

MINUTES SUBJECT TO APPROVAL

DATE MINUTES APPROVED: 5/23/91

EAST KINGSTON BOARD OF ADJUSTMENT
April 25, 1991

Members attending: John V. Daly, Chairman; David Ciardelli, Pat Keans and David Boudreau, Alt.

Others Present: Larry Smith, Conservation Commission

The Public Hearing for Clinton Furnald, Whippoorwill Farm, (1991-01) Stagecoach Road, South Hampton was opened at 7:46pm.

Mr. Daly read the Public Notification for request for the Special Exception to Article VIII, Section G-2 of the Zoning Ordinance.

Mr. Furnald was present and spoke to the issue. He noted the property in question is located at 185 South Road, East Kingston and opposite the Eaton Forest.

Mr. Furnald displayed a detailed map showing the existing and proposed areas of wetland affected. He explained that he wants to dredge certain areas (so delineated on the map) and place the fill within the designated areas to form small "islands" to enable the water to flow in a manner to enhance wildlife mobility and sustenance.

Mr. Furnald explained that very poorly drained soils are involved and they are shown on the map.

Mr. Daly explained to those present that the Special Exception is for the dredge and fill only and asked if any structures would be involved.

Mr. Furnald stated that no buildings or structures would be within the designated area. He noted this would be a "reworking" of the wetlands to structure waterways and islands for wildlife. He noted the map was designed through the U.S. Dept. of Agriculture and the Conservation Commission.

Mr. Furnald has presented a letter from the Wetlands Board addressing the project.

Letter from Larry Smith, East Kingston Conservation Commission was presented.

Mr. Furnald stated the all dredging and filling would occur on his land. This is part of a 15 acre parcel and less than one acre will be disturbed. Mr. Furnald explained that the pond connects with the rest of the area surrounding it. The pond was constructed about 15 years ago. He noted this is classified as a "Shallow Water Area for Wildlife" under the U.S. Soil & Conservation Service. This would be the final phase of an ongoing project.

Mr. Don Walls, preparer of the drawings presented was present. It was explained that the Dept. of Agriculture and Soils Conservation Service have participated in this joint venture.

Ms. Joan Skewes, certified Soils Scientist was present and explained that the mapping was not of the higher detail required by development purposes. She noted she used the base map and flagged the lines to approximate the delineation of the wetlands.

Mr. Ciardelli inquired what the significance was to this Board.

Mr. Smith noted the Town requires there be no disturbance. This particular project is beneficial to the Town and will be good for the water flow and wildlife in this area.

Mr. Daly asked the Board to reference Article VIII, Section A.

Mr. Daly asked for input from abutters present.

Mr. Mike Gigliotti, stagecoach Road asked if the main intent is to develop the land for houses.

Mr. Furnald stated the question has no significance as the land cannot be built upon; it is wetland.

Mr. Boudreau asked if it would drain onto any other property.

Mr. Smith noted the level of water would remain fairly constant within this area.

Mrs. Shirley Gigliotti stated that she was concerned with houses coming in. She questioned if controlling of the water on one spot (area) would make other land adjacent more suitable for development.

Mr. Ciardelli asked if there would be an dams, or if there would be natural flow.

Mr. Furnald stated there would be a dam, as one now exists.

Mr. Walls, engineer stated the actual flow would be 55 gpm. This represents no change in flow and the level stays constant. The factor affecting would be evaporation only.

Mr. Ciardelli asked if there would concerns should beavers build a dam.

Mr. Walls noted again the water level is going to be exactly the same as exists now.

Mrs. Gigliotti asked who was paying for this work.

Mr. Daly noted, the applicant.

Mrs. Gigliotti said she had wanted a pond on her area and had asked Rockingham County Conservation Commission to help her improve the water table for wildlife preservation. She stated they said they did not pay for such.

Mr. Daly asked for any further questions.

The Board then discussed the information gathered in more detail.

Mr. Daly stated that if the Board found the request did not conflict with the purpose of the Ordinance, the conditions for granting of the Special Exception would be met.

Mr. Ciardelli requested the Board to go over each of the 7 criteria of Article VIII, Section A.

The following resulted:

Items: 1-Satisfied. 2-Satisfied. 3-Satisfied. 4-N/A
5-Satisfied. 6-Satisfied. 7-Satisfied.

Mr. Ciardelli motioned to grant the special Exception to Article VIII, Section G-2 of the Zoning Ordinance as shown in the application.

Mr. Boudreau second.

The motion passed 4-0 and the Special Exception is granted.

The Public Hearing was closed at 8:10pm.

Anne Bialobrzkeski, Stockton Services was present for a Preliminary Discussion only concerning Curtis Jacques' property on North Road.

Dennis & Denise Jacques, son and daughter-in-law of Mr. & Mrs. Jacques were present.

Ms. Bialobrzkeski explained there are 11.67 (=,-) acres in the piece that Mr. Jacques wants to subdivide into three houselots. Each of the additional lots would be conveyed to his sons. She stated there is adequate frontage to comply with the Zoning Ordinance. Because of the existing dwelling and its location, she stated it would not be in the best engineering and design practice to practice strict enforcement to the law. The Jacques will request a frontage variance to 60 ft. frontage with 357 ft. for the adjacent lot.

Ms. Bialobrzkeski again noted there was adequate frontage for strict adherence, but feels the circumstance warrants relief.

Mr. Daly asked if they have been to the Planning Board yet.

Ms. Bialobrzkeski explained they have been before the Planning Board for discussion purposes. They have been advised to submit applications for a Lot Line Adjustment (non-related to Subdivision) and Subdivision. The Planning Board advised they would have to come to the Board of Adjustment after Planning Board denial. Mr. Jacques is on the May 16th Planning Board agenda and would be denied at this time. The follow up to the Board of Adjustment would then follow on May 23rd.

Mr. Daly stated the reason to come before the Board of Adjustment would be to appeal from a decision of denial of an ordinance.

There was much discussion about the configuration of the lot and where the lot lines would be best suited. It was explained that two obvious swales on the property would be the best suited areas for lot line delineations.

Mr. Daly suggested the Jacques file their application and the Board would place them on the May agenda.

The proposed Rules of Procedure were read by the members.

The Board adopted the Rules of Procedure and the formal hearing regarding their adoption is closed.

The original copy of the Rules of Procedure for the Board of Adjustment are placed on file with the Town Clerk.

The meeting was adjourned at 8:55pm.

Respectfully submitted,

Nancy J. Marden, Secretary

Typing completed: April 28, 1991