



PLANNING BOARD
Town of East Kingston
New Hampshire

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

MINUTES

(Regular Meeting & Public Hearings of 15 May 2003)

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

ROLL CALL: Chairman Day called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Mr. JL Fillio, ex-officio, Dr. RA Marston, DVM,
Vice Chairman RA Smith, Sr.
Alternate members present – Mr. JD Burton, Mr. EV Madej
Advisors present – Ms. Maura Carriel, Rockingham Planning Commission (RPC)
Mr. Kent Shepherd, Building Inspector
Mr. Larry Smith, Chairman, Conservation Commission
Fire Lt. Carl Richter, Fire Department

BOARD BUSINESS:

New Board member- Mr John Burton was introduced and welcomed as the newly appointed alternate member. The Board expressed its appreciation for his dedication of time and energy.

Board member recognition- Mr. Day presented a letter of recognition and appreciation to Mr. Richard A. Smith for his 30 years of dedicated service to the Planning Board, 27 years of which he served as its chairman. Everyone cheered. Mr. Fillio then presented Mr. Smith with a gavel, engraved to record Mr. Smith's 27-year chairmanship, and expressed his thanks on behalf of the Board of Selectmen and the community for Mr. Smith's extraordinary sense of civic duty.

Voting members- Mr. Day noted that either Mr. Madej or Mr. Burton might be called upon to vote a question, in view of the possibility of at least one member's disqualification in a public hearing.

Minutes-

MOTION: Mr. Fillio **MOVED** to accept the minutes of the 20 March 2003 Planning Board regular meeting as written. Mr. Smith seconded, and the motion carried unanimously.

MOTION: Mr. Smith **MOVED** to accept the minutes of the 17 April 2003 Planning Board regular meeting as written. Mr. Fillio seconded, and the motion carried unanimously.

MOTION: Mr. Fillio **MOVED** to accept the minutes of the 1 May 2003 Planning Board working meeting as written (typos corrected). Mrs. Belcher seconded, and the motion carried unanimously. Mr. Smith abstained, not having been able to attend the meeting.

Correspondence-

1. Letter received from Mr. Steve Amundsen, 5 North Road, who requested to be on the 19 June 2003 agenda for discussion purposes.
2. Application received from NH Office of State Planning in regard to Community Development Block Grant Applications workshop writing seminar.

3. Mr. Filio and Mr. Madej described a seminar/workshop held 12 May 2008 about "Achieving Smart Growth" in New Hampshire. The material was excellent, and Mr. Day indicated he would draft correspondence to the Rockingham Planning Commission requesting the related help and audit offered by the State.

11x17 tax maps- Mr. Day presented the most current tax map set, enquiring whether members would also like copies. They were noted to be very useful in placing individual applications in context, and Mr. Day indicated he would have them reproduced for Board members.

PUBLIC HEARING FOR REVISIONS TO THE PLANNING BOARD'S BYLAWS AND RULES OF PROCEDURES.

The Board's revisions to the Bylaws and Rules of Procedures were presented. Mr. Day noted that the changes consisted primarily of updating the 1991 Bylaws to reflect current statutes, more clearly define officer duties and responsibilities, and clarify procedural intents for public hearings.

Discussion clarified questions of how a quorum is to be defined, how quorum decisions are to be taken, and an abutter's concern about time spent to informally question an applicant's plan.

MOTION: Mr. Filio **MOVED** to accept the proposed changes and corrections to the Bylaws and Rules of Procedure as presented. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR PROPOSED CHANGES TO THE EAST KINGSTON SUBDIVISION REGULATIONS.

The Board presented changes to SECTION XIV – Procedure for obtaining approval for subdivision. The changes proposed the provision for defraying costs to the Town incurred for Circuit Rider Planner review of applications by requiring the applicant reimburse the Town. Other changes included updating other application fees.

MOTION: Dr. Marston **MOVED** to accept the proposed changes to SECTION XIV as presented. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR PROPOSED CHANGES TO THE EAST KINGSTON SITE PLAN REVIEW REGULATIONS.

The Board presented changes to SECTION IV. – Submission Requirements, and to the Application for Site Plan Review (amended January 18, 2001). The changes proposed the provision for defraying costs to the Town incurred for Circuit Rider Planner review of applications by requiring the applicant reimburse the Town. Other changes included updating other application fees, and the site plan review application fees paragraph.

MOTION: Mrs. Belcher **MOVED** to accept the proposed changes to SECTION IV and the Site Plan Review Application as presented. Mr. Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED PUBLIC HEARING FOR A PROPOSED FOUR LOT SUBDIVISION FOR RICHARD COOK AND DAVID SULLIVAN, 33 HAVERHILL ROAD, MBL 11-2-11, FOR THREE RESIDENTIAL LOTS AND ONE NON-RESIDENTIAL LOT (EKPB #02-11).

For the applicants – Mr. Dennis Quintal, P.E. Mr. Quintal noted the Board had approved a waiver request for road side slopes to accept a proposed 3:1 slope. He noted that he and the applicants had addressed outstanding abutter concerns to the applicants' satisfaction.

Mr. Day asked whether Mr. Quintal had had an opportunity to address the most recent abutter concerns (#20, 21, & 22) as noted in Mr. Postle's letter of 17 April 2003. Mr. Quintal indicated he had, addressing the concerns thusly:

- 20- *The plans do not indicate precisely what will be done with abutters' driveways in light of the cul-de-sac's reconfiguration.* Mr. Quintal explained what can be done, noting the applicants shall comply with the Board's and abutters' wishes within the context of Town and statutory requirements.
- 21- *The amended permit application for Sullivan Drive and Bowley Road proposes that Ashlie Road will provide an optional access route.* Mr. Quintal expressed the expectation that all commercial traffic into and out of the proposed light industrial park will be limited to Bowley Road.
- 22- *Test wells for the proposed elderly housing project are not shown on the plan.* Mr. Quintal noted that the present plan shows test pits for the subdivided residential lots, as is appropriate.

Board discussion ensued regarding provision for limiting commercial traffic on Ashlie Road, and the reconfiguration of the Ashlie Road cul-de-sac. Mrs. Belcher stated she would prefer to see the excess pavement removed, the road sides restored, and newly exposed ground properly landscaped (e.g. loam and seed). It was reiterated that the Selectmen can require a NO THRU TRUCKING sign be posted, and that it is enforceable by the East Kingston Police Department. The Board was in agreement that the cul-de-sac be reconfigured as a normal intersection, and the applicant shall restore adjoining abutter property, and ensuring abutter driveways are properly connected to the street.

Mr. Day advised the Board that he had received Town Counsel's interpretation and advice regarding the East Kingston Ordinance Article IX.B. Counsel understands Article IX.B. to mean that for purposes of subdividing MBL 11-2-11 for a back lot, the "lot of record" is the presently existing lot. Counsel noted that only one back lot can be created.

Mrs. Belcher explained her present understanding of the State's meaning and use of road classifications. In her conversations with NH Office of State Planning (NH OSP), Mrs. Belcher noted there appears to be two ways to reclassify a road. According to NH OSP, neither method addresses the material condition of the road, but rather, how and by whom the road is maintained. Reclassification can be effected by the applicant providing an acceptable "layout" to the Board of Selectmen, or by a legislative body vote to reclassify. It was noted that the East Kingston selectmen have already agreed to the applicants' plan to improve Bowley Road, and a warrant article for Town Meeting 2004 is being prepared as well. Mrs. Belcher noted NH OSP holds that a planning board has the authority to grant a subdivision on a Class VI road, and that is solely based on what is contained in local regulations. The Board was in agreement that improvement of Bowley Road must be a condition of approval.

Mrs. Belcher explained OSP's response to her query regarding lot "frontage" and setbacks. OSP holds that, ultimately, the answer lies in what local definitions are. Board discussion ensued, and the Board was in agreement that frontage of an existing lot is defined by its deed and street address. The Board supported the proposition that, in the absence of regulation or definition to the contrary, pre-existing setbacks ought not be changed by virtue of changes to adjacent lot configurations or use.

Mr Day opened the hearing for abutter comment –

Mr. Frank Postle, 7 Ashlie Road, expressed his concern over how the Board chose to interpret the statutes, and Town ordinances and regulations.

Mr. David Toothaker, 10 Ashlie Road, asked how the cul-de-sac was to be reconstructed. Mr. Quintal explained that Sullivan Drive would be built before the intersection is created. In the event, excess pavement would be removed, the road side slopes and swales graded, driveway connections restored as necessary, and the newly exposed ground landscaped accordingly.

Mr. Lance Weed, 1 Ashlie Road, expressed concern about trucks making turns off Bowley Road. Mr. Fillio indicated his belief that trucks would not choose to turn onto Sullivan Drive and Ashlie Road, and the permit requested of the State for the Haverhill Road intersection must show that it can accommodate all expected traffic.

Mr. Day closed the hearing to abutter comment. The Board deliberated what remained for the applicant to do, or provide, in order for the Board to take a decision on the application for subdivision. The Board identified the following conditions for approval:

- 1- NH State subdivision approval
- 2- All State permits regarding any wetlands impacts, NH DOT approvals regarding driveway permits, Sullivan Drive and Bowley Road, and intended land use.
- 3- Upgrade of Bowley Road to Town standards with Town Engineer approvals.
- 4- Note on plans that Bowley Road be upgraded to Town standards, and reclassification from Class VI to Class V road.
- 5- Performance and completion bonds for Sullivan Drive and Bowley Road agreed with the Board of Selectmen.
- 6- Reconfigure Ashlie Road terminus (remove excess pavement of lollipop) as an intersection with a stop sign. Restore ground on abutters' properties so affected to include loam and seeding as appropriate, and reconnect abutters' driveways to Ashlie Road as necessary.
- 7- Plans to include details of Ashlie Road and Sullivan Drive intersection and cul-de-sac removal.
- 8- Final approval by Town Engineer of cul-de-sac plans.
- 9- Discuss signage with Board of Selectmen and Road Agent regarding the posting of NO THRU TRUCKING on Ashlie Road and Sullivan Drive.
- 10- Fire Department approval of suppression systems.
- 11- Review of all easements language (fire suppression systems, slopes, treatment swales) by Town Counsel.
- 12- Note on plans describing waiver granted by the Planning Board accepting 3:1 slopes for subgrade preparation.
- 13- Concrete bounds or granite monuments placed, and a Certificate of Monumentation obtained.
- 14- All required stamps of surveyors, engineers, and planners on the plans.
- 15- An updated traffic analysis required if the use of proposed light industrial park buildings changes to a use with greater traffic than is currently anticipated.
- 16- Compliance hearing to establish applicant has met all conditions for Planning Board final approval.

MOTION: Mr. Fillio **MOVED** the Planning Board grant conditional approval for the Cook/Sullivan subdivision of MBL 11-2-11 for three residential lots and one non-residential lot. The conditions are:

- 1- NH State subdivision approval
- 2- All State permits regarding any wetlands impacts, NH DOT approvals regarding driveway permits, Sullivan Drive and Bowley Road, and intended land use.
- 3- Upgrade of Bowley Road to Town standards with Town Engineer approvals.
- 4- Note on plans that Bowley Road be upgraded to Town standards, and reclassification from Class VI to Class V road.
- 5- Performance and completion bonds for Sullivan Drive and Bowley Road agreed with the Board of Selectmen.
- 6- Reconfigure Ashlie Road terminus (remove excess pavement of lollipop) as an intersection with a stop sign. Restore ground on abutters' properties so affected to include loam and seeding as appropriate, and reconnect abutters' driveways to Ashlie Road as necessary.
- 7- Plans to include details of Ashlie Road and Sullivan Drive intersection and cul-de-sac removal.
- 8- Final approval by Town Engineer of cul-de-sac plans.
- 9- Discuss signage with Board of Selectmen and Road Agent regarding the posting of NO THRU TRUCKING on Ashlie Road and Sullivan Drive.
- 10- Fire Department approval of suppression systems.
- 11- Review of all easements language (fire suppression systems, slopes, treatment swales) by Town Counsel.
- 12- Note on plans describing waiver granted by the Planning Board accepting 3:1 slopes for subgrade preparation.
- 13- Concrete bounds or granite monuments placed, and a Certificate of Monumentation obtained.
- 14- All required stamps of surveyors, engineers, and planners on the plans.
- 15- An updated traffic analysis required if the use of proposed light industrial park buildings changes to a use with greater traffic than is currently anticipated.
- 16- Compliance hearing to establish applicant has met all conditions for Planning Board final approval.

Mr. Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED PUBLIC HEARING FOR A PROPOSED NON-RESIDENTIAL SITE PLAN FOR RICHARD COOK AND DAVID SULLIVAN, 3 BOWLEY ROAD, MBL 11-2-11, FOR THE CONSTRUCTION OF 31,250 SQUARE FEET OF NON-RESIDENTIAL SPACE (EKPB #02-0C).

For the applicants – Mr. Dennis Quintal, P.E. Mr. Quintal noted that the applicants would like to request a continuance to prepare for detailed discussion of building design, landscaping, and the site plan review process.

MOTION: Mr. Filio **MOVED** the Board grant a continuance to the regular meeting of 19 June 2003 at 7:45 PM. Mrs. Belcher seconded, and the motion carried unanimously.

Discussion ensued, with Mr. Richard Cook presenting information materials from *Morton Buildings* depicting the types of buildings and construction he and Mr. Sullivan have in mind. Mr. Cook further explained that he already has a potential client base, for whom he intends tailoring the buildings constructed. His present plan is to build as demand requires, the result being a phased construction without a specific timetable for completion.

Mr. Day opened the floor to abutters for question and comment.

Mr. David Toothaker, 10 Ashlie Road, expressed scepticism about how such a development will look if left to be completed piecemeal. He referred to the light industrial park owned by Mr. Paul Masone, adjacent, and stated his opinion that Mr. Masone could be doing a better job at making the grounds and environment attractive.

Mr. Day closed the hearing to abutters.

CONTINUED PUBLIC HEARING FOR PAUL MASONE, 213 HAYRHILL ROAD, MBL 11-2-16, FOR A PROPOSED SITE PLAN REVIEW OF A 7,200 SQUARE FOOT BUILDING (EKPB #02-0A).

For the applicant – Mr. Dennis Quintal, P.E. Mr. Quintal presented a corrected mylar with copies, noting that errors involving the street address and MBL number were corrected.

In discussion, the Board noted that, with these corrections, and the East Kingston Fire Department approval, the conditions for approval are satisfied, and the mylar will be signed and presented to the Rockingham County Registry of Deeds.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR PHILIP TYRRELL, 101 GILES ROAD, MBL 6-1-1, FOR A PROPOSED TWO-LOT SUBDIVISION (EKPB #03-03).

For the applicants – Mr. Harry Boyd, Jr. Mr. Boyd introduced Mr. William Edwards, and Mrs. Chris Cameron, daughter of Mrs. Tyrrell. He also noted that Mrs. Tyrrell was present. Mr. Boyd presented a new plan set for the subdivision, and Mr. Day noted that the Board cannot consider material submitted at a hearing because of the Board's inability to review the submission in detail. The proposed subdivision plan would create a single back lot with sufficient frontage and acreage.

Mrs. Belcher noted that the proposed driveway loop appears to abut a lot boundary, and noted that East Kingston regulation requires all driveways be at least ten feet from lot boundaries.

Mr. Larry Smith, Conservation Commission Chairman, advised that soil type numbers should be noted on the plan.

The Board noted that the proposed driveway to the back lot has a 12% grade. Questions were posed to Fire Lt. Richter as to whether such a grade would be of concern to the Fire Department. Lt. Richter stated the department would have to examine the plan more closely.

Mr. Shepherd, Building Inspector, noted the slope of the driveway from Giles Road is 1%. He stated the State requirement to be a 2% grade slope for proper drainage.

The Board examined the materials presented, and in hand, and discussed the application's completeness.

MOTION: Mr. Fillio **MOVED** to accept the Tyrrell subdivision application as sufficiently complete, and to take jurisdiction. Dr. Marston seconded, and the motion carried unanimously.

Mr. Day opened the floor for abutter questions and comment.

Mr. Jackson Casey, 109 Giles Road, asked about the position of the proposed house. He clarified that his concern centers upon the proposed house's proximity to his own backyard and house. He asked whether the proposed house location could be adjusted in any way to increase the distance. Mr. Boyd indicated that the proposed location is optimal, given the topography, septic leech field requirements, and the completed test pit.

Mr. Day advised Mr. Boyd that the Board will need time to review the plan. Mr. Boyd, on behalf of the applicant, asked the public hearing be continued.

MOTION: Mrs. Belcher **MOVED** the Board grant a continuance for the Tyrrell two-lot subdivision to the regular meeting of 19 June 2003, at 8:15PM. Mr. Fillio seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR LEWIS BUILDERS DEVELOPMENT, INC. (APPLICANT) AND CENTERVIEW HOLLOWLAND CO., LLC (OWNER), FOR A PROPOSED SITE PLAN REVIEW FOR MBL 8-2-7 AND MBL 8-2-46, DEPOT ROAD, TO MODIFY BUILDING STYLE AND ADJUST BUILDING LOCATIONS (EKPB #03-0E).

For the applicant – Mr. Chris Frye, P.E. Mr. Frye noted that Mr. Peter Lewis, the applicant, was present. Mr. Frye explained that the intent of this site plan is to bring the Maplevale Farms and Woods and Cricket Hill elderly housing developments closer together in appearance for aesthetic and practical reasons. By doing so, the Maplevale structures will be 100 square feet smaller, and the reduction of some driveway widths will produce a net reduction in planned impervious area by 6,600 square feet. There would also be one less curb cut on the new road.

Mr. Frye referred to a letter from Mr. Joseph Coronati, Jones & Beach Engineers, Inc., in which Mr. Coronati suggests that, because of the net reduction in impervious area, the change should not warrant revision to the original Drainage Report.

Discussion ensued with the Board asking questions about proposed change to a quadruplex driveway, and noting the repositioned housing structures.

MOTION: Mrs. Belcher **MOVED** to accept the Lewis site plan as sufficiently complete, and to take jurisdiction. Mr. Fillio seconded, and the motion carried unanimously.

Mr. Day opened the floor for abutter questions and comments.

Mr. Howard George, 96 Depot Road, asked Mr. Lewis about a promised deed for the Maplevale development property that had been given to the East Kingston United Methodist Church. The original owner, Mr. Jeff Hirsch, had agreed to deed 2.26 acres adjacent and behind the church to provide a buffer from future housing, and afford the church an opportunity to build a parking lot.

Mr. Lewis said he knew nothing of the agreement, and upon closer examination of subdivision plans, Mr. Lewis indicated that he had not purchased the 2.26 acre parcel from Mr. Hirsch. He noted the development boundary to be around the lot in question.

The Board discussed outstanding conditions for site plan approval and noted the following:

- 1- A corrected mylar, with copies, reflecting the removal of the southerly driveway entrance to the quadriplex in question.

MOTION: Mr. Fillio **MOVED** the Board grant conditional approval for the Lewis Builders Development, Inc., site plan for MBLs 8-2-7 and 8-2-46 to modify building style, adjust building locations, and reconfigure one quadriplex driveway. The conditions are:

- 1- A corrected mylar, with copies, reflecting the revised housing layout, and removal of the southerly driveway entrance to the quadriplex in question.

Mr. Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR ANTHONY SCAPICCHIO, MBL 13-3-1, AND JAMES AND MARY MOWER, MBL 13-3-22, FOR A PROPOSED LOT LINE ADJUSTMENT LOCATED ON SOUTH ROAD AND ANDREWS LANE (EKPB #03-04).

For the applicant- Mr. William M. Gregsak, P.E. Mr. Gregsak noted the letters from Messrs. Scapicchio and Mower authorizing him to present their application for a lot line adjustment. Mr. Gregsak explained that the lot line adjustment will result in MBL 13-3-22 being reduced to a lot with 5.06 acres, and the only new monumentation required will be two pins as depicted on the plan.

MOTION: Mr. Smith **MOVED** to accept the Scapicchio/Mower lot line adjustment plan for MBLs 13-3-1 and 13-3-22 as sufficiently complete, and to take jurisdiction. Mr. Fillio seconded, and the motion carried unanimously.

Mrs. Belcher pointed out that the East Kingston subdivision regulations require any new boundary markers to be either granite or concrete.

Mrs. Carriel, RPC senior planner, noted that the two parcels about the Town of Kensington, and a signature block for the Kensington Planning Board must appear on the plan.

Mr. Day opened the floor for abutter questions and comments.

Mr. Anthony Batal, 26 Andrews Lane, noted that the proposed plan does not show his property, despite his having received abutter notice.

Mrs. Nancy Mayotte, 29 Andrews Lane, asked Mr. Gregsak if he could speak to the reasons for the lot line adjustment. Mr. Gregsak responded he could, and Mr. Day asked he reserve discussion until after the hearing.

The Board discussed outstanding conditions for lot line adjustment approval and noted the following:

- 1- A signature block for the Kensington Planning Board be placed on the plan, and an approving signature obtained.
- 2- The plan be corrected to depict the Anthony Batal property, 26 Andrews Lane, as an abutter.
- 3- Property bounds and monumentation checked by East Kingston Building Inspector.
- 4- Certificate of Monumentation completed.
- 5- Wetlands depicted on plan for new 5.06 acre MBL 13-3-22, with calculations to show the remaining uplands are sufficient as required by ordinance, regulation, and statute.

MOTION: Mr. Smith **MOVED** the Board grant conditional approval for the Scapicchio/Mower lot line adjustment for MBLs 13-3-1 and 13-3-22. The conditions are:

- 1- A signature block for the Kensington Planning Board be placed on the plan, and an approving signature obtained.
- 2- The plan be corrected to depict the Anthony Batal property, 26 Andrews Lane, as an abutter.
- 3- Property bounds and monumentation checked by East Kingston Building Inspector.
- 4- Certificate of Monumentation completed.
- 5- Wetlands depicted on plan for new 5.06 acre MBL 13-3-22, with calculations to show the remaining uplands are sufficient as required by ordinance, regulation, and statute.

Mr. Filio seconded, and the motion carried unanimously.

Mr. Gregsak presented a proposed plan for the newly created MBL 13-3-1 for discussion purposes only. The plan depicted a substantial elderly housing development, with a single access road originating on East Road, East Kingston.

Mrs. Belcher asked how long the road was to be, and how long a driveway depicted at the end of the road was. Mr. Gregsak estimated the road to be 1800 feet long, and the driveway to be 300-400 feet long. Mrs. Belcher pointed out that the East Kingston subdivision regulations limit the length of cul-de-sac roads to 1000 feet, and Mr. Day noted that, historically, the Board has had to include the length of driveways to ensure that emergency services can be delivered effectively. As a consequence, the plan as suggested could not be approved by the Board.

Mrs. Belcher suggested perhaps reconfiguring the road in some sort of loop fashion to provide proper traffic circulation.

Mr. Gregsak thanked the Board for its advice, and Mr. Day closed the public hearing.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Filio seconded, Mrs. Belcher thirded, and the motion carried unanimously at 10:47PM.

Respectfully submitted,

James Roby Day, Chairman
East Kingston Planning Board

Minutes approved _____