

March 17, 1994

East Kingston Planning Board

Attending: Chairman Richard Smith; Catherine George, Joseph Cacciatore, Dr. Robert Marston (7:45pm), Amanda Rossi-Lashoones (7:43) Alternate.

Others Attending: David C. Boudreau, Jr., Building Inspector; Peter Dow, Rockingham Planning Circuit Rider; and Larry Smith, Conservation Commission Chairman

This meeting opened at: 7:30pm.

Mrs. Marden called the roll.

Minutes Two corrections to the minutes of February 1994 were made. On page 3, changing the word "is" to "if" and remove the words "still to be".

Mrs. George motioned to accept the minutes as corrected.

Mr. Cacciatore second.

The motion passed 3-0.

New Business Mr. Dow distributed a draft copy of the Regional Housing needs update. This will be used in preparations of the Master Plan.

Mr. Dow stated there are also updates on several Boards, foresters, etc.

A workshop bulletin on County Trees for People at Thompson School at UNH was received.

Mr. Dow will be attending as will Mr. Larry Smith.

Mrs. Rossi-Lashoones arrived (7:43).

Questionnaire from DOT regarding improvements to be considered by Route 107/108 intersection was received.

Subdivision Public Hearing -Peter & Steven Abbott At 7:45, Mr. Vern Dingman submitted a written request to waive the two meeting requirement for subdivision as this is a simple two lot subdivision.

Dr. Marston arrived (7:45).

Mr. Dingman stated the Abbotts will not be attending and he will present the plans.

Mr. Dingman explained this is a 7 acre parcel with an existing house, well, leach field and garage. He has done a topo on one lot which is wet; but which has greater than two acres of upland soil in both lots. There is more than 200 ft. frontage to the lot that Peter Abbott will convey to his son, Steven. Perc tests are done, well radius is shown on plan. The well showing over the line was put in prior to 1989 and therefore is exempt from the setback. Otherwise everything meets setback, size, frontage regulations. All permits from the state have been received. Kathleen (?), of Meridian Land Survey Services did the soils. This firm is from Milford, NH. It was noted the plan requires the stamp for the soil scientist. High intensity soils information is contained on sheet two of the plan.

The town bound is located in one corner of the lot and a concrete bound is set.

Tim Ferwerda, CSS #3 is Soils Scientist.

There is a fire hydrant 530 feet over the Exeter line. Mr. Dingman spoke to Brian Comeau of the Exeter Fire Dept. and is was agreed this hydrant would be used by mutual aid. Mr. Dingman will provide a letter to okay this arrangement. A letter is also required from James Davis, Deputy Fire Chief of East Kingston allowing this to fulfill the 1200 foot requirement.

Driveway visibility was okay.

No abutters were present.

A letter requesting waiver of two meetings was reviewed and there was discussion of the subdivision regulations allowing for conditional approval.

It was determined that the soils scientist stamp was required. The board can empower the Chairman to sign the plans if the approval was conditional. The plan must be recorded within 30 days of signing.

Mrs. George motioned to approve the subdivision conditional upon receipt of the letters from the Exeter and East Kingston Fire Depts. and the soils scientist stamp and note on page two of the plan.

Mr. Cacciatore second.

The motion passed 5-0.

This Public Hearing closed at 8:10pm.

Public Hearing- James Bioteau -LotLine Adjustment Mr. Bioteau explained that he wants to transfer 6.01 acres of backland to the Waldron lot, adjoining. Two boundary markers need to be set, top and bottom.

Mr. Dow suggested the proposed subdivision siting be noted as a small reference on the Lot Line plan. The whole lot needs to be shown on the plan.

Mr. Smith stated he wants a reference to the Giles Road to be used to locate the area.

Dr. Marston stated bounds need to be set, they must be concrete, granite or drill holes.

Mr. Bioteau stated he uses lally columns, 4 inches diameter filled with concrete for bounds.

There were no abutters present.

Mr. Bioteau asked for a conditional approval.

Mrs. George motioned to give conditional approval pending: 1. bounds are set; 2. receipt of a plan with the inset of position; and 3. surveyor stamp affixed to the plan.

Mr. Cacciatore second.

The motion for conditional approval passed 5-0.

The Public Hearing for the Lot Line Adjustment was closed at 8:30pm.

Public Hearing for Subdmission - James Bioteau The Public Hearing was opened at 8:32pm. Mr. Bioteau seeks to subdivide and make two lots at 22 Giles Road.

Mr. Bioteau gave an overview of the procedure he went through at the Board of Adjustment last evening. He noted the Board of Adjustment determined that he did not require a variance as the property line is to go down the center of the culvert. There is adequate frontage for the driveways and the Building Inspector has stated that he will issue a driveway permit. Mr. Bioteau noted that the rails are to be widened to 20 feet. There will be no fence down the driveway.

When asked who will plow the driveways, Mr. Bioteau stated that each owner will be responsible.

Mr. Smith asked if there needs to be ten more feet on the culvert width.

Mr. Dow stated the maintenance of the culvert should be shared equally between each owner.

Mr. Smith stated this is still only one driveway for two lots, there is no division to separate them.

It was noted there is no setback for driveway placement in the regulations; the ZBA determined there is no variance needed for the regulations.

Dr. Marston stated it is entirely appropriate for two neighbors to share a bridge.

Mr. Cacciatore asked Mr. Boudreau to fill the Board in on the happenings at the Board of Adjustment hearing.

Mr. Boudreau noted the ZBA met to give a variance for the driveway permit. After much discussion, Mr. Boudreau determined that he would give Mr. Bioteau of driveway permit if there is a subdivision. Further, Mr. Boudreau said the site distance was good, and there is 12 ft. of clearance across the culvert. The entrance to the road is some 38-40 feet wide and he foresees no problems.

Dr. Marston motioned to approve the two driveways.

Mrs. George second.

The motion passed 5-0.

Mr. Bioteau went over the items to be completed: needs stamp, bounds to be set, show all of Lot B, requesting waiver of high intensity soil study, waiver of 2 ft to 5 ft contours as they are extra large lots. Mr. Bioteau said he has the soils maps for the first subdivision and he needs to show the house well and septic system.

Items outstanding are:

1. Stamp
2. Bounds
3. Show Lot B entirely
4. Need Lot Number (0016-0004-0009)
5. Show existing house, buildings, well, septic system

Mr. Boudreau asked the Board if the rails have to be moved out, they are now 13.6 feet apart.

Mr. Bioteau requested to keep the rails the same until the lot is sold.

Mr. Dow suggested the Board get the language that will be used to address common maintenance as well as the rail movement and any deed restrictions. The Board will need a copy of these items.

There was discussion about covenants to restrict the cutting of trees.

Mr. Smith asked Mr. Bioteau to be sure to show the river on the new plan.

Albert Wright - Informal Discussion Mr. Wright was present to discuss the feasibility of subdividing a lot of record which has a separate septic permit and driveway permit. This was done in October 1993. He wants to give a two acre parcel to his daughter. His house is on a separate lot. He offered to place bounds.

Mr. Smith noted since the lots traverse both towns, both Kingston and East Kingston would have to approve the subdivision.

Mr. Wright stated there would be no land change in Kingston, only in East Kingston.

Mr. Dow stated the lot now has frontage and the remaining lot would be landlocked.

Mr. Wright stated he is on Powwow River Lane and he would have deeded access to his own lot from the second rear lot. He noted that Dennis Quintal is doing the survey.

Dr. Marston left at this time: 9:12pm.

Mr. Smith noted his concern about the leftover land with no frontage.

Mr. Dow stated that the Town cannot create a lot which does not meet regulations.

Mr. Wright stated he would keep the easement to Route 107a through the created lot.

Mr. Dow stated again, they cannot create a landlocked piece.

Mr. Smith said an easement would not give the lot frontage.

Mr. Wright stated there is water frontage and this would be the frontage according to a Supreme Court decision.

Mr. Dow stated the riverfront would give access, but no road frontage; it needs access to the road.

The Board cited several possibilities: put easement on the rear lot and retain the four acres in the lot or combine the remaining land with the present house as a lot line adjustment.

Mr. Wright did not want to do any of these.

It was noted that Kingston would have to be included in the loop to do a lot line adjustment.

Mr. Smith would like cement bounds per the regulations; 3 ft x 4 ft deep.

Dennis Jacques - Informal Discussion Mr. Jacques stated he wants to propose a two lot subdivision on the former Hinman property. He proposed to eliminate the 20 ft. ROW and give 60 ft. ROW for a road to his father's backland. He cited discrepancies in the frontage and stated the surveyor expects to do considerable research of the original subdivision done in 1966.

Mr. Dow asked if there were any waivers. It was not known to need any.

Mr. Smith asked if the lot line adjustment was to eliminate the 20 ft. ROW.

Mr. Boudreau reminded that a two family needs 300 ft. frontage.

Mr. Dow noted Mr. Jacques could go to the ZBA for less footage and road frontage can be made is a new road is built.

There was discussion about high intensity soils mapping; Mr. Jacques stated he may request a waiver when more information is shown.

Other Business:

CIP Mr. Dow passed out a proposal for East Kingston. It is a target look at a 12 year timeframe, 6 from the past and 6 for the future. It is updated each year and focuses on projects and shows how to get to implementation of the Master Plan.

Mr. Cacciatore asked about funds from the State Conservation/Recreation. He was told there are matching grants, matching by labor or money. Mr. Cacciatore requested a list to go about getting the money. It was also noted there are Land & Conservation projects.

It was discussed there is need at the ballfield, the Town can provide labor but need the money. Boatramps (paving) was another possibility.

Mr. Dow explained that even on projects there would be a need for a survey and also needs some money expenditures.

Mr. Cacciatore stated that Mr. Poelaert is raising money and wants to get more from grants.

Mr. Dow stated he will get the information and put them in touch with DRED.

Mr. Dow requested to go back and check with the Department Heads for figure accuracy and update any increases. He will get answers back to Mrs. Marden by April 01.

A draft is expected to be completed by the April 21st meeting.

Mr. DiProfio will be asked if he knows where the disks are from the 1989 Master Plan and CIP.

Mrs. Rossi-Lashoones asked about the second fire pond on Grey Stone and stated there are supposed to be two at this development.

The meeting was adjourned at 10:30pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant

Typed: March 3, 1994