



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

Approved MINUTES
Regular Meeting April 16, 2020
7:00 pm

The Town of East Kingston Planning Board met remotely through a Zoom web conference, Thursday, April 16, 2020 at 7:00 PM. Due to COVID-19, and pursuant with NH Emergency Orders, no public meeting location was utilized.

AGENDA:

- **Discussion** with Erin Watson re: a Change in Use for Kid Logic
- **Continued Public Hearing** for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) Barry Gier / Jones and Beach

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Dr. Marston, Bill Caswell, Emily Andersen. Scott Orleans and Ex-Officio Bob Nigrello.

Advisors Present: RPC Senior Planner Julie LaBranche.

Also present: Mrs. Erin Watson, KidLogic; Mr. Barry Gier PE / Jones and Beach representing the Wayne R. Ewald Revocable Trust; Chief LePage, East Kingston Police Department and various residents of the Town of East Kingston.

Chairman Bath made a statement regarding video bombing:

If tonight's meeting is interrupted by outside sources, this meeting will be immediately terminated and public hearings will be continued and rescheduled to another date and time to be announced and published. This is the first of our video meetings and we ask for understanding and patience for any technical difficulties that may occur during the meeting.

Mr. Bath explained how the meeting will proceed: He will open the public meeting, role call of members will be called, other town officials will be recognized, minutes will be approved, followed by new board business and then continued hearings. Mr. Bath will introduce the applicants, who will give a brief description of why they are before the board, followed by any presentations. Only planning board members will ask questions of the applicants at this point. Once the planning board members has finished with their questions, the floor will be opened for public comments. Please announce yourself by name and address and make any comments to the board and not the applicant. When public comments are completed, the public comment portion will be closed. Then the board will deliberate and may ask additional questions of the applicant. A motion and second will then be asked for to accept or deny the application, and there will be a vote of the board members.

Vice Chairman Allen explained people should be viewing their screen in gallery view. The chat function of Zoom will not be used for this meeting. Most people will be muted during presentations to eliminate background noise, but will be unmuted during the questions portion of the meeting.

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:05 pm by Chairman Bath. Mr. Bath welcomed Mr. Nigrello to the Board as the new Ex-Officio. He also thanked our RPC Planner Julie LaBranche, East Kingston Police Chief LePage and everyone participating during this state of emergency.

Minutes:

Mr. Bath asked for a **MOTION** to approve the January 16th minutes.

Mr. Allen **MOVED** to approve the January 16th minutes as presented; second by Dr. Marston with a unanimous vote.

Mr. Bath asked for a **MOTION** to approve the February 20, March 14 and April 8 minutes.

Mr. Allen **MOVED** to approve the February 20, March 14 and April 8 minutes as presented; second by Mr. Bath; Mr. Nigrello abstained. Motion passed.

Discussion with Erin Watson re: a Change in Use for Kid Logic

Mr. Bath asked Mrs. Watson to explain her request to the board.

Mrs. Watson explained she would like to expand her business, KidLogic, into Unit 3 in the main building at 14 Powwow River Road. She presently operates a child care and development business in Building B and would like to expand into the additional space in Building A to accommodate infant care as some of her families are expecting in the fall. Mrs. Watson has provided a copy of her state Child Care license indicating KidLogic has a Plus Status with the state, and is presently licensed for 39 children. There are changes that need to be made to the existing space to comply with state and town licensing and permitting and everything will comply with all necessary fire and health approvals.

The unit for expansion is two units down in Building A, but is not the original unit she occupied when she was in Building A before moving to Unit B.

Mr. Bath noted the board would need to be provided with an updated septic and water usage table, and a current tenant occupation list with updated contact information. In the past Mr. Quintal had provided this information, so the owner will need to contact him for that information. There are no other changes planned.

Mr. Allen asked if there was any change to hours of operation or services from what is presently approved; Mrs. Watson indicated there were no changes. He also asked about the maximum number of children that would be approved for in the new space; Mrs. Watson indicated it would be 16 but after furniture was placed it would mostly likely be 13.

Ms. LaBranche asked if the day care was open at the present time; Mrs. Watson answered it was not but she was applying to the state to open to provide child care for first responders and essential employees.

Ms. LaBranche recalled there was discussion with the Building Inspector and Fire Chief about fireproof doors, etc. for compliance in the original space Mrs. Watson occupied. Mrs. Watson noted all the doors will need to have crash bars, which are already installed. There is a 2nd floor which will not be utilized for child care (probably used for storage) and the area by the stairs will be gated so it will not be accessible.

Mr. LaBranche stated since the unit would be for the care of infants who would not be using the facilities, the impact to the water flow and septic usage would mostly likely be minimal; just from the caregivers working there. She also noted there was minimal parking in front of the building and asked Mrs. Watson if they could load/unload children at the rear of the building; Mrs. Watson agreed. Mrs. LaBranche asked if Mrs. Watson could provide a sketch of Building A to show where the children would enter/exit and where the traffic flow was (Mrs. White will supply her with the latest site plan from the office to annotate).

Police LePage remarked there have been two accidents at that location (not anything to do with the child care facility), but that traffic and access was impeded for a time as there is no second entrance to the property. He gave kudos to Mrs. Watson for guiding the safe pick-up of children during that time. He discussed that a 2nd gated emergency entrance might alleviate any future problems.

Mrs. White inquired if the one-way directional signs for traffic, directing cars around the building, had been installed. This had been discussed at the owner's Public Hearing for the additional building (which has not been installed as of this date). Mrs. Watson noted she had seen no signs.

Conditions discussed were for the building owner to provide an occupancy list for both buildings with names and contact information for the tenants; an updated septic and water usage table needs to be provided (Mrs. White will provide contact information to Mrs. Watson for Mr. Quintal); inspections by both the Building Inspector and the Fire Chief will need to be performed, and a sketch of the building showing the location of the rear area for loading/unloading of children and the traffic flow (Mrs. White will provide a copy of the latest site plan).

Mr. Bath asked for a **MOTION** for conditional approval.

Mr. Caswell **MOVED** to give conditional approval to KidLogic for expansion of use with the following conditions: supply an occupancy list for both Building A and B; passing inspections by the Fire Chief and the Building Inspector for Building A, Unit 3; provide an updated septic and water usage table; and supply a sketch of Building A and traffic flow for dropping off/picking up children; second by Mr. Allen with a unanimous vote.

Mr. Bath closed the discussion for KidLogic. Mrs. Watson thanked the board for their time.

Continued Public Hearing - Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 13-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) Barry Gier / Jones and Beach

Mr. Bath opened this Continued Public Hearing. Mr. Bath acknowledged Mr. Gier and thanked the applicant for the updated yield plan. Mr. Gier noted that since the last meeting there had been a Site Walk of the location and he thanked all those who participated.

They have submitted a revised yield plan which addresses the following items:

- All lots meet the required Lot Area, Frontage, and Upland requirements.
- All lots depict septic 4K areas within the lot boundaries,
- All lots depict the required 75' well radius within the lot boundaries, with the following exception: Lot 8 well radius extends across the existing right-of-way boundary for Route 107 by less than 5'.
- Relocated the well radius away from the drainage features.
- The Proposed cistern area is depicted adjacent to Lot 11
- Three (3) proposed stormwater treatment areas have been depicted
 - Drainage features capable of treating stormwater from the Yield development have been depicted within the drainage areas.
 - Drainage easements approximately 1.5x the size required to adequately treat the anticipated stormwater have been depicted
 - Sufficient developable area has been retained outside of the drainage easement areas to adequately fit the potential development of each lot with a house, 4k septic area, and 75' well radius.

They have continued to work with DOT for the best location of the driveway onto 107 and have provided them with additional information for site distance. It was acknowledged that the yield plan could change depending on what the DOT decided on the entrance from Rt 107 and if there were any major changes to wetlands locations.

The applicant has agreed to pay for 3rd party reviews of the existing wetland delineation and the proposed location of the connection to Route 107. They are waiting to hear the results of those reports.

Ms. LaBranche noted she had not been contacted by either of the 3rd party review entities but will check on the status on Friday. She opined neither of the reviews should take more than a day for the person in the field to conduct, and then provide the report to the board shortly thereafter. She was hopeful everything would be completed by the end of the month.

Mr. Allen asked what timeframe for the reports to be received would be beneficial for the applicant so they could be ready for the next meeting. Mr. Gier stated he would need at least 2 weeks to make any changes to be ready. He suggested continuing to the next meeting so there would be time to complete all the work needed for further board review.

Mr. Bath asked for board comments or questions.

Mr. Caswell noted the report should offer a review of the current proposed roadway location and a review of an alternate location for comparison and board discussion.

Ms. LaBranche noted the Police Chief was very concerned about the safety at the proposed intersection and opined there may be road improvements or safety precautions suggested or a deceleration lane proposed. It was also a concern it would be used as a cut-thorough, but there are traffic calming measures that could be used to slow traffic speeds.

Dr. Marston noted it would be very difficult for a school bus to take the turn out of the proposed road entrance.

Ms. Anderson agreed the proposed entrance onto Route 107 is very dangerous and alternatives should be investigated.

Mr. Bath opened the floor to abutters.

Chief LePage, East Kingston Police Department - Chief LePage noted East Road slopes the opposite direction from where the road would be coming in. People turning out of the development turning right into the center of town could end up in the blueberry bushes at Monahan's Farm in a snow storm. People turning left towards Kensington could also end up in the bushes or not be able to get up the hill because of the cantilever of the road. He has concern for people turning into the roadway in a snow storm as his cruiser with 4-wheel drive has slid on the road in those conditions. The Police sometimes have to park at the bottom of the hill and walk up in snowy conditions.

He also noted that that section of Route 107 is maintained by a different DOT shed than the rest of the town for plowing, and it takes longer for them to get to the location to plow that section of road. Records show there have been 27 motor vehicles crashes or vehicles off the road from Monahan's Corner to the top of the hill in the last 10 years. He has grave concerns regarding the proposed location of the roadway. He stated many other developments in town have deceleration lanes so traffic can get off the main roadway to make the turn into their developments and he would strongly suggest that be considered. He also noted that site distance for the DOT is supposed to be all four seasons. The Town Engineer had expressed concerns about plowed snowbanks and people not being able to see traffic coming from around the curve.

Gail Anderson, 45 East Road – she lives on East Road at the top of the hill and is concerned about school buses or people turning into the roadway as she knows how dangerous the road is now. She agrees it is not a good location for the roadway to intersect with East Road.

Mr. Allen asked in regard to the safety analysis of this location, does the applicant have alternative designs for locations? Perhaps they should be reviewed? Mr. Gier noted they had originally looked at a location closer to the fire pond. When DOT reviewed the property, they changed the proposed location to where it is now located.

Stanley Woodworth, 37 East Road – he lives on the corner. He says signage at the intersection is very bad and he has had people drive into his driveway thinking it was the road. He reported that tractor trailers and dump trucks traveling towards Kingston come flying down the hill. He agrees that the present location is a dangerous one and also thinks it should be closed to the fire pond.

Mr. Bath closed the public session.

Mr. Bath opined they couldn't go any further until they hear something from the third-party reviews so they have a complete yield plan and thinks they are not ready to take jurisdiction yet. He asked the board what their thoughts were. Mr. Allen agreed going forward hinges on the completed yield plan.

Ms. LaBranche and Mr. Quintal were pleased with the changes to the yield plan Mr. Gier submitted to the board.

Mr. Bath **MOVED** to continue the application for the 17-lot cluster subdivision application at 14 Tilton Lane until May 21; seconded by Mr. Nigrello with unanimous approval.

Mr. Gier thanked the board.

Mr. Bath thought their first zoom meeting had gone well. Future guidance from the governor will ascertain if they have an in-person meeting for May or if it will need to be a zoom meeting.

Adjournment

Mr. Allen **MOVED** to adjourn; Mr. Nigrello seconded, with a unanimous vote.

Mr. Bath closed the meeting at 8:19 pm.

The next Planning Board meeting will be on May 21st.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joshua Bath

Chairman

Minutes approved **MAY 21, 2020**