

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES

DATE OF MEETING: March 7, 2002
PLACE OF MEETING: EAST KINGSTON TOWN HALL
TIME OF MEETING: 7:00 P.M.
TYPE OF MEETING: MONTHLY MEETING

PRESENT: Richard Smith, Chairman, John Fillio, Ex-Officio, David Morse, Dr. Robert Marston, and J. Roby Day, Alternate.

OTHERS PRESENT: Maura Carriel, Rockingham Planning Commission
Andy Conti, Fire Department
Kent Shepherd, Building Inspector

CALL TO ORDER: Mr. Smith called the meeting to order at 7:02 p.m. Roll call was announced by Mrs. Rice.

Acceptance of Minutes:

February 7, 2002:

Dr. Marston made a motion to accept the minutes as amended.

Mr. Fillio seconded. The motion passed unanimously.

In-Coming Correspondence:

1. Brochure from Chas. H. Sells, Inc. regarding aerial mapping services.
2. Brochure from the NH Institute of Art regarding community landmarks and landscapes.
3. Brochure from UNH-Cooperative Extension regarding Community Profile Project information.
4. NH Planner's Association membership directory update.
5. Office of State Planning, update of National Flood Insurance Program. Ms. Carriel will investigate the status of this update.
6. Tax revenue information for Country Hills of East Kingston.
7. Letter from Board of Selectmen regarding address change for Michelle Plante.
8. Annual Spring Planning Conference, April 20th. This information will be forwarded to all members.
9. Letter from Guilford Transportation Industries regarding the lot line adjustment between David Morse and Maplevale Farm. Mrs. Rice will contact Mr. Theriault, Vice President-Real Estate regarding this issue.
10. Letter from the Board of Selectmen to Kevin and Gail Murphy regarding outstanding

Kevin Fitzgibbon, Discussion Purposes Only-Home Occupation Proposal

Mr. Fitzgibbon, Willow Road was present. He noted he would be submitting an application for a home occupation request for a mobile catering service. He asked the board for assistance in filling out the application in terms of applicability. The board asked that when the item was inapplicable, that it be followed with a brief narrative for the reason why. The business would entail the construction of a 7'x7'x7' walk in cooler/freezer and the parking of his vehicle which would be similar to a refurbished school bus size vehicle. He noted that he may not comply with the type of business use allowed as no distinction has been made for catering services. It was felt that this would be a judgement call on the part of the board and that an explanation of the process of the business would need to be provided. Mr. Fitzgibbon noted no business, except for the parking of a vehicle and structure would be conducted at his home. No deliveries would occur on the premises.

Continued Public Hearing for Lewis Builders For A Proposed Elderly Housing Complex Located at 40 Willow Road

Mr. Morse stepped down from the board.

Mr. Lewis, Attorney Fryer, and Chris Frey, Lewis Builders were present.

The board received revised plans and a report from Maura Carriel, Rockingham Planning Commission, which consisted of 10 items.

Mr. Frey noted that in response to item #6 of the RPC report, Chief Lewandowski was present to answer any questions regarding police protection and safety concerns.

Chief Lewandowski noted after a review of the plans as presented, the Police Department has no concerns responding within the proposed development with either private roads or public roads.

Mr. Fillio asked Chief Lewandowski if he had any concerns responding to calls on a one way street with a single access for over 1,000 feet.

Mr. Frey stated this is no longer the case as a connection has been made to Maplevale.

Mr. Frey noted that in response to the item #5 concerning input from the Conservation Commission, Mr. Frey noted at the last meeting, Mr. Larry Smith, had advised the board on his position with regard to the wetland crossings. The dredge and fill modification does not impact the wetland crossings and Mr. Larry Smith did not have any concerns with this proposal as his comments had been addressed with the original subdivision.

Mr. Frey presented a larger scale map for the board members to review.

The board reviewed the six foot gravel walkways as shown on the plans along the perimeter of the

property which connects to the Maplevale property. No sidewalks were proposed.

Ms. Carriel noted this is an item on the checklist and has been raised in terms of being acceptable.

Mr. Smith asked about the location of the fire wells.

Mr. Conti noted a fire pond has been located at the entrance to service the development and overlapping has occurred with the fire hydrant protection with Maplevale. It was noted sufficient fire suppression has been addressed including partial protection from a hydrant located on the Maplevale project.

Mr. Richard Poelaert, Willow Road, expressed concerns with a proposed subdivision for Larry Erickson and the building a fire pond for that development. He stated that with the establishment of the fire ponds the flow of water courses would be reduced. He questions the source and amount of water and the board needs to consider this situation. The board discussed the water courses of the Willow Road area. He asked that the board investigate the water supply.

Mr. Fillio asked that the developer verify the water supply of the fire ponds and the adequacy of what is being proposed.

Mr. Smith stated he would ask the Conservation Commission to review this issue.

Mr. Frey addressed item #1 of the RPC report with regard to a connector road to the Maplevale project. Mr. Jeff Hirsch has agreed to this connection and it is currently being proposed on the plans. Mr. Lewis noted the connection road will be built by his company.

Ms. Betsy Dolan, 69 Willow Road expressed concern with the increase in traffic over the last several years. She noted she jogs with her animals and her son rides his bike on Willow Road. She stated it has become increasingly more difficult to remain safe on the road due to the amount of traffic. She noted her son has almost been hit three times on his bike on Willow Road. She also noted she has talked with the police department about these issues. She stated she has a real problem with this development accessing Willow Road, as Willow Road is a country road. She stated the people who live on the road keep it a country road and with the volume of vehicles increased over the last three years is tremendous. She stated she feels this as a pedestrian and her safety, her family and her animal safety is threatened. She stated the amount of cars will double on the road and she wants someone to take ownership of this responsibility. She wants the road to be safe for her child and her neighbors. Ms. Dolan stated she understands the development, but wants consideration paid to the volume of traffic to be generated by the development addressed. Ms. Dolan suggested that the development exit thru Maplevale onto Route 107.

Mr. Frey acknowledged the concerns.

Ms. Carriel addressed the outlet thru Maplevale as being an option to allow the residents of the

development another means of egress and to reduce the number of vehicles on Willow Road. She noted the main entrance for Cricket Hill is off Willow Road as that is where the frontage is located. She stated from the board's perspective, this is something that they are looking for.

It was noted four elderly housing projects are being proposed within East Kingston currently. Three of them exit onto state maintain roads and Cricket Hill is the only project existing onto a town road. Mr. Poelaert stated that 90% of the opposition would go away if this project entered and existed thru the Maplevale project. Currently there are 40 houses on Willow Road, a country road, and the project will add 55 new homes to the road. He asked why the board would burden this road, the service to the road and it should not be there.

Mr. Smith noted when he moved to Sanborn Road only two houses were on the road and noted there are over 50 homes on the road, this is progress.

A discussion about the private road for the development was discussed along with the water system agreements, connecting road agreements and other working agreements.

Mr. Fillio noted the board cannot require someone to put a road or driveway thru someone else's property. The frontage is on Willow Road and they also provided another access thru Maplevale, creating two access points minimizing the traffic.

Mr. Poelaert expressed his concerns of being a taxpayer, the impact of the project and doubling the amount of traffic and homes on Willow Road and the board feeling there is no problem with this.

Mr. Day stated the board is working within the confines of the regulations and ordinances of the Town.

Ms. Shirley Magmanit, 7 Willow Road discussed the history of various projects including cluster housing, a two lot subdivision and home occupation and this project. She noted she believes in progress, but this particular street is too narrow and small and she would like to see the entrance and exit come out onto a state road. She noted the truck traffic problems on Willow Road, she noted the concern of the residents and consideration should be made for access thru Maplevale.

Ms. Joan Morrison, 7 Willow Road reviewed history of subdivisions on Willow Road, traffic issues on Willow Road and water supply to the existing wells. She feels that this type of development is too much for the type of road that Willow Road is.

Ms. Carriel stated the stage of this development, the application has yet to be determined to be complete, and the board is looking thru all the information as it has been presented. She noted the application has not been accepted for jurisdiction. A traffic impact study was required for the Maplevale project. She advised the board that they have the ability to require a traffic impact study for this project which may suggest improvements to the existing roads. She noted the development is still in the early stages and discussion of all the issues.

Mr. Frey commented on item #1 of the RPC report regarding the connector road. This connector road has been provided for on the plans, but is significantly located on the Maplevale property.

Mr. Frey stated item #2 of the RPC report is with regard to the lighting. A waiver has been asked for as follows:

"I respectfully request that the planning board waives the requirement of Site Plan Review Regulations, Section VII.6.D. Lighting-Consistent with requirements contained in this rule, the lighting proposed for the project is shielded and designed so it will not spill onto adjacent properties. The waiver requested is to allow for an illumination level greater than 0.5-foot candles on-site to provide adequate lighting for the residents of the development. 0.5-foot candles are not adequate to safely travel through the roadway intersecting or assist an elderly resident entering their home or accessing the community center." Christian Frey"

Information was provided from a lighting manufacturer on the type, style and illumination levels for the type of lighting proposed to be installed. The board reviewed the information and regulation as presently written. It was noted three lights are being proposed, one at the intersection and two at the community center.

Ms. Carriel suggested adding a note to the plan addressing that no light will be extended across the property line. This note will be added to the plan.

Ms. Carriel asked if the waiver also included the lights on the utility poles.

Mr. Frey stated yes.

The board discussed the waiver request.

Mr. Frey asked for acceptance of the application as complete.

The board asked to finish the items in the RPC report.

Mr. Frey addressed item #3 with regard to the 6 foot gravel trail along the perimeter of the property which ties into the Maplevale trail and walking system which ties into the downtown of the community. Currently no sidewalks have been proposed except for near the community center parking lot to the entrance. Mr. Frey felt the board was satisfied with the proposed pedestrian access. Mr. Frey also noted that a 24 wide paved road was being provided which the applicant felt was adequate for walking on a 20 mile per hour road. Mr. Frey noted this is a small private roadway system and the applicant chose to limit the speed limit for this road to the minimum allowable.

Dr. Marston felt that a sidewalk was important.

Ms. Carriel suggested that some sort of pedestrian access way be provided to obtain access to the

community center.

Mr. Frey noted that item #4 of the RPC report commented on the open space layout design. This design was designed to work with the walking trail.

The board noted the parking lot was not included as part of the open space and it still meets the requirements. The board discussed the definition of open space and the purpose of the open space/common space. It was noted structures are not included in open/common spaces.

Attorney Fryer noted the regulations tend to combine the open/common space requirements.

Ms. Carriel discussed the open space within the center of the development and it was determined that this area is part of the common space.

Mr. Frey noted that items #5 and 6 have been addressed.

The board returned to the sidewalk issue for discussion.

Mr. Fillio noted the board has requested sidewalks from two other similar developments and feels the board should be consistent.

Mr. Smith stated he thought sidewalks were incorporated into this development since the first plan was presented.

Mr. Frey asked for clarification of where the sidewalks would be provided.

The board discussed this issue and requested the applicant to provide a sidewalk system within the development loop road and to tie it into the proposed Maplevale sidewalk system, including thru the proposed collector road. The board stated the request will be made to Maplevale to finish connecting to the connector road which would consist of approximately 75+- feet of additional sidewalk to join the two developments.

Mr. Frey requested that the planning board waive the requirement of Subdivision Regulation, Section XII.Vi.1.-Requirements for Construction of Roads and Streets in the Town of East Kingston General Information. I hereby request that the surface width of proposed Cricket Hill road be reduced to a 20' paved width where 24' is required. This design proposal will incorporate a 3' grassed shoulder with a 4' paved sidewalk to be provided.

Mr. Fillio noted the board reserves the right to have the roadway built to town standards.

Mr. Frey noted that the regulation is waivable and they are proposing 20' paved width with the 3 foot grassed shoulder and 4 foot paved sidewalk.

Mr. Fillio noted that there is no guarantee it would stay a private road.

Mr. Frey addressed item #7 of the RPC report regarding architectural renderings of the proposed buildings. A set of renderings were given to the board.

All the buildings would be identical except for the building located within the center which will be reconstructed to meet the requirements for square footage. No architectural renderings have been drawn for this building. A similar design will be used for this building and an as-built plan will be provided.

Mr. Frey addressed item #8 with regard to state permits that will be required, including wetland impact. Mr. Frey asked that the wetland permit be excluded from this requirement as there may be a period of time before the road is constructed and the permit received from the state. He noted the applicant would like to start construction.

The board discussed this issue and noted they don't grant approval without all the necessary permits. The board also discussed a conditional approval based on obtaining the permits or limiting the number of house permits. The board also discussed if the wetlands permit was denied and the connector road was not built.

Ms. Carriel noted the permit is also needed in order to complete the water supply system.

Mr. Lewis stated the way around obtaining a wetlands permit is to build a bridge.

Mr. Frey addressed item #9 in the RPC report with regard to septic system design plans being presented before approval. He noted it is state law that a building permit cannot be pulled without an approved septic system. A note will be added to the plans.

Mr. Frey addressed item #10 with regard to easements and other related documents. The easement deeds for the proposed connector road and access and maintenance easement for fire suppression were presented.

Attorney Fryer stated the easement for the connector road has been presented to Mr. Hirsch and his attorney and a reply is still forthcoming.

The board discussed with Attorney Fryer the differences between granting these easements to the Town and the easements being left with the homeowner's association. Attorney Fryer stated this is basically an intermediary step in the process and would eventually be put into the condominium association documents.

A full scale map was provided by the applicant depicting the area around the proposed community water system and scaled distances were provided for the buffer areas and existing abutting wells.

Mr. Frey asked the board for acceptance of the plans and to determine the application as complete for jurisdiction.

Mr. Frey asked the board if every single item needs to be completed prior to the board accepting jurisdiction.

Mr. Smith noted the sidewalks still need to be added.

Ms. Carriel noted the application is essentially complete and there are a few issues that still need to be addressed and amended.

It was noted changes can still be required, and Ms. Carriel noted a pedestrian access system was submitted within these plans. Ms. Carriel also noted the drainage report has been submitted.

Attorney Fryer stated they would like to have the plans accepted for jurisdiction so that the plans maybe forwarded to the board engineer for review and comment.

Ms. Carriel stated that information has been provided to address each item within the checklist, but modifications can still be made to this information.

Mr. Fillio made a motion to accept the plans for jurisdiction.

Mr. Day seconded. The motion passed unanimously.

Attorney Fryer also presented a set of condominium association documents for review by legal counsel and a statement of services available to senior citizens who reside in the East Kingston area. He also noted that the Zoning Ordinance amendment regarding the elderly developments needs to be discussed within the condominium documents. The issue deals with every single amendment to the covenants has to be approved by the Planning Board. Attorney Fryer stated items dealing with open space, etc. should come before the Planning Board, but items dealing with the internal governmental workings that govern the community of the association probably should not be coming thru the Planning Board procedures. He addressed this issue and would like to talk with legal counsel about this issue.

Attorney Fryer also noted the applicant is very pleased to present this type of community within East Kingston and hopes to set a standard for future development of this sort.

Mr. Frey noted that additions such as the sidewalks need to be addressed on the plans and he would like to make these revisions, present them to Ms. Carriel and the board engineer for review.

The board agreed to this.

Mr. Day noted that note #10 on the plans needs to be amended for proper citation regarding wetland

soils. He further noted item #16 was confusing and needed clarification.

Mr. Smith continued this public hearing until May 16, 2002 at 7:30 p.m.

The board discussed the 60 day time frame and noted a mutually agreeable continuation/extension would need to be presented by the applicant. Mr. Frey stated he would be agreeable to the extension. The board asked this request be presented in writing.

The board noted the lot line adjustment has been scheduled for March 21, 2002 regarding Lewis Builders and Maplevale.

Other Business:

The board discussed the Circuit Rider Contract services. Ms Carriel will determine the number of hours per year with additional hours for plan review and other necessary items. The contract as written is for 11 hours per month with a suggestion of 15 hours per month for the ensuing year. A tracking of hours has been prepared for the past two months and has been invoiced to the Town for reimbursement. The board does not have a problem for paying for additional service hours per month and suggested writing the contract for 15-16 hours per month. The board discussed charging the applicants for these services.

Mr. Kent Shepherd discussed with the board the possible sale of his property to Mr. Masone as a buffer zone located Route 108. He explained to the board that Mr. Masone may want to increase the number of buildings on the property and could he use the Shepherd property as part of the buffer zone. The question arose that the Shepherd property is not located within the industrial zone of the Town.

Mr. Fillio noted the Masone property is part of the industrial zone and noted the setback requirements for this zone.

Mrs. Rice noted a special function she would like to attend as part of her last official duties working with the NH Farm & Forest Exposition on March 21, 2002 which may make her late for the meeting due to the travel time from Concord, NH. The board stated this would be o.k. provided that the tape recorder and necessary materials were set up prior to the meeting.

Dr. Marston made a motion to adjourn at approximately 10:03 p.m.

Mr. Day seconded. The motion passed unanimously.

Respectfully submitted,

Susan J. Rice

Secretary

Minutes completed March 13, 2002

Minutes accepted: _____