

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES

DATE OF MEETING: March 21, 2002
PLACE OF MEETING: EASTKINGSTON 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.

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

CALL TO ORDER: Mr. Smith opened the meeting at 7:03 p.m. Roll call was announced
by Mrs. Rice.

In-Coming Correspondence:

1. Letter from Attorney John Radigan regarding the Caley/Denson Subdivision located on North Road. Revised plans were to be presented to Ms. Carriel, RPC for review and subsequently sent to the Town Engineer for review. The board noted these plans have not been accepted for review and the applicant is trying to complete as much technical review work prior to the next meeting of April 4, 2002. The Board noted it is the Board's responsibility to send the plans to the Board Engineer, not the applicant. The board discussed the state highway entrance issue, length of road and construction sequence.

Mr. Fillio made a motion to allow the plans to be sent to the Board Engineer for review for a reply for the April 4, 2002 meeting.

Mr. Morse seconded. Mr. Fillio and Mr. Morse voted in favor. Mr. Smith voted against. Dr. Marston abstained.

2. State Driveway Application for Eugene Madej on Route 107. This is for a residential driveway entrance which is also in conjunction with the Maplevale Project and the exit near the church. Additional site work is needed to acquire the sight distance. This application is the first request.
3. Circuit Rider invoice for \$209 for an additional 5.5 hours of services, which represents the hours over the allowable 11 hours per month. The Board asked Mrs. Rice to submit to the Board of Selectmen for payment and Mr. Smith signed the invoice.

Discussion with James and Karen Bioteau regarding Conditional Approval for a Lot Line Adjustment

Mr. James Bioteau and Jackson Casey, Attorney were present.

Attorney Casey asked that the board grant conditional approval as all the conditions have been met for the lot line adjustment for Tax Map 16-4-10, 16-4-11 and 16-4-4.

Mr. Bioteau stated the changes have been made and submitted.

The board reviewed the several plans that were submitted with the various information.

The board reviewed the Conditional Approval which was issued on January 19, 2001 which include the following and were confirmed to be done by the Board:

1. The lot line with bearings "N 1-37-58 E" be noted on the plan as a "proposed new lot line";
2. Change the abutter named "Hart" to "Merchant" on reference note #1;
3. Add the owners names "James & Karen Bioteau to lot #16-4-3;
4. Submit a septic plan to show well radius requirements have been met for lots 16-4-3 and 16-4-11;
5. Submit the topography map done on the property in 1989;
6. Receive State Subdivision approval on lots 16-4-4 and 16-4-10;
7. Submit a completed Certification of Monumentation form; and
8. Add the square foot calculations to the acreage measurements on the plan.

The board noted two concerns with the well location being shown on the locus plan and State Subdivision Approval not being shown on the plans. A portion of the well radius was shown in a larger scale on the septic plan, which appears different than that shown on the locus.

The Board noted the lot sizes after completion of the proposed lot line adjustment will be 4.37 acres, 6.48 acres and 2.42 acres. It was noted all houses have State Subdivision Approval.

The Board asked Mr. Bioteau to place the State Subdivision Approval Number on the plans and he informed the board, as well as his Attorney, that they met the conditions of approval and this has not been a requirement in the past for them to complete. The requested the Board to grant the final approval.

Mr. Fillio made a motion to grant final approval, sign the mylar and four copies.

Dr. Marston seconded. The motion passed unanimously.

Mr. Smith signed the mylar and four copies. One copy was given to the applicant. The mylar will be recorded at the Registry of Deeds by the Board.

A copy of the monumentation certification and plans will be given to the Building Inspector.

Public Hearing for a proposed Lot Line Adjustment for David G. Morse, Tax Map 8, Block 2, Lot 19 located at 40 Willow Road and Jeffery Hirsch, Tax Map 8, Block 2, Lot 7 located at 14 Depot.

Mr. Christian Frey, Lewis Builders was present representing the applicants.

Mr. Morse stepped down from the Board, as he is an applicant. Mr. Smith stepped down from the board as he is an abutter. The Board officially lacked a quorum being present.

It was noted the board has received a March 13, 2002 report from Maura Carriel, Rockingham Planning Commission. Three copies of the plan were submitted and 12 (11 x 17) copies were received.

Mr. Frey reviewed the report done by Ms. Carriel noting that a signature block has been added to the plans on Sheet #1 as both Sheet #1 and #2 will be recorded. Note #2 and Note #2 have been addressed on the plan. Note #4 comments on submission of written waivers. Mr. Frey provided the waivers and copies were distributed to Board members. The waivers read as follows:

Section VI.1.E-Waiver to requirement for providing topography. Mr. Frey contends that the topography is provided with the subdivision and site plan for both the Maplevale projects and the Cricket Hill project.

Section VI.1.J-Waiver to requirement to provide test pits, percolation tests and septic reserve areas. Mr. Frey contends this information is provided within the subdivision and site plan for both the Maplevale projects and the Cricket Hill project.

Section VII-Waiver to the requirement to provide soils and wetland information. Mr. Frey contends this information has been provided within the subdivision and site plan for both the Maplevale projects and the Cricket Hill project.

The certificate of monumentation is on file with the Planning Board. Mr. Shepherd, Building Inspector noted he witnessed the installation of the monuments.

Mr Smith asked for abutter comments.

Ms. Ellen Dang, 48 Willow Road noted she moved to town three weeks ago and asked questions regarding abutter notification, purpose of the lot line adjustment, purchase of the land regarding this lot line adjustment, future meetings, special meetings and further review of the materials presented for the elderly housing projects proposed within the community.

Mr. Smith noted the purpose is to provide additional open space for Cricket Hill and that it doesn't change anything. It was noted the land would be purchased.

The board reviewed the abutter notification procedure, continuation of public hearings and that special meetings could not be held as public meetings, if continued, need to be announced to a specific date and time. The board informed that additional information could be reviewed at the

Town Offices with regard to the developments being proposed.

Ms. Joan Morrison, 47 Willow Road expressed concern regarding the quiet neighborhood being changed dramatically by traffic flow on Willow Road which is a country road and groundwater supply. She informed the board her dug well had gone dry and she has had to drill a 800 foot well.

Mr. Lee Dang also expressed concern about his well and groundwater issues, as well.

Ms. Carriel offered for Mr. and Mrs. Dang to contact her directly with regard to the history of the proposed Maplevale projects and Cricket Hill.

Ms. Dang also expressed concern about traffic flow and volume regarding her 2 ½ year old son being brought up in a rural area and hopes that it stays that way.

Mr. Frey asked the board to continue the Public Hearing until the next meeting.

Mr. Filio continued the public hearing until April 4, 2002 at 8:05 p.m.

Discussion of Maplevale Farms, Maplevale Woods and Residents of Maplevale

The board was advised that the Maplevale projects would not be ready to move forward for the April 4, 2002 meeting due to the issuance of a decision from the Wetlands Bureau that a wetland crossing was unacceptable. The plans are currently being redrawn and the applicant has requested to continue the scheduled continued public hearings until May 16, 2002. Ms. Carriel noted Attorney Radigan has offered to pay for the cost of re-notification to the abutters regarding this meeting change. The board will reschedule these meetings for May 16, 2002 and will re-notify the abutters.

Mr. Smith asked Mr. Conti if he would like the Town Engineer to review the fire pond plans.

Mr. Conti stated that would be appropriate and further noted that one of the ponds has been changed to a cistern system near the connector road at Cricket Hill.

Continued Public Hearing for Julien Dunlop, Site Plan Review proposal to raze and rebuild Carmen's Restaurant at 89 Main Street

Mr. Dunlop was present.

The board received a report from Maura Carriel, Rockingham Planning Commission dated January 14, 2002.

Mr. Dunlop noted the intent of the project is to raze the existing building and rebuild with the same square footage approximately 30 feet back from the current location. Mr. Dunlop contends by moving the building it will improve the overall lot layout, visibility of traffic entering and exiting and the installation of handicapped parking. Mr. Dunlop stated the material requested by the report is available on the plans as submitted. He noted the building has been there for sometime. He

stated some of the information is not available at this time and will depend on the budget. He asked to move forward with the project. He noted if he remodeled the building as it exists, he would not have to comply with all this information. He would like to proceed with the removal of the building and move it back to make it a nicer situation.

Mr. Larry Smith noted to the best of his knowledge no wetlands exist and a current septic system is on site, thus he questioned the need for the soil data.

The board suggested going thru the list as there may be items the board might be willing to waive and some items that cannot be waived for good planning and setting precedent for other applicants.

Ms. Carriel noted this parcel is a legal non-conforming use and the board needs to determine if the proposed developed is considered substantially different from the previous use. If the board determines it is a substantial change, then the applicant would need to apply to the Zoning Board of Adjustment for a special exception. If the board deems it is not a substantial change the applicant may proceed with site plan review.

It was noted the applicant proposes to use the same print and size. This building was erected prior to the implementation of zoning. It was noted the prior use was a restaurant and the new proposed use would be a restaurant.

Mr. Smith did not see that there was any change or consider a substantial change.

Mr. Morse also noted he did not consider this a substantial change. It was noted the handicapped entrance and additional parking in the rear are the only changes.

It was felt the physical aspects of the lot were not changing.

The board reviewed and discussed the Zoning Ordinance, Article 18 with regard to the intent.

Mr. Smith asked for abutter comments.

The resident of 85 Main Street asked about site work, landscaping buffers, drainage and run-off be addressed on the plan. He asked for natural barriers be used. Inquiry was also made to the existing farmhouse and barn. At this time no plans have been made for those buildings.

It was noted the current restaurant has seating for 40 and the proposed would be the same. Ms. Carriel noted she came up with 52 seats, but noted she counted booths as having four seats and some only have two.

Ms. Carriel noted if the board has any question with regard to the legal status regarding substantial change, then the board could seek legal counsel.

The board discussed informing the applicant that the board has no problem with the re-location of the building itself, the footprint, the confines of what will stay and the use is appropriate. The Board

feels this is not a major or substantial change. The applicant needs to meet the site plan regulations.

The board reviewed the checklist and commented as follows for the January 14, 2002 RPC report:

Item #1-required, Item #2-required, Item #3 required, Item #4-to be put on plan, Item #5-required, especially due to drainage issues, Item #6-the board will consider a written waiver request, Item #7-to be shown between the two properties, Item #8-to be provided, Item #9-the current size location of water supply and sewage facilities need to be shown and the reserve 4K area needs to be shown, Item #10-to be provided, Item #11 to be provided as the board needs to review erosion and sedimentation plans during construction and for off-site runoff, Item #12-the board would like to see what, where and when the landscaping will be done, Item #13-location of the sign on the building shall be shown-uncertain if a free standing sign will be provided, Item #14-to be provided, Item #15-to be provided for dumpster, Item #16-to be provided, Item #17-the applicant shall provide paving from the parking area to the entrance, Item #18-to be added to plan, Item #19-the applicant will add to show the elevations and Item #20-will be reviewed by Ms. Carriel with respect to the use and capacity.

The board discussed the construction of a second floor which would include a function room. Mr. Dunlop noted he is not proposing that concept.

The board discussed information to be presented prior to the next meeting in order for an appropriate review. The applicant shall have all material in to the Planning Board office by April 1, 2002 to include 4 full size plans and 12 11x17 copies.

Mr. Morse made a motion to continue the Public Hearing until April 4, 2002 at 8:20 p.m.

Mr. Fillio seconded. The motion passed unanimously.

Public Hearing for a proposed two lot Subdivision for Kyle P. Bartley, Tax Map 13, Block 3, Lot 15 located at 117 South Road

Mr. Paul Nichols, Engineer and Mr. Kyle Bartley were present. Marilyn Berridge and Mr. Davis Finch were present as abutters.

A report prepared by Ms Carriel, RPC was received by the board and applicant.

Plans were presented depicting a two lot subdivision located at 117 South Road. Currently two homes exist on the property each served by individual septic systems and wells. Mr. Bartley is attempting to subdivide, so that each has its own lot and to sell one of the lots. Mr. Nichols noted some wetland delineations were done by NH Soils Consultants and 24% of the property is wetlands. Mr. Nichols explained the plans were revised per the report from RPC. The property line was moved to accommodate the driveway setback distance.

A letter describing three waivers was presented to the board. At this time the waivers were as follows:

1. Site Specific Mapping
2. Drainage Report.
3. 4,000 square foot septic area on remaining 14+ acres.

Mr. Smith noted the plans do not show the back wetland boundary or any other wetland delineation for the remainder of the parcel.

Mr. Bartley noted that he is unsure if a wetland crossing approval could be obtained due to the width of the existing wetlands. He also mentioned the possibility of removing this mobile home and replacing with a single family home in the future. He noted he had cut firewood in the rear of the property by crossing over the abutters property, but that he had not attempted a wetland crossing. He stated that he feels the wetland crossing would be too drastic in order to cross to put a home in the rear of the property.

Mr. Smith felt the entire parcel should have the wetlands delineated and advised Mr. Bartley that he would need to obtain permits to cross the wetlands, even for logging.

Ms. Berridge, abutter discussed the history of the property which resulted in two mobile homes being placed on the property and never removed. She also discussed the property having adequate frontage, which each lot meets and the delineation of the wetlands and additional wetlands in the rear of the property.

Mr. Conti, Fire Department, noted that if a new structure is being proposed then adequate fire protection in terms of construction of a fire pond, installation of a cistern or confirmation that fire protection exists within 1200 feet of the new structure would need to be determined.

The board discussed with the applicant and engineer the delineation of the wetlands and subdivision regulation requirements. The board noted that one lot consists of a little over two acres and the larger parcel consists of over 14 acres. The board discussed the feasibility of additional homes being built on the 14 acre parcel, delineation of the back wetland boundary and any additional wetlands. The board also reviewed the well radius for each lot and noted that 4k reserve septic area was not shown on the 14 acre piece, as a waiver was requested. No test pits have been completed on this piece. The board discussed the applicant requesting a waiver to the wetland delineation.

Ms. Carriel asked the board if a review of the well radius easement be reviewed by legal counsel. The board supported this recommendation.

Mr. Bartley's waiver request reads as follows:

"Please accept my request for a waiver for the following items:

1. Site Specific Soil Mapping
2. Drainage report.
3. 4,000 square foot septic area on remaining 14 acres.

This parcel has two existing structures, wells, and septic systems. No new structures or increase in building density is proposed by this subdivision application. He feels the lot proposed meets the intent of the town subdivision regulations.”

Ms. Carriel asked that when State Subdivision Approval is received that it be added to the plans and mylar. Mr. Nichols agreed to do this.

Ms. Carriel stated she felt the application could be deemed complete.

Mr. Morse made a motion to accept jurisdiction of this application.

Mr. Fillio seconded. The motion passed unanimously.

Mr. Fillio made a motion to grant the following waivers:

1. Site Specific Soil Mapping.
4. Drainage report.
5. 4,000 square foot septic area on remaining 14 acres.
6. Wetland delineation of entire lot.

Mr. Morse seconded. The motion passed unanimously.

Ms. Carriel requested that all waivers be listed on the plans. Mr. Nichols agreed to do this.

Mr. Finch asked the board consider the mapping of the wetlands.

Mr. Morse made a motion to grant conditional final approval as follows:

1. State Subdivision Approval noted on the mylar and plans.
2. All waivers, with appropriate reference to subdivision regulations, be referenced on the plans.
3. Wetland Scientist stamp and signature be added to mylar and plans.
4. Add square footage of upland area for proposed lot #15.
5. Completed Certification of Monumentation to be submitted.
6. Wording of well radius easement to be provided and reviewed by town counsel.
7. The entire lot shall be shown on the locus map.

Mr. Fillio seconded. The motion passed unanimously.

It was noted this conditional approval is valid for one year from date of approval.

Discussion of Rockingham Planning Commission Circuit Rider Contract

Ms. Carriel presented the new 2002 Circuit Rider Contract. The proposal is for 16 hours per month with this hourly amount to be flexible between board meeting time and projects that need

completion. The current contract has an expense of \$5,016 with the new contract being proposed at \$7,296. Mr. Smith felt this would put the Planning Board over budget and that approximately \$6,000 had been budgeted. Mr. Smith stated he would review the contract and contact the Board of Selectmen regarding this issue.

The board adjourned at 10:10 p.m.

Respectfully submitted,

Susan J. Rice, Secretary
East Kingston Planning Board

Typing Completed: March 23, 2002

Minutes Approved: _____