that comes down and she could not imagine where the water will end. She added that they experience wetlands into June.



Joe St. Martin, 5 Burnt Swamp Road. Mr. St. Martin asked if it is legal for an abutter to make a deal with someone on a state road to give up the driveway cut. He stated that when he went through changing his driveway, the State was very specific about driveway cuts on a State road. He added that he didn't think the Flower Hill Road would be barricaded, he believed that the road would actually have to be removed so that there is not sign of it and it could not be used as a driveway even informally. Mr. Day stated that this issue would be addressed with the NHDOT.

Mr. St. Martin asked about the other waiver requests. Mr. Day explained that one has to do with the 20-foot radius driveway intersection with another road. He stated that road intersections are not 90 degree angles, they are curved and it's a 20-foot radius. Mr. Day stated that Mr. Berry is asking for the radius to be less probably because there isn't enough property there. Mr. Berry stated that they are asking for a lack of radius on the right-of-way. He added that they can build a road within the right-of-way and nothing is being compromised by the construction of the roadway and therefore, he feels that they would be justified in getting a waiver because they would be meeting the intent of the regulation. Mr. St. Martin asked what the intent was and Mr. Berry stated the intent was building a road within the right-of-way.

Mr. Day referred to Section VII.I for what a waiver is being requested from. He read "Intersecting property lines at street intersections shall be joined by a curve of at least 20 feet radius." He read from Mr. Berry's request "We feel the waiver is justified as this is an existing property line intersection."

The other waiver request from VII.T was discussed to allow only one test pit per building lot. Mr. Day stated that East Kingston requires two test pits to be dug on each building lot to establish viable percolation. Mr. Berry stated that a high intensity soil survey has been done and he is confident in that test, and it really wouldn't accomplish anything by doing a second test.

Mr. Day assured everyone that all these questions would be addressed to the Town Engineer, Conservation Commission and Rockingham Planning Commission.

Mr. St. Martin asked for clarification between cluster and non-cluster housing. Mr. Day explained that a parcel is divided into two acre lots that satisfy all the regulations and that number of lots is the number of lots for a cluster development. He added that there are benefits to the town of doing a cluster as well as the developer because open space is save. He stated that cluster developments permit dwellings to be closer together. He stated that it is a conservation issue and East Kingston and the State strongly encourage it.

Mr. Day closed the floor to abutters.

Mr. Day stated that he would not suggest taking jurisdiction because the Conservation Commission has raised a question that has to be answered. He added that New Hampshire statute says that there has to be a Master Plan before there can be ordinance and regulations and the ordinances and regulations reflect the Master Plan.

Mr. Burton stated that there has not been enough time to completely go over all this information. He added that he thought that Mr. Berry had done an incredibly professional job.



Mr. Day encouraged Mr. Berry to consult with Town Counsel.

**MOTION:** Mr. Smith **MOVED** the Board continue this public hearing to 8:45PM on March 17. Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

**ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Board adjourn. Mr. R. Smith seconded, and the motion carried unanimously at 10:30PM.

submitted,

onek  
Recording Secretary

Approved 3/17/05