

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES

DATE OF MEETING: APRIL 18, 2002
PLACE OF MEETING: EAST KINGSTON TOWN HALL
TIME OF MEETING: 7:00 P.M.
TYPE OF MEETING: REGULAR MEETING

PRESENT: Richard Smith, Chairman, Beverly Fillio, Vice Chairman, David Morse, Dr. Robert Marston and Cathy Belcher, Alternate.

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

Election of Officers

Mr. Morse made a motion to nominate Mr. Smith as Chairman for the ensuing year.

Dr. Marston seconded. The motion passed unanimously.

Ms. Belcher made a motion to nominate Ms. Fillio as Vice Chairman for the ensuing year.

Dr. Marston seconded. The motion passed unanimously.

Introduction of New Alternate Member

Mr. Smith introduced Ms. Belcher as the new Planning Board alternate member.

In-Coming Correspondence:

1. Letter of interest to serve as an alternate member from Gene Madej. The board took this letter of interest under advisement.
2. Report from Jones & Beach Engineers regarding revised wetland permit application for the Maplevale Farm project. Ms. Fillio requested the report prepared on the land pesticide review. This report was provided to the board and will be presented to Ms. Fillio.
3. State Planning News.
4. NH Drinking Water Assessment Report for the Town of East Kingston. These annual reports are for community water systems, not individual water systems.
5. Plan NH brochure.

Review of Alternate Member Letter of Interest

The board reviewed the letter of interest received from Gene Madej. Currently the board has two alternate members and noted the board may have up to five alternates.

Ms. Fillio made a motion to recommend to the Board of Selectmen to appoint Mr. Madej as an alternate to the Planning Board.

Mr. Morse seconded. The motion passed unanimously.

Ex-Officio Alternate Member Status

The board reviewed RSA 673:11 regarding alternate members filling in for the Ex-Officio member position. The Board reviewed the appropriate statute and noted only the Selectmen may appoint a Selectman or other official to fill in for the Ex-Officio member's position.

It was noted that Ms. Belcher may not serve as a voting member during this meeting, as the vacancy is created by the Ex-Officio member position.

Update of Zoning Ordinance Books

Ms. Carriel reported the updated Zoning Ordinance book is currently at the printers. The board asked that twenty copies be three-hole punched instead of bound for Planning Board and Zoning Board of Adjustment members.

Planning Board Procedures

Ms. Fillio commented that the April 4, 2002 minutes reflect that revised plans for the Dunlop Non-Residential Site Plan were to be submitted so that an appropriate review could be completed. It was noted revised plans were not received. Mr. Smith noted the Board would take the plans this evening and review them. Ms. Carriel noted this meeting has been posted as a Public Hearing.

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

Mr. Michael Robinson was present, representing Mr. Dunlop who was unable to attend.

Revised plans were presented to the Planning Board members for review. It was noted the answers were numbered on the plans to correspond with the outstanding issues as noted in the minutes and memo prepared by Ms. Carriel, Rockingham Planning Commission.

- 2. Date of plan in title block. Although dates appear in the revision block, the board requested that the original date of submission be placed in the title block area.**

RESPONSE: This has been completed.

3. **Although the plan is prepared by an engineering firm, a licensed land surveyor as well as a licensed engineer must stamp these plans.**

RESPONSE: This is shown on the full size sheet plans.

10. **Drainage plan. (The site reflects an increase in impervious surface area due to the expansion of the paved parking lot.) A letter was received by the applicant in the form of a variance to this regulation requirement. The board feels if the square footage of the impervious surface is increased on the property a drainage plan will be required, however, if all impervious surfaces remains the same but is relocated a drainage plan will be required and if the impervious surface remains exactly the same, then no drainage report is required and noted a waiver needs to be applied for. The applicant shall provide the necessary additional information.**

RESPONSE: Note 10 on the plans states the following: "Lot Coverage -Existing 18,665 square feet; Proposed-17,645 square feet; Net Decrease-1,020 square feet.

12. **Type, extent and location of existing and proposed landscaping (refer to Site Plan Review Regs. Sec. VII.H) . The board discussed this requirement and noted that at a minimum one tree needs to be planted for every 35 feet of linear roadway the location abuts. The board explained to Mr. Dunlop the regulation is open to interpretation for the developer to present a plan to meet the site of development. A detailed landscaping plan is required with a minimum of examples of the species being shown.**

RESPONSE: A landscape plan was provided showing azalea bushes and spruce trees around the building, and within the setback areas.

Ms. Belcher asked about the 25 foot setback and the 30 foot setback requirements and the amount of construction to be completed within that area and if the board is in agreement with this proposal.

Ms. Fillio noted during the last meeting, the Planning Board discussed this issue and noted that parking spaces had been removed from the setback area over the septic system.

Ms. Carriel noted the parking calculations were to be provided and reviewed. Please see note #20 for dispensation of this concern.

13. **Location, size and design of proposed signs. (Site Plan Review Reg. Sec. VII.3 allows 1 free standing sign) The plans show a note for a sign, however no detail as to the location, size and design was presented. The applicant had proposed a sign to be attached to the building. The board asked the applicant to provide this information.**

RESPONSE: The applicant proposes to replace the existing signs with similar signs in the same locations. Two free standing signs and two attached signs to the building are being proposed. It is unclear if the present signs conform to the present Sign Ordinance. A note was placed on the plans noting that all signs will meet the current sign ordinance. A question arose whether the signs must meet the residential sign ordinance as it is located in the residential zone, or because it is a grandfathered commercial zone use, that commercial signs would be allowed. Mr. Smith noted the existing signs can be replaced provided it is approved by the Selectmen's Office. He noted it is a commercial business, not a residential business. The board requested the detail, size and location of the signs be noted on the plans in the form of a note.

14. **Location and type of all outdoor lighting (refer to Site Plan Review Regs. Sec. VII.D for guidelines). No information has been provided with regard to the type of lighting. Locations were shown for proposed lighting. The board asked the applicant to provide this information.**

RESPONSE: The lighting as shown on these plans presented this evening within the setback area, near the eight parking spaces that have been removed, will be moved outside the setback area, closer to the three new proposed parallel parking spaces. Detail lighting specifications were provided within the plans. This lighting to meet all town regulations. Ms. Carriel requested the illumination specifications for the proposed lighting. The board noted the amount of lighting as proposed on the site appears to be adequate. A waiver request needs to be submitted to reflect the allowance of lighting greater than a 1/2 foot candle.

20. **The Board needs to review the parking calculations to ensure adequate parking is provided. Calculations should take into account both carry-out and sit-down customers. If seasonal seating is proposed for the veranda, this should be taken into consideration, as well. No carry out service is proposed as no drive thru or window is being proposed.**

RESPONSE: After a review of the parking configuration and calculations, Mr. Morse suggested the removal of the eight parking spaces located within the 25 foot setback area. Five of these parking spaces will be relocated to rear of the barn, in the area of the shed that is to be torn down, with three parallel parking spaces to be added in the area of the previous eight spots, which will set outside the 25 foot setback area.

Other Issues:

The board discussed the septic system areas, noting that the current septic system is located within the setback area. It was noted if the system failed, it could be replaced in kind or a chamber system be installed under the parking lot area. It was noted the original septic system was designed for a 40 seat restaurant, the same as what is being proposed.

The Drainage Design Report requirement was discussed. The board noted an abutter was concerned with additional drainage onto his property, but it was noted this property lies to the south of the current proposal. It appears that drainage issues has not been issue in the past with this abutting property (formerly the Nickerson property). The board noted the proposal decreases the amount of impervious surface. It was further noted the town engineer will review the proposal for drainage issues. A concern was noted that the disturbance of the site might affect drainage patterns, even though the impervious surface will be decreased. It was noted that Mr. Larry Smith commented at a previous meeting, wetland soils were not an issue on the site.

The board discussed the existing structures and proposed future uses. It was noted the existing house and barn will remain on site at this time. The "shed" which is attached to the rear of the barn will be removed and additional parking is being proposed in that area.

The board noted receipt of a waiver request regarding submission of wetland and soil data. The applicant had written the request as a variance request, not as a waiver request. The applicant needs to resubmit this item.

Mr Morse made a motion to accept jurisdiction of the plans.

Ms. Fillio seconded. The motion passed unanimously.

Outstanding issues are as follows:

1. Engineering review.
2. Signs, sign detail to be noted on the plan.
3. Parking-reconfiguration to be noted on the plans.
4. Waiver request for wetland and soil data.
5. Waiver request for lighting if illumination is greater than ½ foot candle and manufacturer's specifications of proposed lighting be provided.
6. Septic System for the house to be located and noted on the plans.

Mr. Morse made a motion to continue the Public Hearing until June 6, 2002 at 7:15 p.m.

Ms. Fillio seconded. The motion passed unanimously.

A revised set of plans will be provided to the Planning Board Office for submission to the Board Engineer. The plans must be submitted ten days in advance of the meeting so that Ms. Carriel may review the plans.

Ms. Carriel stated she would review the regulations with regard to the current restaurant septic system possibly failing and the installation of a new one.

A copy of the minutes will be mailed to Mr. Dunlop, 45 Stumpfield Road, Kensington, NH.

Continued Public Hearing for Jeff Caley and Gary Denson for a proposed elderly housing community located at 163 North Road, Country Hills of East Kingston

Mr. Dennis Quintal, Engineer, Mr. Gary Denson, and Attorney Robert Battles, Donahue, Tucker and Ciandella were present.

Dr. Marston stepped down from the board as he is an abutter.

A report dated April 18, 2002 prepared by Maura Carriel, Rockingham Planning Commission was received.

A set of plans included with the drainage information were submitted to the Board Engineer, however they were not a full set of plans. A full set of plans will be sent.

Mr. Quintal noted at the last meeting, the board reviewed the RPC comments. Revised plans along with the drainage report and plans were to be sent to the Board Engineer, however the full set of revised plans were not provided until this evening.

Mr. Quintal noted the issue with the entrance was addressed thru a letter sent to Alan Garland, District 6, NHDOT. A response was received in a letter dated April 4, 2002 from Mr. Garland which stated the property in question is entitled to one access to Route 108. The only way to authorize a second access is if a gated emergency access only is provided. This is shown on the plans. A copy of this letter was provided for the file.

Mr. Quintal presented the revised set of plans and noted minor changes have been made. He stated the intent of this meeting is to discuss the open space issues relative to the rules and regulations. A detailed open space plan was presented to the board. Depicted in the open space plan include the storm water retention areas, septic areas, and gas line areas. Mr. Quintal stated the focus of the conversation tonight was to decide what could and could not be included in that calculation. The areas that are shaded on the plans do not have the 25% slope and future right of way areas to the Turco property included. He noted without including these areas, there is plenty of open space.

Mr. Smith asked about the wetland areas. It was noted it is wet in the Spring and is classified as poorly drained soil.

Ms. Carriel asked for clarification in calculating the open space. It was noted only a portion of the poorly drained soils and no very poorly drained soils could be used for the open space. No more than 50% of the open space land can consist of poorly drained soils.

Mr. Quintal noted that very little very poorly drained soil is located on the property. He explained that they have calculated the open space by taking the minimum amount required and declared that only 50% of that figure could be poorly or very poorly drained soils. The board discussed the minimum requirements of uplands to the ratio of wetlands. It was noted that more than enough uplands is provided for this proposal.

Mr. Dan Nally, Civil Consultants stated that in the calculation of the open space, it was noted there are no interior lot lines, and he asked for guidance before preparing the final open space area, how this is to be delineated on the plan. Currently it is shown as a shaded area and asked if this area needs to be set by bounds, metes and bounds or some other form of delineation.

Attorney Battles suggested that this area be described within the covenants of the Association and shaded area on the plans.

Ms. Carriel asked if the open space as provided is adequate and if more would be required. This plan was compared to the Maplevale project. Delineation was also discussed.

Attorney Battles felt keeping the area shaded would keep it protected as open space and recreational area.

Mr. Smith felt the area left as open space was not very usable for the residents of the development. He noted the open space was left to the outside edges, the configuration with the wetland areas and how much was usable space for recreation. Walking trails and their adequacy were noted as concerns.

Mr. Quintal noted the rules and recreation specify the amount of land to be set aside for open space, but it does not give a percentage and detail for recreational uses.

Mr. Smith read the definition of open space and intended uses. He also read the definitions of the setback areas which note the open space uses are not allowed in those areas. He noted that the area set aside is not usable for the residents.

Mr. Quintal noted the residents could play golf or even put in a swimming pool. There are recreational areas such as the gas line area which has to be mowed and maintained. He asked if the gas line area can be included in the open space. He noted the sidewalk can be used for walking and the roadway used for bicycling. He noted the open space land can be used for the nature walks. He stated he was unsure if there was room for a ball field, it would depend on what type of recreation they would be playing.

Ms. Fillio stated that in areas where there are wetlands nothing can really be done, except for walking. This could be considered conservation areas which is an allowed use. She asked if there was open space left for the people to do things on the uplands.

Mr. Quintal stated there is land to do things in the uplands. Mr. Quintal pointed out the upland areas on the plans.

The board reviewed the plans and the regulations for the allowable uses in the setback areas and the areas as designated as open space.

Attorney Battles noted with his experience on other elderly projects, the utilization of the sidewalks is greatly used. He noted the open space area also allows for conservation areas and the regulations do not designate which parts of the open space areas are to be used for what type of use, passive or active.

Ms. Fillio asked Mr. Smith what he feels the open space areas should provide and what purpose or use they should fulfill.

Mr Smith suggested a picnic area.

Mr. Quintal noted several areas that could accommodate that use.

It was further noted the difference between common space and open space and the uses that are allowed in these two areas and that the board may receive comments from the board engineer with regard to these areas.

Mr. Larry Smith noted he has no comments relative to this discussion and he felt they have more than enough open space areas.

Mr. Smith asked about the three quad -plex units that are being proposed. It was further noted a meeting hall would be included in one of the three quad-plex units and that these units have been designed to the rear of the project in one corner. The remaining units are single family homes.

Ms. Carriel addressed concern over the lack of green space between the buildings and the parking lot configuration. It was suggested to reduce the density in the corner and spread these units over a larger area. Visitor parking configuration and convenience was also a concern.

Mr. Quintal stated part of the intent was to have a single family atmosphere when entering the project. He noted the quad-plex units were designed to the rear of the project so that they would be screened and not visible. He stated they would like to hide the buildings, but if the board wishes them to be spread out, they can do that as well. He noted the ordinance is set up for a certain number of units per acre and they conform to the elderly housing regulations and ordinances. He noted they tried to provide for a rural open setting within the project.

Ms. Carriel suggested modifying the configuration using the same number of units. It was suggested using duplexes instead of quad-plexes. The board discussed the saturation of the quad plexes in one area of the development and perhaps spreading the density over a larger area. Landscaping was also

discussed in and around the quad-plex area for additional green space.

The board discussed the condominium documents and association documents. These will be reviewed by Town Counsel. A statement will be placed on the plans, in the condominium documents filed with the Secretary of State and as a deed restriction that these units are individually owned.

Parking configuration, visitor parking and designated drop-off parking were issues the board discussed. Mr. Quintal stated he will review this information and address it with the Board Engineer.

The board discussed the pumping of the community well system. Residents of the area within 500 feet of the proposed well sites are notified of this testing. The applicant, as a courtesy, will notify those property owners within 1,000 feet of the proposed well site so they are notified of the testing dates so they may, at their own expense monitor their own wells during the well testing time. It was noted that Prescott Well Company will be completing the testing on the community system.

The board discussed the traffic flow at the intersection of the entrance and the loop road configuration. It was noted that four lanes of traffic at the intersection is being proposed. Mr. Quintal explained that traffic control devices such as stop signs will be installed. The board discussed one way traffic and elimination of two of the traffic lanes.

Mr. Morse made a motion to continue the Public Hearing until June 6, 2002 at 8 p.m.

Ms. Fillio seconded. The motion passed unanimously.

The board adjourned at 9:40 p.m.

Respectfully submitted,

Susan J. Rice
Secretary

Minutes completed on April 24, 2002

Minutes accepted on _____.