

Town of East Kingston, NH
Planning Board
Minutes

Date of Meeting: February 20, 2003
Place of Meeting: Town Hall
Time of Meeting: 7:00 p.m.
Type of Meeting: Monthly Meeting

Present: Richard Smith, Chairman, Dr. Robert Marston, Eugene Madej, Alternate and Catherine Belcher, Alternate.

Others Present: Maura Carriel, RPC; Larry Smith, Conservation Commission; and Andy Conti, Fire Department

Call To Order: Mr. Smith called the meeting to order at 7:05 p.m.

Roll Call: Mrs. Rice conducted the roll call of the members present. Mr. Smith appointed Mrs. Belcher and Mr. Madej as regular members for this evening.

In-Coming Correspondence:

1. Questionnaire regarding Planning & Growth Survey from Comprehensive Environmental Inc., Merrimack, NH.
2. Letter from Mrs. Catherine Belcher requesting to fill the open board member slot left vacant by Mrs. Fillio. Mr. Smith recommended that Ms. Belcher be appointed to the Board of Selectmen. The Selectmen have appointed Mrs. Belcher during the February 17, 2003 meeting. Mrs. Belcher will visit the Town Clerk's Office to be sworn in.
3. Letter from Donahue, Tucker and Ciandella requesting a compliance hearing to be set for March for the Caley/Denson Subdivision Plan.

Mrs. Belcher made a motion hold a compliance hearing on March 20, 2003 for the Caley/Denson subdivision.

Mr. Madej seconded. The motion passed unanimously.

4. Mr. Larry Smith announced he had filed the application with NROC. He has been notified that East Kingston was not selected to receive assistance this year, but would be considered next year for assistance.
5. Board members received the Office of State Planning Spring Conference Packet.

Acceptance of Minutes:

November 21, 2003

Corrections: Ms Carriel asked that on Page 12 that removal of certain dialogue under the Growth Management discussion be removed. Ms. Carriel will provide the Secretary with the exact wording at the end of the meeting.

January 16, 2003

The Board asked to correct the spelling of Kiesel and Alan Mazur from Allan Mazur.

Ms. Kiesel noted that the minutes do not reflect that the developer, Mr. Richard Cook had agreed to place "name signs" at the beginning of his development to depict the change from one development to another. Ms. Belcher noted Mr. Cook had agreed to provide signage to Mrs. Kiesel, however the Planning Board has not made that agreement directly with Mr. Cook.

Continued Public Hearing for a proposed four lot subdivision for Richard Cook and David Sullivan, 33 Haverhill Road, TMBL 11-2-11 for three residential lots and one non-residential lot

Mr. Cook was present and asked the board for a continuance until the March 20, 2003 meeting as they have just received the Board Engineer's review letter today and were not prepared to address the comments.

Ms. Kiesel and Mr. Postle were present as abutters.

Mr. Frank Postle presented a letter to the Board asking for comment on the board's position on the radius around lot corners and road continuance.

Mr. Smith noted that the Board does not follow the strict adherence of the regulations, but follows the recommendations of the Town Engineer in many cases. He noted that the Planning Board has the ability to waive certain requirements based on this advice and that the regulations are used as a guideline, but individual sites sometimes require adjustments. He noted the waivers must be based on sound reasoning. It was noted the Board Engineer also comments on any waiver requests that are presented.

Ms Carriel clarified that the Planning Board cannot waive the Zoning Ordinance, that is the function of the Zoning Board of Adjustment, however the Planning Board may waive the regulations with reason and justification.

Mr. Madej made a motion to continue the Public Hearing until March 20, 2003 at 7:15 p.m.

Dr. Marston seconded. The motion passed unanimously.

Continued Public Hearing for a proposed non-residential site plan for Richard Cook and David Sullivan, 3 Bowley Road, TMBL 11-2-11 for the construction of 31, 250 square feet of non-residential space

Mr. Cook was present.

Ms. Kiesel and Mr. Postle were present as abutters.

Ms. Carriel discussed the Traffic Impact Study and asked about the parking calculations in relationship to the types of uses the buildings would be used for and the basis for which they would be calculating the number of parking spaces.

Mr. Cook noted that he intends to have buildings used for "jobbers" such as plumbers, electricians, etc. which are 2-3 man shops. He noted the intent for this type of building requires trips into the site in the morning and then they leave for the work site and return in the evening. He noted the impact study is currently underway and he agreed to use a worse case scenario for traffic flow and parking needs. He noted he cannot predict the exact time of business that would occupy these buildings, but each business would be required to come before the Planning Board for non-residential site plan approval as well as visit the board for any change of tenancy. It was noted that anyone occupying the premises would comply with a full site plan review process.

Mr. Postle discussed the tenancy of the buildings with regard to traffic impact and what would be permitted as a worse case scenario. He also noted that the impact is only looking at the "jobbers" and not taking into account any retail business.

Mr. Cook noted he was not intending on having retail business.

Ms. Kiesel asked if the traffic study was a standard submission item. She was informed that it was in this case and that it will be based upon full occupancy of the site.

Mr. Cook asked for a continuance until the March 20, 2003 meeting as they had just received the Board Engineer's review comments and have not had an opportunity to respond.

Ms. Kiesel noted that she would like to see "development signs" placed on the road depicting the difference between one subdivision and another. She noted she does not want people to think the Ashley Road subdivision is continued into this area. She noted that Mr. Cook has agreed to this stipulation and asked the board to make it binding. She also noted that State RSA's require this. She was also concerned about the two different economic differences that may result between the residential subdivisions and was concerned about property values of her neighborhood. She asked the board to require the placement of a sign at the entrance and exit of the Franklin Park Subdivision so that it was clearly noted her subdivision "Ashley Drive" was not part of this proposed subdivision.

The Board discussed this issue briefly and noted that it is not a requirement to name a subdivision or place a sign showing what the subdivision name is.

Ms. Kiesel noted that it is a requirement.

Mrs. Belcher made a motion to continue the Public Hearing until March 20, 2003 at 7:15 p.m.

Dr. Marston seconded. The motion passed unanimously.

Continued Public Hearing for a proposed non-residential site plan for Paul Masone, Owner, 213 Haverhill Road, TMBL 11-216&17; A T & T Wireless Services and National Tower, LLC applicants for a proposed wireless telecommunications facility consisting of a 180' monopole with three flush mount antennas and equipment cabinet

Mr. Jim Rech, National Tower was present.

Reports from the Town Engineer and Maura Carriel, Rockingham Planning Commission were received and distributed to Board members.

Mr. Rech presented pictures of the balloon test that was conducted in January, 2003. Pictures included on-site and various locations within and around East Kingston. The board reviewed and they will be placed in the file. Mr. Rech also superimposed the actual tower onto the pictures to give a realistic approach as to what the site would look like. These were also added to the file.

Ms. Belcher noted she was concerned with the close proximity to the buildings, but it was noted the tower sits within the fall back zone as requested.

Mr. Rech presented the board with the following items:

1. A legible FCC license was received.
2. A co-location agreement with an interference clause was discussed. The lease agreement with National Tower for the site was presented, however the interference clause needs to be added. The area to be leased is comprised of a 100 x 100 area. The applicant noted that the Board Engineer requested the parking space be provided within the leased area. This will be accomplished.
3. The board discussed the ground cover as noted by the Board Engineer. It was noted the site is currently gravel. The board requested the ground cover be graveled and covered with crushed stone around the base of the Tower. In addition, the applicant has agreed to loam and seed the area so a vegetative cover is present.
4. The board discussed the height of the Tower. The board after conducting the balloon test and reviewing the pictures determined that the monopole at 180' was not intrusive to the neighborhood and was appropriate.
5. The board discussed co-locators coming before the board for a site plan review. The board after discussion felt that they would like to see the tower presented on the plans as fully built out and if the co-locator was a flush mount co-locator no further review was necessary, however if it was a full ray co-locator the Planning Board would like to be notified. It was noted 6 other carriers could be located on this tower.

The Planning Board will be notified of any new co-locators and a copy of the lease agreement shall be forwarded to the Board.

The board reviewed the report from Ms. Carriel and in conjunction with both reports developed a

list to be used for the conditional approval as follows:

1. The ingress and egress of the site to be shown on the plans.
2. The site plan is to show the full build out for six co-locators. Flush mount co-locators will only need to provide a copy of the lease agreement. If any other type other than a flush mount co-locator is interested in using the pole, they must notify the Planning Board in writing and provide a copy of the lease agreement.
3. Notify the Planning Board in writing of any new co-locators.
4. The parking space shall be shown within the leased area.
5. Two lease agreements shall be provided. The first is the ground lease and the second is the co-location agreement.
6. The monopole shall be limited to 180 feet in height.
7. The applicant shall amend the communication site lease agreement to correct the lot number.
8. A revised set of plans shall be received by the Planning Board, all stamps, signatures and dates shall be included. The lot merger needs to be resigned and recorded prior to the recording of the site plan.
9. The vegetative cover shall be noted on the final construction drawings and the Planning Board will defer to the Board Engineer for appropriate coverage.
10. The applicant will provide copies of the NEPA and EPA reports which cover historical sites and fish and wildlife reviews.
11. The applicant shall provide bonding for construction.
12. The applicant shall provide the insurance binder coverage and provide documentation showing proof of accident or damage insurance.
13. The applicant shall provide bonding for removal which is acceptable to the Board of Selectmen and Town Counsel.
14. Town Counsel shall review the co-location agreement. The ground lease agreement does not need to be reviewed.
15. Receipt of final review letter from Board Engineer regarding resolution of all outstanding items noted in the 2/12/2003 report.
16. All waivers shall be noted on the plan.
17. A free space shall be provided to the Town if they wish to place co-location equipment on the pole.

The board discussed the landscaping requirements of the site. It was noted the pole site sits way off the road and is not visible from Route 108. (Pad site on the ground)

Ms. Belcher made a motion to waive Non-Residential Site Plan requirement V.4 regarding landscaping.

Dr. Marston seconded. The motion passed unanimously.

Dr. Marston made a motion to grant a conditional final approval to AT&T Wireless Services and National Tower, LLC applicants for a proposed wireless telecommunications facility consisting of a 180' monopole with three flush mount antennas and equipment cabinet with the following conditions:

1. The ingress and egress of the site to be shown on the plans.
2. The site plan is to show the full build out for six co-locators. Flush mount co-locators will only need to provide a copy of the lease agreement. If any other type other than a flush mount co-locator is interested in using the pole, they must notify the Planning Board in writing and provide a copy of the lease agreement.
3. Notify the Planning Board in writing of any new co-locators.
4. The parking space shall be shown within the leased area.
5. Two lease agreements shall be provided. The first is the ground lease and the second is the co-location agreement.
6. The monopole shall be limited to 180 feet in height.
7. The applicant shall amend the communication site lease agreement to correct the lot number.
8. A revised set of plans shall be recieved by the Planning Board, all stamps, signatures and dates shall be included. The lot merger needs to be resigned and recorded prior to the recording of the site plan.
9. The vegetative cover shall be noted on the final construction drawings and the Planning Board will defer to the Board Engineer for appropriate coverage.
10. The applicant will provide copies of the NEPA and EPA reports which cover historical sites and fish and wildlife reviews.
11. The applicant shall provide bonding for construction.
12. The applicant shall provide the insurance binder coverage and provide documentation showin proof of accident or damage insurance.
13. The applicant shall provide bonding for removal which is acceptable to the Board of Selectmen and Town Counsel.
14. Town Counsel shall review the co-location agreement. The ground lease agreement does not need to be reviewed.
15. Receipt of final review letter from Board Engineer regarding resolution of all outstanding items noted in the 2/12/2003 report.
16. All waivers shall be noted on the plan.
17. A free space shall be provided to the Town if they wish to place co-location equipment on the pole.

Mr. Madej seconded. The motion passed unanimously.

Public Hearing for a proposed Lot Line Adjustment for Joan Richardi, MBL 15-3-12, 60 North Road and David Bruhm, MBL 15-3-11, 9 Stumpfield Road

Ms. Richardi and Mr. Keith Cambell were present.

A report from Maura Carriel, RPC was given verbally.

A proposed plan was presented to board members which depict an even amount of land being swamped between the abutters. The purpose of the adjustment was to place a shed that was built on the proper lot. The shed will, with the lot line adjustment be located over 10 feet from the property line. It was noted that the Richardi lot was created using the back lot provision and is so noted as

note #6 on the plans. This parcel consists of 7.92 acres.

Mrs. Belcher made a motion to accept the plans for jurisdiction.

Dr. Marston seconded. The motion passed unanimously.

Dr. Marston made a motion to grant a condition final approval with the following:

1. Error of closure statement to be added to the plans.
2. Note #4 regarding owners of record needs to be corrected.
3. Monumentation to be set and shown plan.
4. Receipt of Certification of Monumentation.
5. Wetland Scientist stamp, signature and date to be added to the plans.

Mr. Madej seconded. The motion passed unanimously.

Discussion with Michael Andersen regarding proposed lot line adjustment with Virginia Conti

Mr. Michael Andersen and Mrs. Viginia Conti were present.

Mr. Andersen explained to the Board that he would like to propose a lot line adjustment with Mrs Conti whose parcel consists of approximately 9 acres and add 4 more acres to the golf course area which would allow him to correct the situation of one the holes which is currently not safe. He noted he would be returning to the Board for site plan review to correct the location of one of the holes which is needed for safety reasons. It was noted presently there are no wetland issues and he is in compliance with the Wetland Conservation District. Mr. Andersen asked about the notification of abutters, including the residents of Brandywine Subdivision. It was noted that all residents of Brandywine will have to be notified and those abutters who lie within 200 feet of the proposed site.

Mr. Andersen thanked the Board for their time.

Acceptance of November, 2002 Minutes:

Ms. Carriel presented the changes in writing for the amendment and gave them to Mrs. Rice.

Mrs. Belcher made a motion to accept the minutes as amended.

Dr. Marston seconded. The motion passed unanimously.

Discussion of Growth Management Ordinance

The Board noted that they had voted to continue the discussion of the Growth Management at the November, 2002 meeting.

The board discussed obtaining findings of fact using census data, current growth rates in abutting

towns and building permit data of current towns. The board discussed tax impact and Town growth.

Mr. Madej made a motion to continue the Growth Management Ordinance until November, 2003.

Dr. Marston seconded. Mr. Smith, Mr. Madej and Dr. Marston voted in favor. Ms. Belcher was opposed.

Dr. Marston made a motion to adjourn at 10:10 p.m.

Mr. Madej seconded. The motion passed unanimously.

Respectfully submitted,

Susan J. Rice, Secretary
East Kingston Planning Board

Minutes Completed: February 26, 2003

Minutes Accepted: _____