



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

2003-2004:
*James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES
(Regular Meeting and Public Hearing of March 18, 2004)

AGENDA:

- 7:00PM – **Board Business**
- 7:15PM – **Continued Public Hearing** – for a proposed elderly site plan of Glen J. Tebo, MBLs 6-2-10& 6-2-17, involving 4 duplex and 3 single units with a community center (PB#03-OH).
- 8:00 PM – **Public Hearing** – for a proposed subdivision and lot line adjustment of Donald Kemp, MBL 7-3-2(PB#01401).
- 8:30 PM – **Continued Public Hearing** – for a proposed site of the United Methodist Church, MBL 9-6-3, involving a parking lot, an addition to the church, and a single-family dwelling (PB#04-OA).
- 9:00PM – **Board Business** – Master Plan Housing chapter revision.
- 9:30PM – **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 Mr. RA Smith, Sr., Dr. RA Marston, DVM and Mr. MB Dworman, ex-officio
Alternate members present – Mr. JD Burton and Mr. EV Madej, Mr. J Fillio
Advisers present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner; Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department

Mr. Day stated that he had spoken with Mr. Smith and Dr. Marston regarding their appointments coming due at the end of March and said that they have volunteered to continue their civic services. This was recommended to the Board of Selectmen by Mr. Day.

Mrs. Belcher asked if a motion was required for this and Mr. Day stated that it was not necessary.

Mr. Day also noted that Mr. Burton has indicated he would be willing to accept another appointment.

Designated Voting member – Mr. Day noted that Mr. Burton is the designated voting member.

BOARD BUSINESS:

Minutes –

MOTION: Mr. R. Smith **MOVED** that the minutes of the February 26, 2004 meeting be approved as presented and corrected. Dr. Marston seconded and the motion carried unanimously.

Notes & Asides –

Mr. Day asked Mr. LK Smith to speak about NROC (Natural Resources Outreach Coalition). Mr. Smith stated that this was a collection of different agencies focused on looking at different towns in regards to the use of natural resources.

Mr. Smith stated that NROC will establish some criteria and guidelines for the town to look at natural resources in terms of the Master Plan based on issues that are important to the town. The May 10 meeting is the same group that met last week to look at the draft of the presentation to make updates. The public presentation will be June 7 at the elementary school and there will be a follow-up meeting at the Town Hall on June 16 to answer any questions. From that point, the group will put together the various conservation and open space plans.

Mr. Day stated that Mr. Burton is in charge of publicizing this event. Mr. Day stated that it should be a series of announcements in the town newsletter as well as the Carriage Towne News and that Mr. Burton should start this right away.

Mr. Day strongly encouraged all to attend OEP (Office of Energy & Planning) Conference scheduled for Saturday, May 8, at the Center of New Hampshire in Manchester. This conference explains what Planning Boards can and cannot do and who is responsible to whom.

Mr. Day stated that in regards to Scapicchio/Mower, the clients are still talking to the engineer and they are revising their plans in light of all the Board's warrant article questions. Therefore, any plan they would propose would be reduced. They know that they have to figure out what they want to do pretty quickly as their lot line adjustment expires in May.

CONTINUED PUBLIC HEARING—FOR A PROPOSED ELDERLY HOUSING SITE PLAN OF GLENN J. TEBO, MBLs 6-2-10 & 6-2-17, INVOLVING 4 DUPLEX AND 3 SINGLE UNITS WITH A COMMUNITY CENTER (PB#03-OH)

Mr. Day opened the hearing.

Mr. Tebo appeared before the Board with his attorney, Mr. John Ratigan. Mr. Tebo set up his plan and proceeded to describe the project. He stated that he had added another Plan of Existing Conditions. He said that they could not put storm water in the front so they put another pond in the back. The engineer marked the closest well to the septic and it is clearly far enough away. He added that the road will be privately owned and maintained.

Mrs. Belcher checked the scale stating she just wanted to make sure it was meeting the requirements.

Mr. Ratigan stated that the plans are now complete, but they do not have their engineer at the meeting, therefore, they would be unable to answer any technical questions and added that he hoped the Board would accept jurisdiction.

Mr. Ratigan then went through Ms. Carriel's review as follows:

1. The application form submitted with the plan set indicates that Lot 6-2-17 is part of this application, but the plan set shows no improvements on 6-2-17. Mr. Ratigan stated that this would be deleted.
2. The plan set is missing the seal of the wetland scientist and soil scientist. Any final plans cannot be recorded without all professional stamps. Mr. Ratigan stated that this would be done for the final mylar.
3. Required minimum building separation for the Elderly Housing district should be added to the zoning dimension notes. Mr. Ratigan stated that these would be added.
4. The application submitted county soil map information under an earlier lot line adjustment application, and it should be added to the file for this application. Mr. Ratigan stated that that information would be provided if necessary.

5. The location of a common dumpster has been added to the plan. Required screening should be detailed. Mr. Ratigan stated that there will be curbside pick-up and that it will be privately done.
6. A proposed sign has been located on the plan and is shown on the plan sheet with building elevations and floor plan. The size of the proposed development sign should be provided. Mr. Ratigan stated that this has not gotten far enough along to have a sign prepared.
7. All utilities are proposed to be underground. Wells locations are provided, but water lines are not shown. The applicant plans to add the water lines once the wells have been tested and their locations finalized. Mr. Ratigan stated that when there are one or two wells, they have to make sure that they work. The final location of the wells has not been determined and this has to be done before they can be put on the plans.
8. The proposed fire cistern has been removed, and the applicant will be requesting approval to install building sprinklers instead. This should be handled as a waiver request, with a written request submitted to the Board outlining the reasons for the request. Mr. Ratigan handed out an information sheet regarding the sprinkler system from Metro-Swift Sprinkler Corp. They are planning a system designed to meet the requirements of NFPA-13D. Mr. Ratigan contends that it is more expensive to install sprinklers, but sprinklers provide greater safety.
9. Art. XII, Sec. B.12 contains a requirement for a 25' landscaped buffer around the perimeter of the development. The proposed roadway has been relocated to outside of the 25' buffer. The Board and the applicant should discuss plans for landscaping within the 25' buffer and the Board should ensure that the buffer complies with the ordinance. Mr. Ratigan stated that the roadway has been moved to meet buffer requirements.
10. Art. XII, Sec. C specifies that common land/open space shall have a suitable access to a road within the development by use of a network of cleared and demarcated paths. The Board should review the revised plan and proposed walking path, and discuss additional or alternative means of providing access, as appropriate. Mr. Ratigan stated that the original plan did not have a clearly demarcated access way for the road, but that it has been added and they would consider any comments from the Board.
11. Elevation views and a floor plan of the proposed residential buildings has been provided. An elevation view should also be provided for the community building. The Board should review building elevations, architectural details and the floorplan for compliance with Zoning Art. XII, Sec. 5 and 8. Mr. Ratigan acknowledged that this would be provided.
12. The Board and the applicant should carefully review the overall layout and design of the proposed development in light of the goals of the Town expressed in the Zoning Ordinance regarding public safety, welfare and quality of design. (Art. XII, Sec. B.14) Mr. Ratigan stated that he wants to get this accepted so that it can go to the engineer.
13. Roadway design and access will be a significant issue with this application. The Town Engineer, for one of the previous lot line adjustments, did a preliminary review of access to the parcel from Greystone Road, and provided comments to the Board in a 9/30/03 memo. One recommendation of that memo was that sight distance be maximized by locating the access point closer to the southerly property line. The applicant has provided a traffic impact calculation for the development, which should be forwarded to the Town's Engineer for review.
14. Proposed grading behind units 6-10 will create significant slopes that present a safety issue for homeowners, particularly the elderly. Ms. Carriel recommended that the applicant provide a cross-section of the slope from the edge of wetland, through units 6-10, to the road. This will provide the Board with a better visual of the on-site grading in this area. Mr. Ratigan stated that this can be done and asked Ms. Carriel if this should also go to the engineer. Ms. Carriel stated that since this was one of the items, he would take a look at it.
15. The Board will need to act on the applicant's request for a waiver to allow a roadway slope of 8.1%, which exceeds the Town's standard maximum of 5%. The Board can allow a slope greater than 5%, but should base

its decision on input from the Town Engineer and the Fire Dept. Mr. Tebo stated that Greystone Road is 9% and mentioned that other projects have been approved.

16. Condominium documents and any easement language will need to be provided and approved by the Town's counsel and the Planning Board prior to the Board's final approval. Mr. Ratigan stated that they will be able to get that done.
17. All necessary State approvals will need to be received and permit numbers noted on the plans prior to the final Board approval. This will include site specific and septic approvals.

Mr. Day stated that this project is also up before the Kingston Planning Board. Mr. Tebo stated that he believed they were on the Kingston Agenda for April 20. Mr. Day stated that the Board must consider whether the plan is complete enough to take jurisdiction.

Mrs. Belcher asked if the Kingston Planning Board has any concerns about this. Mr. Ratigan stated that he thought they only needed a lot line adjustment to meet lot size requirements. Mr. Ratigan stated that he assumed they, the Kingston Board, would approve since there will be no development or frontage in the Town of Kingston.

Mrs. Belcher stated that there has to be language to the effect that there will be no development.

Mr. Smith asked if any member of the Board had been out to look at the project. He and Mr. Day have been. Mr. Day asked if they felt a site walk would be appropriate.

Mrs. Belcher stated that the slope is something the Board has to deal with and asked Mr. Day if the site walk should take place before taking jurisdiction.

Mr. Day stated that essentially, the Board can make requirements as they emerge. Mr. Burton stated that taking jurisdiction basically lets others start doing their work.

Mr. Day noted that there are several units joined but there are not elevations, they also need to know the total square footage of living space.

Mr. Tebo stated that it would be under 1,500 sq. ft.

Mr. Day stated that the Utilities & Roadway Profile is different from what he is accustomed to seeing, that the two presentations do not seem to parallel each other. They are distorted and he suggested a redo.

Mrs. Belcher asked Mr. LK Smith what the slope was from East Road to the golf course, to which he stated 5 or 6, maybe 7%.

Mr. Dworman stated that he would feel more comfortable seeing the site before taking jurisdiction. Whereas, Mrs. Belcher noted that invoking jurisdiction does not guarantee approval of the plan. They have to fulfill all regulation requirements.

Mr. Day stated that 1) the plan is mostly complete; and, 2) this starts the 65-day count down although the applicant can ask for an extension.

MOTION: Ms. Belcher **MOVED** to accept jurisdiction over the proposed elderly site plan of Glenn J. Tebo, MBLs 6-2-10 & 6-2-17, as presented. Dr. Marston seconded and the motion carried unanimously

Mr. Day reminded that now the clock is ticking and that there are a lot of things that have to be fixed before it is sent to the Engineer. Mr. Ratigan agreed and said that he could get the revisions done in a week or so.

Mr. LK Smith mentioned the 12" pipes on the roadside and that these tend to plug up. He had recommended once before that they use 18" pipe as two 12" pipes won't do.

Mrs. Belcher said that she would also like to see a proposed sign with dimensions.

It was agreed that the site walk would take place on May 15 at 10:00AM.

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

Mr. Day closed the floor to abutters.

In view of outstanding issues, the applicant requests the Board grant a continuance for the public hearing.

MOTION: Mrs. Belcher **MOVED** to grant a continuance of the hearing to 7:15 PM on May 20 and to conduct a site walk on May 15 at 10:00AM. Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR A PROPOSED SUBDIVISION AND LOTLINE ADJUSTMENT OF DONALD KEMP, MBL 7-3-2 (PB#04-01).

Mr. Day opened the hearing

For the applicant: Mr. Dennis G. Quintal. Mr. Kemp was also in attendance.

Mr. Day stated that the Board has received the plan and that the Board will see if the plan is complete enough to take jurisdiction.

Mr. Quintal stated that these are unrevised plans. The property address is 152 Willow Road. There is property in Kingston as well as East Kingston. He added that a number of years ago they had some lots subdivided for members of the family. When Deer Run was created, there was a right-of-way included for the back land. He said that the objective here was to take part of the land for a conservation easement. It involves creating a 3-acre and 9-acre subdivision in the East Kingston property and the conservation easement would be for the 9-acre back lot.

Mr. Quintal stated that they have done test pits, topography, identified wetlands. He said that he has spoken with the Selectmen's office and the plan was approved by the State and he also has submitted a drainage report for the Board's review. He stated that he feels the plan now meets with the town's requirements.

Mr. Quintal addressed Ms. Carriel's review as follows:

1. Tax map numbers should be confirmed with the Town. This has been done.
2. The plan is missing any information regarding fire suppression. The Town's Subdivision Regs. specify that the placement of all dwellings must be within 1,200' of a fire suppression water source. Mr. Quintal stated that they are creating a non-buildable lot.
3. A proposed driveway location should be shown for proposed lot 7-3-2. Slope could be an issue, and before approving the creation of the parcel, the Board should ensure that safe access could be provided to the new building lot. Mr. Quintal stated that it is highlighted on his presentation plan on Willow Road.
4. A note should be added to the plan specifying that lot 7-3-2 is not in a floodplain. Mr. Quintal stated that this would be done.
5. Zoning Ord. Art. VI.2 requires, for every subdivision proposal within the Wetland Conservation District, submittal of a drainage report and calculations prepared by a Registered Professional Engineer describing the extent of the impact on the wetlands. Mr. Quintal stated that this has been done.

There were also additional comments in Ms. Carriel's review:

1. The Conservation Commission should review the soil information for adequacy. Mr. Quintal said that this can be done.
2. The date and methodology of wetland delineation should be added to the plan with the wetland scientist's stamp. Mr. Quintal stated the he submitted that information with the drainage report and that it is something that can be added to the final plan.
3. The Board should have counsel review the open space easement language, which protects the 9.13 acre parcel in East Kingston without frontage from being developed. Mr. LK Smith stated that this has already been done.
4. The Board requires a Certificate of Monumentation prior to final approval. Mr. Quintal stated that there are no new monuments, just connecting existing monuments. He added that he could take Kory Skalecki out to show him.
5. The State Subdivision approval number shall be added to the plan prior to the Board's final approval. Mr. Quintal stated that the number will be on the final mylar.
6. The Board should discuss recording the plan. The subdivision requires approval of both the East Kingston and Kingston Planning Boards. Mr. Quintal stated that the plans have been submitted to Kingston. He was not sure when they were scheduled to review it. He stated that their requirements are similar to East Kingston and felt they should go through fairly smoothly.

Mr. Day asked the Board if they felt the plan was complete enough to take jurisdiction.

Mr. Burton stated that the main open issue is whether or not they should require some sort of fire suppression. There is no cistern within 1,200 feet. There is a pond on the Henshaw property. It is not clear where the closest dry hydrant is.

Fire Capt. Andy Conti stated that they would not be required to come before the Fire Department.

Discussion ensued regarding whether the East Kingston property is a lot line adjustment or subdivision. It was observed that a lot line adjustment is being done in Kingston and that the East Kingston property appears to be a subdivision

Mr. Burton stated that there is no increased need for fire suppression.

Mr. Day stated that there is only one building lot. He asked if they should require a building permit before this is approved so that they are vested.

Mrs. Belcher stated that she thought they were already vested.

MOTION: Mr. Dworman **MOVED** to accept jurisdiction of the proposed subdivision and lot line adjustment of Donald Kemp, MBL 7-3-2(PB#04-01). Dr. Marston seconded, and the motion carried unanimously.

Mrs. Belcher added that she understood the driveway location would be added.

Mr. Burton stated that the back lot is subject to conservation easement.

Mr. Day stated that the back lot, 9 Deer Run, has access from East Kingston and that he wants to get this to the Town Engineer.

Mrs. Belcher asked that, given the simplicity of this two-lot subdivision, what will the Town Engineer determine that this Board cannot determine as well as the Rockingham Planning Commission. She said that sending this to the Town Engineer would add a cost and asked if it was really necessary.

Ms. Carriel asked Mr. Quintal about the slope of the driveway if the lot is ever developed. He stated that it would be a gradual slope away from the road and drop down towards the wetlands. It would probably drop off 4 or 5%. He added that from the driveway you could see in both directions.

Mr. Day asked Mr. Quintal to request a waiver of the Board from the subdivision regulation requirement for fire suppression water to clarify the record.

Mr. Quintal stated that the lot that is being created is an unbuildable lot.

Mr. Day opened the floor to abutters.

Jeff Foy, 4 Fox Hollow Court, asked to look at the plan to clarify that there is no new building and then stated that he supported this subdivision.

Mr. Day closed the floor to abutters.

Mr. Quintal requested that the hearing be continued to April and asked if there was a need for a site walk. He stated that at that time he would have information back from Kingston.

The Board agreed to continue the hearing to April 15 at 7:15PM.

Mr. Day closed the hearing.

CONTINUE PUBLIC HEARING—FOR A PROPOSED SITE OF THE UNITED METHODIST CHURCH, MBL 9-6-3, INVOLVING A PARKING LOT, AN ADDITION TO THE CHURCH, AND A SINGLE-FAMILY DWELLING (PB#04-OA)

Mr. Day opened the public hearing.

Mr. Belcher and Mr. Madej recused themselves from the Board.

For the applicant: Mr. Dennis G. Quintal.

Mr. Day stated that the Board has received the revised plans.

Mr. Quintal stated that the revised plans were a result of the comments made at the last meeting with the Building Committee. They discussed quite a few issues. He stated that he has also met with Ms. Carriel regarding the parking, the lighting and the reduced paved area. The biggest thing is the parking requirements. They came up with 59. The Building Committee felt there would be occasions where overflow parking issues would come up. How much overflow parking will be needed cannot be determined until they hold those functions.

Mr. Quintal stated that they have expanded the buffer area and created a smaller parking lot. He added that they have reduced the height of the lights and that they now resemble Maplevale's residential lights, it's diffused, low-intensity lighting. He said that they would have to submit a waiver for 0.5 footcandle.

Mr. Quintal added that they put in a walkway from the parking lot separate from the drop-off driveway. This would require stairs in the walkway. They have added more trees. He mentioned that the Maplevale subdivision is required to put in trees as well. He said that they are also awaiting comments from the fire department.

In regards to Ms. Carriel's review:

1. This latest plan contains revisions from the original submittal. A revision block to track changes should be added to the plan. Mr. Quintal stated that this can be added as they go along.
2. Area dimensions in acres have been added; dimensions in sq. ft. are also required. Mr. Quintal stated that this can be done.

3. The dimensions of the proposed parking signs should be provided. [Site Plan Reg. VIII. F, 5e]. Mr. Quintal stated that whatever signs they put up would comply with the town's regulations. The only sign would be a "Church Parking Only" sign. If it is found that people are not obeying this, they could put up a gate or something.
4. The size and location of water and sewer utilities should be added to the plan (Site Plan Reg. V. F) for review by the Town's Engineer. State septic approval will be required prior to the Board's final approval. Mr. Quintal stated that locations of the water distribution line and septic system are shown. He added that approvals are only good for four years and why not wait until they are actually ready to build since this is an added expense.

Mr. Burton asked if Mr. Quintal has spoken to Mr. Lewis regarding tying into the Maplevale water.

Mr. Dworman asked where the driveway for the proposed house will be located.

Mr. Quintal stated that there will be 14,000 sq. ft. of gravel to be used for additional parking and access to the house. There could be a narrow access driveway at the side of the graveled area. If they don't need the extra parking, the septic will be under the grass.

5. Site Plan Reg. VIII. E, 1 requires the submittal of elevations for all proposed buildings. Mr. Quintal stated that the Building Committee was present and understand the requirements.

There were also other comments generated by Ms. Carriel's review

10. The Board needs to determine whether the church is a permitted or legal non-conforming use, and decide on the proper procedures for review.
11. The Board will need to review the landscaping plan for adequacy. The Town's Site Plan Regs. require adequate landscaping and buffers to "provide privacy and noise reduction to residential areas abutting non-residential sites" (Site Plan Reg. VI. B), and Site Plan Reg. VII. F.8.b also requires the placement of one tree per 35 feet of lineal roadway.
12. Revisions to the lighting plan have been made, indicating shorter light fixtures similar to those required in the Maplevale developments, and manual switches to control the parking lot fixtures so they can be turned off when not in use. Site Plan Reg. VIII.F.5 restricts the maximum illumination level anywhere on the property to 0.5 footcandles, therefore a waiver will likely be needed. Mr. Quintal stated that this was discussed earlier.
13. The Fire Department and Conservation Commission should also review the plans and provide comment. Mr. Quintal stated that he is waiting for this.
14. If the project is to be phased, the Board and the applicant should consider specifying the threshold level of work which shall constitute "active and substantial development or building" to take place within 12 months after the date of any approval. This would vest the project and exempt it from any future changes to the Site Plan Regulations. Mr. Quintal said that he can look at this and incorporate it into the plans.

Mr. Day noted that the Board's first task is to determine if the plan is sufficiently complete to take jurisdiction. He noted that Ms. Carriel's review states that it is not. He commented that the Board would have to be satisfied that the plan items in question are being dealt with.

Mr. Dworman suggested taking conditional jurisdiction, to which Mr. Day stated that this is not an option. Mr. Smith was for taking jurisdiction as well as Mr. Burton.

MOTION: Mr. Smith **MOVED** to take jurisdiction over the proposed site of the United Method Church, MBL 9-6-3, involving a parking lot, an addition to the church, and a single-family dwelling PB#04-OA). Dr. Marston seconded and the motion carried unanimously.

Mr. Day noted that the applicant has 65 days to complete this or ask for a continuance.

Mr. Day opened the floor to abutters.

Ray Donald, 174 North Road stated that with regard to the elevation of the building, they do not know yet what the building will look like. Right now they are just putting in a parking lot. They have not asked for a building permit as yet. He asked where are these requirements coming from.

Mr. Day informed him that these are site plan review requirements. He added that this is three plans in one and that it would have been much clearer if the parts had been presented separately. The Board needs to know what the building will look like approximately. He showed the Greystone elevation and stated that this is not an onerous requirement.

Mr. Burton said that there are requirements, and the church has to convince the Board that there is an unreasonable burden to do this.

Mr. Quintal said that the first five of the Senior Planner's review comments can easily be addressed.

Mr. Day closed the hearing to abutter comments and added that the Board has taken jurisdiction and the clock is now running. He added that counsel has advised the Board that this is an expansion of a non-conforming use necessitating the applicant request a variance from the ZBA. He noted that it is up to the Board to interpret counsel's recommendation.

Mr. Burton stated that he has read counsel's comments and based on his analysis he thinks that there is a more flexible way that the Board can look at this. The Board cannot encourage discrimination of a religious institution. He stated that he didn't think the Zoning Board of Adjustment would have any choice but to say "yes" to this. This is a parsonage and a function hall, and he is not sure that the ZBA could say "no" to that.

Mr. Smith stated that he didn't think there was any reason to go to the ZBA. He stated that there isn't any big change. The church has always been there and it has been known that they were going to add a parking lot.

Dr. Marston agreed with Mr. Smith.

Mr. Dworman stated that he saw no reason not to go forward with this.

Mr. Day stated that the parking lot was the original reason that property was deeded by Maplevale. The issue now is the single-family dwelling and the addition. These were additions to the original plan.

MOTION: Mr. Burton **MOVED** that the Board characterize the plan so as not to require the applicant apply to the ZBA for variances. Mr. Dworman seconded and the motion carried unanimously.

Mr. Day asked Mr. Quintal to get the Board a set of plans with as many of the five items as possible.

Mr. Quintal stated that he would have a Phasing Scheme prior to the next meeting and would also get a waiver request to the Board for the lighting. He requested a continuance to April 15.

MOTION: Mr. Smith **MOVED** to grant a continuance of the public hearing of the proposed site of the United Method Church, MBL 9-6-3, involving a parking lot, an addition to the church, and a single-family dwelling to April 15 at 7:45 PM. (PB#04-OA). Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the hearing.

More Board Business

Ms. Belcher stated that she has heard that the Maplevale development is telling people that there will be curbside trash pick-up by the Town and that this issue should be addressed.

Mr. Day said that this doesn't have to come from the Board.

Mr. Burton stated that maybe this is something for the Selectmen.

Mr. Dworman said that he could look into this if people are calling the Selectmen to complain.

Master Plan Update– Housing Chapter

Ms. Carriel stated that the Board has contracted with the RPC to update the Housing chapter of the Town's Master Plan and submit a draft chapter to the Board by June 30, 2004. NH RSA 674:2, III (l) gives some guidance on the content of the housing chapter:

(l) A housing section which assesses local housing conditions and projects future housing needs of residents of all levels of income and ages in the municipality and the region as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II, and which integrates the availability of human services with other planning undertaken by the community.

These are standards for what to look at with regard to housing affordability and housing choices for people of all levels of income.

Ms. Carriel continued that her recommendation to the Board is to actively seek the general public's participation and input as the chapter is developed. This could be done through one or more public workshops conducted specifically on the housing chapter.

Mr. Burton suggested maybe working with NROC simultaneously on this type of thing.

Mr. LK Smith suggested bringing all of these issues up at the same time.

Mr. Day stated that NROC is more interested in discussions of natural resources and conservation.

Mr. Burton said that as long as we make sure that we don't confuse people at a public meeting, maybe the Board can pick and choose the pieces of NROC dealing with housing.

Mr. Day stated that the present housing chapter is out of date. It was done in 1996. He asked what would a new chapter look at.

Ms. Carriel submitted a proposed chapter format draft which included basic housing data for East Kingston and neighboring communities.

1.0 HOUSING DEMOGRAPHICS (E. Kingston and abutting communities)

This is essentially what is there now.

2.0 AFFORDABLE HOUSING

Over the last six years the affordable housing issue has become a much more intense concern. One of the things the Board needs to look at is whether to Town's zoning complies with the State's requirements.

3.0 ANALYSIS OF EXISTING ZONING AND LAND USE REGULATIONS

OEP sponsored assessment of the Town's zoning ordinances and Master Plan, Smart Growth Report component tied together. The Board has to look at land use regulations to see if they comply with the State's requirements.

Ms. Carriel stated that the Town's regulations do not address multi-family housing.

Ms. Belcher stated that multi-family housing is specifically prohibited in East Kingston's ordinances except for very specific uses such as cluster housing and elderly housing. In regards to Barton's Mobile Home Park, Ms. Belcher asked if that complied with reasonable housing. She asked if the Town has to create new affordable housing

Mr. Day stated that the Town may satisfy the number game but we may not satisfy the ordinance.

Mr. Burton asked if each and every town has an obligation to have X% of affordable housing.

Ms. Carriel stated that there really isn't a number. This is really looking at the local housing needs but also take into consideration that there is an obligation to satisfy regional housing needs.

Mr. Smith asked where the Town could put multi-family dwellings.

Mr. Burton noted that there is varied zoning throughout the Town.

Mrs. Belcher said that multi-family dwellings would not go over well with the town's people.

Ms. Carriel stated that it is up to the Town to set the tone.

Mr. Burton asked how much flexibility is there.

Mr. Day quoted from 672:1 III-e. "All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing, including so-called cluster development and the development of multi-family structures, should not be prohibited or discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers."

Mrs. Belcher asked how does the Board identify what type of housing and what falls into what categories. She suggested that the Board look into the present housing stock inventory to see what has already been met.

Ms. Carriel said that she would get some more information on New Hampshire case law which addresses the RSA's requirement that the town provide reasonable and realistic opportunities for affordable housing.

Mr. Dworman stated that what was once affordable is no longer.

Mr. Burton brought up the fact that if you require 2-acre single-family dwelling lots, they might not be affordable.

Ms. Carriel stated that the Board is looking at what housing stock is presently allowed, and consider how multi-family dwellings can be allowed.

Mr. Burton said that the Board needs to find out what they are really required to do. He added that most of the work can be done before the NROC meeting.

Ms. Carriel reiterated that the Board should decide whether they want to do some sort of work session with the public to provide information, as well as education.

Mr. Day said that it would help to have a clear picture of what the Board has to do so that it can be presented to the public.

Ms. Carriel noted that the Board should keep in mind this chapter can reflect different things a town can do for affordable housing.

Mr. Burton said that he wanted to know exactly what the Board has to do, that this is a small town and there should be some flexibility. To require East Kingston to meet the ratio of the whole county is onerous. He reiterated that the Board needs to know exactly what is required of it.

Mr. Smith suggested doing something like the elderly housing situation (cluster, duplexes, triplexes), but not for elderly, but having housing closer together.

Mr. Burton stated that these are subjects for public discussion.

Ms. Carriel stated that she would start drafting some text and provide the Board with some additional information on case law regarding affordable housing and a town's legal obligations.

The Board agreed to hold a work session on Thursday, April 22 at 7:00PM to deal specifically with the Master Plan housing chapter revision.

WARRANT ARTICLE RECOMMENDATION

Mr. Day stated that he had gotten a call from a realtor asking if the Town of East Kingston allows helicopter landing pads. He noted that unless there is an ordinance, this cannot be prohibited. Mr. Day read 674.16 V "In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate and control accessory uses on private land. Unless specifically proscribed by local land use regulation, aircraft take offs and landings on private land by the owner of such land or by a person who resides on such land shall be considered a valid and permitted accessory use."

ADD a new paragraph E. to read:

E. The operation of aircraft or helicopters taking off and landing in the East Kingston residential zone is specifically prohibited, for such activity poses a threat to health, welfare, safety, comfort, and peace of the community. The noise, vibration, smoke, and fumes generated by aircraft operation is considered to be a disturbing annoyance.

Ms. Belcher stated that she thought there was an ordinance and asked Mr. Smith if there was ever a discussion about deleting it in 1996 or 1997. Mr. Day will research.

Discussion ensued among Mr. Day, Mr. Burton, Mrs. Belcher and Mr. Smith describing junk cars on property and reference was made to ARTICLE VII-GENERAL PROVISIONS D.7(e)

- e) **No land shall be used for a junk yard, dump, motor vehicle and/or machinery junk yard, or for the storage or deposit of abandoned or discarded materials unless given approval as special exceptions by the Board of Adjustment, after notification of abutters and a public hearing. Mrs. Belcher stated that the special exceptions provisions have not been listed in the ordinance and recommends removing that reference from the paragraph. Mr. Day directed her to submit recommended new language for the next meeting.**

FIRE SUPPRESSION CISTERNS

Mrs. Belcher brought up the matter of the \$69,000 expenditure to replace the failed cistern four years after it was installed. She asked if it was possible to have a bond for the maintenance for a set number of years. She feels this cistern should not have failed so soon.

Mr. Dworman stated that it failed because it stood out of the ground for so many years, to which Mrs. Belcher said that they are stored outside before they are sold.

Mr. Dworman stated that the developer should have been responsible for it.

Mr. Burton said that in some localities there are bonds held for road maintenance. Mr. Day added that the developer bonds the road so that it can be finished if the developer fails to do so. Mr. Burton asked if bonds could be set for cisterns for an extended period of time.

Mr. Burton stated that the Town could require a warranty backing any systems installed. If someone installed a cistern, it should be backed by a warranty.

Mrs. Belcher posed the unanswered question of what a reasonable expectation would be.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Dworman seconded, and the motion carried unanimously at 10:15 PM.

Respectfully submitted,

Recording Secretary
Minutes Approved 4/15/04