

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES

DATE OF MEETING: May 16, 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, Jack Fillio, Ex-Officio, David Morse, Dr. Robert Marston, Roby Day, Alternate, Gene Madej, Alternate and Cathy Belcher, Alternate.

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

Call To Order:

Mr. Smith opened the meeting at 7:04 p.m. and the roll call was taken by Mrs. Rice.

In-Coming Correspondence:

1. 2002 Municipal Board Training Series Brochure sponsored by Rockingham Planning Commission.
2. Memo from Board of Selectmen informing the board that Mr. Don Andolina is the Ex-Officio Alternate to the Planning Board.

Dr. Marston arrived at 7:05 p.m.

3. Response from Attorney John Daly regarding proposed change in covenant language for Cricket Hill, Lewis Builders.
4. NHDES Site Specific approval for Cricket Hill, Lewis Builders.
5. NHDES Wetlands Permit for the Maplevale Projects.
6. Quad-plex floor plans for Maplevale Woods.

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 Jeffrey Hirsch, Tax Map 8, Block 2, Lot 7 located at 14 Depot Road

Mr. Morse, Mr. Smith, Mr. Madej and Mr. Fillio removed themselves from the board.

Mrs. Fillio chaired this portion of the meeting and appointed Mr. Day and Ms. Belcher as voting members. The quorum consisted of Mrs. Fillio, Dr. Marston, Mr. Day and Ms. Belcher.

Mr. Kevin Hatch, Cornerstone Survey was present, representing Lewis Builders for this proposal. A lot line adjustment plan between the proposed Cricket Hill and Maplevale projects was presented.

Mr. Hatch explained the purpose of this lot line adjustment was to meet a density requirement.

A review report prepared by Maura Carriel, Rockingham Planning Commission dated March 13, 2002 was reviewed by the board members.

Outstanding items noted in the RPC report include a signature block for Planning Board approval-this has been added to the plans; the stamp and signature of a Licensed Land Surveyor-this has been added to the plans; the applicant has submitted waiver requests for Subdivision Regulation Sections VI.1.E (topography), VI.1.J (test pits and per tests, 4k septic reserve area) and VII (soils and wetland information), if the intent is to not provide that information; a Certification of Monumentation has been submitted; and both sheets will be recorded at the Registry of Deeds.

Mr. Hatch noted the topography and soils, including wetland information, has been provided within the subdivision plans for Cricket Hill and Residents of Maplevale.

Ms. Fillio asked for public comment. None was received.

Ms. Belcher made a motion to accept the plans for jurisdiction for this lot line adjustment.

Dr. Marston seconded. The motion passed unanimously.

Ms. Belcher made a motion to accept the following waiver requests as outlined in the March 21, 2002 letter from Lewis Builders Development, Inc.:

Section VI.1.E Waiver to requirement for providing topography.

Section VI.1.J Waiver to the requirement to provide test pits, percolation tests, and septic reserve areas.

Section VII Waiver to the requirement to provide soils and wetland information.

Dr. Marston seconded. The motion passed unanimously.

Ms. Carriel requested the waivers be placed on the plans and mylars.

Mr. Hatch noted the waivers have been placed under note #5 of the plans.

Dr. Marston made a motion to grant approval to the lot line adjustment for David G. Morse, Tax Map 8, Block 2, Lot 19 located at 40 Willow Road and Jeffrey Hirsch, Tax Map 8, Block 2, Lot 7 located at 14 Depot Road.

Mr. Day seconded. The motion passed unanimously.

Mr. Smith returned as Chairman.

Continued Public Hearing for Lewis Builders. site plan proposal for an elderly housing community located at 40 Willow Road

Mr. Madej and Mr. Morse removed themselves from the board as they are abutters.

Mr. Smith appointed Mr. Day as a voting member.

Mr. Kevin Hatch, Surveyor, Cornerstone Survey Associates, Mr. Peter Lewis, Attorney Robert Fryer, Engineer Giles Hamm were present.

Plans were presented to the board depicting the elderly housing community known as Cricket Hill which show changes including the walkway located around the inside roadway circle which has been added in addition to a gravel recreational trail and striped cross walks, grading details, the drainage study has been forwarded to the Town Engineer for review and the connector road to Maplevale which consists of a 24 wide paved road with a sidewalk has been finalized. Mr. Hatch stated the other outstanding items are minor housekeeping items. Mr. Hatch noted no report has been received back from the Board Engineer at this point, but during a phone conversation, six items were discussed to include the following:

1. Add cross section in the area of building 6 to building 9, because of the paved footpath, on the inside of the loop, that was added for the cross walk, no grading was added to the plans on the roadway cross section. This will be added.
2. A striped crosswalk will be added to the plans where the gravel walkway crosses the road. This is near the location of the connection to Maplevale.
3. A portion of the pre and post pattern drainage report was missing from the set of plans. This was forwarded.
4. A dimension of the basin needs to be added to sheet #9 which will depict the length and dimension.
5. A guardrail detail needs to be added to sheet #10 along the section of the fire pond. Under note #2 of the plans the station numbers need to be added.
6. Sheet #11 was added to show light intensity thru out the site. An exterior light at the street intersection has been added. Mr. Hatch stated the rural character will be maintained within the development and two surface mounted lights will be located on the club house as well as one at the doorway of each home. Mr. Hatch felt the interpretation of the regulation was

probably mean to be that no more than a ½ foot candle intensity would extend beyond the property boundary.

Mr. Hatch noted in response to the abutter concerns regarding traffic impact, Vanasse & Associates was contacted to prepare a report on the traffic impact on Willow Road. Mr. F. Giles Hamm, P.E. from Vanasse & Associates was present.

Mr. Hamm introduced himself and gave a brief overview of his qualifications as a traffic engineer. A report dated May 10, 2002 was presented to the Board members. A summary is provided below based upon a verbal presentation and the written memorandum submitted:

Vanasse & Associates conducted a preliminary traffic analysis of the proposed Cricket Hill residential development to be located off Willow Road. In conducting the assessment, VAI visited the site to review traffic conditions and the proposed site access, estimated the vehicle trip generation of the project, reviewed the proposed connection to the Maplevale project and made recommendations to provide safe access and egress to the site. The primary site access and egress will be provided via Willow Road. Willow Road is a two-lane roadway accommodating one travel lane one travel lane per direction. The posted speed limit is 30 mph and land uses along Willow Road are primarily open space and residential. At the proposed site driveway location, adequate sight distances exist to the North and South to safely accommodate the site traffic. The traffic volume expected to be generated by the proposed project include at the peak weekday morning traffic period 25 additional cars and a total peak weekday evening traffic period a total of 29 additional cars. An average weekday daily trip generation of 298 cars is expected, 149 vehicles entering and 149 vehicles exiting. As requested by the Town, a physical roadway connection between the proposed Cricket Hill and Maplevale Turkey Farm project was made. While this connection does follow good planning practices, it is expected to accommodate a very small amount of traffic. This is mainly due to the fact the combination of both developments will not create a significant opportunity for cross traffic. A recommendation that the connector roadway be placed under STOP sign control at the intersection with the circulation roadways should be made. The recommendations from this report include the following:

1. The site driveway at Willow Road be placed under STOP sign control with illumination provided.
2. Vegetation along the site frontage should be set back and not exceed a height of 3.5 feet in order to maintain adequate sight distances.
3. The internal connector roadway should be placed under STOP sign control at both ends.

Mr. Day asked if proposed shoulder decel lanes would be necessary.

Mr. Hamm stated no, the level of traffic being generated does not warrant this.

Ms. Belcher asked when the review of the traffic study took place, was the entrance of Depot Road and Willow Road reviewed and the percentage of traffic turning onto Depot Road toward the library direction reviewed.

Mr. Hamm stated the review consisted of the entrance/exit onto Willow Road and the numbers only pertain to Cricket Hill, with no influence of the Maplevale projects.

Mr. Smith asked for board comments.

Mr. Fillio asked how the numbers were arrived at using industry standards and if an actual physical number accounting session took place.

Mr. Hamm explained he used the industry standard by forecasting using trip-generation data from the Institute of Transportation Engineers-Trip Generation manual. He further noted that no physical counts were taken.

Ms. Carriel noted that Mr. Hamm stated no decel lane was warranted, however, on the plans a decel lane was located on the plans. She asked if the road agent has had input on this decel lane and where it actually came from.

Mr. Hatch stated the decel lane was not as a result of the traffic study, it was discussed as part of a site walk with the developer. He asked for the board's input on the necessity of the decel lane.

Mr. Hamm stated it is not needed, however it makes the entrance/exit point better.

Mr. Hatch explained this is not a turn lane, it is a deceleration lane which is approximately 50 feet in length. The lane is expected to be 6 feet in width and this will be paved.

Mr. Smith asked about the signage of the development near the entrance located on Willow Road. It was noted that signage has been proposed and is located on the property near the entrance on Willow Road. It is located in the vicinity of the decel lane area.

Ms. Belcher asked if the Road Agent has been asked for comment.

Mr. Morse stated he has contacted the Road Agent several times, he has gotten no where and his messages have not been returned.

The board felt the Road Agent duties does not include this type of review, but falls within the parameters of the Building Inspector. Mr. Shepherd noted his concern over impatient people swinging into the on-coming traffic lane to move around the cars located within the deceleration lane. He felt this could be a dangerous situation. He noted this is not a lengthy deceleration lane and noted public safety concerns. The comparison with the Post Office deceleration lane was made.

Ms. Belcher stated she find the Post Office deceleration suitable and feels the one being proposed on Willow Road just as suitable.

Mr. Shepherd stated he finds the signage suitable for the situation.

Mr. Gordon Mitchell, 44 Willow Road, noted his opinion relative to the proposed decel lane and the fact that Willow Road has no yellow line separating the lanes. He further noted he would like added under the conditions of approval that Mr. Morse promised to drill him a new well with a 75 foot protective well radius easement. He further noted concerns about the provisions of maintaining this development for the elderly and what provisions would be put into place restricting this from becoming a single family home community with children.

Mrs. Fillio noted this development is being proposed as an elderly residential community with wording located within the deed and covenants restricting the occupancy to no one under the age of 55.

Attorney Fryer, representing Lewis Builders, explained the covenants recorded at the Registry of Deeds are permanent and cannot be changed, particularly in what is referred to as "elderly covenants" which restrict the age of the occupants. This cannot be changed by the residents, and could only be changed if the Planning Board accepted such a change and because this is part of the Zoning Ordinance, it would have to gain approval at the Town Meeting for such a change. Attorney Fryer noted he has never witnessed these types of covenants being revoked and in order to be able to discriminate against families with children, certain federal standards must be met. Each year, this development must maintain a census of those persons residing within the development to ensure compliance with the covenants.

Mr. Li Dang, 48 Willow Road, asked for the width of the decel lane.

Mr. Hatch explained the decel lane is being proposed as six feet wide for fifty feet. He noted the decel lane may be a little wider in width at the entrance to Cricket Hill. He further noted this is not a turn lane. Mr. Hatch showed Mr. and Mrs. Dang on the plans the location of the decel lane.

Mr. Dang expressed concern over cars not being completely located in the decel lane and cars passing around into the on-coming lane. He suggested a full turning lane may be better. He expressed concern over the safety of this issue. He further noted that the people who drive on Willow Road drive beyond the speed limit.

Ms. Ellen Dang, 48 Willow Road, with regard to the traffic study and the 24 car increase.

It was explained to Ms. Dang that at the high point of the hour, 24 additional cars would be exiting onto Willow Road and that each hour would have a different amount of cars exiting, but at the peak which would be between 7 a.m. and 9 a.m. in the morning and 29 cars would be entering during the peak evening hours of 4 p.m. to 6 p.m.

Ms. Dang expressed concern over the connection to Maplevale and Cricket Hill. She noted the traffic study did not take into consideration this connection.

Mr. Hamm stated the majority of the traffic will exit onto Route 107 from the Maplevale project and the majority of the traffic will exit onto Willow Road from the Cricket Hill project.

Ms. Dang stated this traffic makes her nervous with pedestrians and bikes on Willow Road with 20+ more cars in the morning and 29 more at night.

Ms. Belcher stated as far as the connection road, this was made for two ways of access and for emergency situations.

Ms. Fillio noted this connection was made as a necessity for safety concerns as a second means of egress made by the Planning Board rules and procedures.

Ms. Dang noted with regard to the egress lane coming from Route 107 into the project and something being provided on the other side of the road coming from Route 111.

Mr. Shepherd stated this would not be needed as the cars would be in the opposite lane and turning.

Mr. Smith asked for additional comments.

Ms. Joan Morrison, 47 Willow road noted concern over the partial deceleration lane being created across the street and potential of accidents occurring. She also expressed her concern over the ½ foot candle lights and that she did not move to NH to be in broad daylight. She noted the lights were to be tasteful, but would like to know the size of the lights.

Mr. Hatch stated no lights will be provided at the entrance of Willow Road.

Ms. Carriel noted the traffic study recommended illumination at this intersection.

Mr. Hamm noted this recommendation would be at the discretion of the board to implement. He noted a STOP sign should be required and the vegetation cut back and controlled for sight distance.

Mr. Day stated he strongly disagrees with the lighting requirement and gave many instances within the Town where development has occurred and think of the future if this requirement is implemented.

Ms. Dang asked about the deed language and the changing of the development thru the Zoning Board.

Ms. Fillio explained the elderly housing covenants are very valid and very hard or impossible to change and cannot simply be changed by the Planning Board.

Attorney Fryer noted the covenants are recorded and explained the way changes would normally happen would be thru federal and state laws. He further explained that a board of directors will be managing this development and a census would have to be taken each year to determine that the residents of this community are in deed 55 years of age or older.

Ms. Dang asked about the selling price of the units and what would prohibit this community from

becoming a Section 8 affordable housing community.

Ms. Fillio noted that with the money that has been invested within the project, the studies that have been completed for the needs and assessment that the units will be priced accordingly.

Ms. Fillio noted the board is running late for the scheduled items and needs to move along.

Ms. Carriel stated her outstanding issues include the following:

1. Report from Town Engineer. **A verbal report was received thru Mr. Kevin Hatch, Cornerstone Survey, however a written report needs to be received.**
2. Acceptance of the plans for jurisdiction. **Ms. Carriel noted the plans were accepted for jurisdiction.**
3. The Board needs to act on the applicant's request for a waiver from Section VI.D of the Town's Site Plan Review Regulations regarding lighting. Sheet 11 has been added to the plan set, indicating the lighting footcandles on the site. Additionally, Note 21 has been added to Sheet 1 specifying that no light in excess of 0.5 footcandle will extend across the property lines.
4. A Traffic Impact Study for the project was incorporated from both the Cricket Hill and Maplevale projects. **The information submitted will be forwarded to the Town Engineer for review.** It is noted the Town Engineer is not a traffic engineer and is not a specialty, but is willing to help the board with this information.
5. The water source for the fire pond was to be investigated by the Conservation Commission. The Town's Engineer does not review calculations for the fire pond, as the Fire Department has always assumed responsibility for that review. **Mr. Larry Smith, Conservation Commission, noted the location and source of water for the fire pond as proposed is appropriate.** The board discussed the flow of water issue brought forward by Mr. Pouliart. It was noted by Kevin Hatch, Surveyor flows off the site onto the next site running North to Route 111 to Little River. **Mr. Andy Conti, Fire Department will provide a written confirmation relative to the fire pond's appropriateness after receiving and reviewing for compliance, the cross section. The Town Engineer will not review the calculations for the fire pond, this will be left to the Fire Department.**
6. The Board's legal counsel has done an initial review and provided comments on draft easement deed language, Condominium Declaration and By-Laws for Mature Life-Styles at Cricket Hill. **A final review letter from Town Counsel needs to be received. Attorney Fryer asked when the mylar is recorded that the deed and condominium documents be recorded at the same time. The Planning Board reserves the right to review and approve the easement deed language, Condominium Declaration and By-Laws for Mature Life-Styles at Cricket Hill prior to any project approval action by the Board. A copy of the above mentioned language was received from Attorney Fryer and will**

be distributed to all board members.

7. NHDES Subdivision and Site Specific approval are pending. Final state approvals can be a condition of approval, but would be required upon the Board's final approval. This includes approval for the additional wetland impact on the Maplevale property created by the connector road. **NHDES Wetland's Permit has been received for the Maplevale project. The approval for the water system has been approved by the State of NH, a copy needs to be provided.**
8. The finalization of bond amounts and instruments can be a condition of approval; however, the Board needs to decide what bonding would be required for the project. **The board needs to decide on what types of improvements needs to be bonded such as roadway, drainage, landscaping, lighting, fire pond and signage.** Mr. Hatch discussed with the board the applicant beginning construction of the project such as building the road, fire pond, etc. prior to bonding. Mr. Hatch suggested that before any work would commence, a reclamation bond would be put into place and money would be deposited for all the necessary inspections. Mr. Lewis discussed building the road to town specifications with appropriate inspections being conducted, rather than bonding the entire road. It was noted the mylar would not be recorded until a complete bond for all outstanding improvements were made and no dwellings could be constructed until the mylar and associated documents were recorded. **The board stated the bond will be in place before any construction takes place to insure that if the road or improvements are not completed, the Town can complete them.**
9. Note to be placed on the plans indicating that a new well will be installed and a 75 foot protective well radius for Gordon Mitchell located at 44 Willow Road.
10. Waiver Request regarding Site Plan Review Regulation VI.D. Lighting regarding lighting was read as follows: "The lighting as proposed on the project has been shielded and will not spill onto adjacent properties. The waiver request is to allow for an illumination level greater than the .5 footcandles on site to provide for adequate lighting for the residents of the development. A .5 footcandle is not adequate to safety travel along the roadway intersection or to assist an elderly resident entering their home or accessing the community center."

Mr. Day made a motion to grant a waiver request to Site Plan Review Regulation VI.D. Lighting regarding lighting as follows: "The lighting as proposed on the project has been shielded and will not spill onto adjacent properties. The waiver request is to allow for an illumination level greater than the .5 footcandles on site to provide for adequate lighting for the residents of the development as shown on Sheet 11 of the plan set. A .5 footcandle is not adequate to safety travel along the roadway intersection or to assist an elderly resident entering their home or accessing the community center."

Ms. Fillio seconded. The motion passed unanimously.

Copies of the all the legal documents will be forwarded to board members, the subdivision waiver request regarding street and pavement width has been rescinded by the applicant and the board reviewed the sixty five day clock.

The board had received at the April 4, 2002 meeting a written request from the applicant regarding the continuation from the April 4, 2002 meeting until June 11, 2002. Per the minutes of April 4, 2002 the meeting was continued until May 16, 2002 due to the lack of a quorum present. Mr. Hatch requested an extension until the June 6, 2002 meeting. It was noted that Mr. and Mrs. Fillio will not be present for the June 6, 2002 meeting.

Ms. Fillio made a motion to continue this public hearing until June 6, 2002 at 9 p.m. at the East Kingston Town Hall.

Dr. Marston seconded. The motion passed unanimously.

Continued Public Hearing for Residents of Maplevale, LLC's proposal to subdivide 110 Acres into 27 lots located at 14 Depot Road

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Engineer for Jones & Beach; Mr. Giles Hamm, Engineer for Vannesse & Associates and Attorney John Ratigan were present.

Mr. Smith and Mr. Morse stepped down as members of the Board as they are abutters.

Ms. Fillio appointed Mr. Day and Ms. Belcher as voting members for this project.

Plans were presented to the board depicting the 27 lot subdivision of Tax Map 8, Block 2, Lot 7. This meeting was re-noticed as a public hearing with abutters being notified and a legal notice being placed in the newspaper.

Mr. Coronati stated he has a response from the Board Engineer, has met with the Fire Department, regarding the remaining issues of the fire suppression system and noted that Mr. Hamm is present with regard to the Town Engineer's report dated May 15, 2002.

Mr. Coronati stated three outstanding items remain on the plan set which include the engineer's stamp and signature on the plan set; the horizontal curve data on Maplevale Woods is needed for the curves leading into the new cul-de-sacs (as well as the centerline radii information for the cul-de-sacs) and under Residents of Maplevale-the waterline will be pressurized, dynamic head loss due to the length of lines involved may limit the available volume. The Board Engineer is requesting that calculations which validate a 4" main and further notes that the state may evaluate this issue in their review of the "public" water system.

Mr. Coronati outlined the brief report presented by the Board Engineer with regard to the traffic impact study that was reviewed. The comments included that the analysis process described in the traffic impact study was reasonable. The figures used for trip generation for the residential units

appear reasonable. The figures used for the elderly housing are based on a retirement community which is defined as "units similar to apartments or condominiums". The elderly housing units in this project are actually detached units. While this may not be a significant factor, we would suggest that a higher trip generation rate be evaluated for the elderly portion of the project.

Mr. Hamm addressed the Board Engineer's comments and noted there is not an actual category by which to compare the elderly detached units by, so therefore a compilation was made between the apartment/condo and single family unit was made. He feels the numbers would not change based on the analysis at the intersections.

Mr. Coronati stated this summarizes the Board Engineer's Comments and moved to the report prepared by Maura Carriel, Rockingham Planning Commission as follows:

1. The plan now contained a connector road to the Morse property (proposed Cricket Hill elderly housing development) which the Board requested. **This item has been completed and it was further noted the Wetland Permit for the Maplevale Project has been received by the Board, thus making this connection feasible.**
2. The Maplevale traffic study was forwarded to the Town's Engineer for review. **A report was from the Board Engineer dated May 15, 2002. Mr. Hamm and the Board Engineer will work this issue out directly.**
3. Approval of the entire fire suppression system will be needed from the Fire Department before the Board's final approval. **Mr. Coronati stated he has met with Alan Mazure, Fire Department, regarding the fire suppression system. At this time, the recommendation of any materials used that are located under water be galvanized. The plans are to reflect these changes. Mr. Conti stated that everything has been approved and this approval will be put in writing.**
4. Final approval from the Town's Engineer will be needed before the Board's approval. **The outstanding items will be addressed which currently consist of four items to be resolved. This could be considered a conditional of approval.**
5. The Morse-Hirsch Lot Line Adjustment should either be recorded prior to the Board's approval of the Maplevale Subdivision, or the recording should be a condition of approval. Plan References on Sheet G2 will need to be modified to reflect the recorded LLA. **The Lot Line Adjustment was approved this evening and will be recorded at the Registry of Deeds within the next week.**
6. Counsel review of draft deed language for easements will be required prior to the Board's final approval. **The Applicant asked this be considered as a Condition of Approval.**
7. NHDES Subdivision, Site Specific and Wetlands approval are pending. The permit number for the third of 3 required NHDOT driveway permits needs to be provided. While final state

approvals can be a condition of approval, the Wetlands permit affects the roadway layout of both the subdivision and, in particular, the Maplevale Woods site plan. **The Wetland Permit and 3rd NH DOT driveway permit has been received. A copy of the 3rd NHDOT Driveway permit is needed. The State Subdivision Approval and Site Specific permits are pending and could be a condition of approval.**

8. The finalization of bond amounts and instruments can be a condition of approval, however the Board should discuss with the applicant what bonding will be required for the project. **This comment is noted on all three Maplevale projects and three separate bonds would be required. Bond amounts have been submitted to the Board Engineer for approval. This would be a condition of approval.** Attorney Ratigan discussed the option of building the road before final approval is received and the mylar is recorded due to the expense of posting the bond. Attorney Ratigan explained to the Board that the mylar is held by the Town and no lots could be released for building and the developer would be proceeding at his/her own risk. It was noted the road and other associated improvements would be built to Town Specifications with all the appropriate inspections and procedures followed. It was noted the Board of Selectmen oversee the bonding requirements of the Town and that bonding has been required to insure that funds are available for the completion of the road if the developer does not complete his improvements. **The board asked the applicant to place this request in writing so that it may be reviewed by the Board of Selectmen and Town Counsel.**
9. The Lot Line Adjustment between the Maplevale project and the East Kingston Methodist Church will be completed upon final approval of the Maplevale projects and the mylar is recorded at the Registry of Deeds.

Mr. Day asked about showing the connector road between Maplevale Farms and Cricket Hill. Mr. Coronati stated this is not shown on Sheet A-2 as it is a private road.

The board discussed the outstanding items and a possible Conditional Approval. Outstanding items include final Fire Department Approval, proposal in writing regarding bonding, final Town Engineer approval report, Morse LLA to be recorded, deed language to be approved by Town Counsel, State Permits received and Church LLA to be finalized.

The board discussed as a condition of approval the following relative to the bonding issue:

“Resolution of all bonding items. Bonding shall be in accordance with the recommendation obtained by the Board of Selectmen. Items for bonding shall include road construction, drainage, fire pond, signage and monumentation. If the applicant is allowed to proceed with building improvements without putting a surety in place, the mylar will only be recorded once the applicant has provided appropriate and acceptable surety to the Board of Selectmen for all unfinished improvements.”

Mr. Fillio made a motion to grant a conditional approval for a subdivision of Tax Map 8, Block 2, Lot 7 into 24 lots known as “The Residence of Maplevale” with the following conditions:

1. Final Engineer report approval for both outstanding subdivision items and traffic impact study items..
2. Final Fire Department approval and receipt of approval in writing.
3. Mylar for the Morse/Hirsch Lot Line Adjustment shall be recorded and noted on plans.
4. Final approval from Town Counsel relative to all deed language.
5. State Subdivision Approval. Such approval to be noted on the plans.
6. State Site Specific Approval. Such approval to be noted on the plans.
7. Receipt of all NHDOT Driveway Permits. Such permits to be noted on the plans.
8. NH Wetland Permit to be noted on the plans.
9. Resolution of all bonding items. Bonding shall be in accordance with the recommendation obtained by the Board of Selectmen. Items for bonding shall include road construction, drainage, fire pond, signage and monumentation. If the applicant is allowed to proceed with building improvements without putting a surety in place, the mylar will only be recorded once the applicant has provided appropriate and acceptable surety to the Board of Selectmen for all unfinished improvements.”

Ms. Belcher seconded. The motion passed unanimously.

Continued Public Hearing for Maplevale Woods. site plan proposal to develop an elderly housing community located at 14 Depot Road

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Engineer for Jones & Beach; Mr. Giles Hamm, Engineer for Vannesse & Associates and Attorney John Ratigan were present.

Mr. Smith and Mr. Morse stepped down as members of the board as they are abutters.

Mr. Day and Ms. Belcher were appointed voting members by Ms. Fillio.

The board is in receipt of revised plans depicting a site plan for the elderly housing complex consisting of quad plex buildings.

The board is in receipt of a report prepared by Maura Carriel, Rockingham Planning Commission relative to this proposal. Comments were made as follows:

1. The Jones & Beach letter dated April 1, 2002 identified several changes to the proposed development. These changes are reflected in the most recent revised site plan, and are as follows:
 - A. Quadplexes have increased in size. The Board should review the revised plans and the submitted building elevations and footprints.
 - B. Several homes have been relocated, and visitor parking eliminated, to accommodate the addition of a gravel RV parking area. The Board should review this change.
 - C. The provision of a community building for the residents has been eliminated.

The Board should review this change.

Floor plans were provided including an outside architectural appearance and inside floor plan. The units are under 1500 square feet per unit, consisting of one floor instead of two floors as previously noted. Garages are also included. Twelve units are being proposed for a total of 24 bedrooms on two acres of the twenty acres that comprise Maplevale Woods. The board also reviewed the building site elevations that were previously submitted. **The board requested additional architectural outside detail such as photos and the square footage of the unit needs to be depicted on the plans.** RV parking has been provided and is shown on Sheet C-3 of the plan set. It is anticipated that 10-15 either boats and trailer combinations or RV's would be able to be parked in this location which will be screened from the residences and other abutters. It was noted that all homes have been provided with garages and full basements for workshop areas if the homeowner so desires, no other storage areas were provided within the development. The RV parking area will consist of a gravel surface and will only be intended for registered vehicles. **Restrictive covenants regarding the use of the RV parking area will be established.** The visitor parking was eliminated, however the driveway width was increased to twenty feet to allow 2 vehicles to be parked in the garage and two vehicles in the driveway. No lighting will be provided in the RV parking area. **The community building has been eliminated and no other provisions have been made for this deletion. This is not part of a federal regulation to require a community building.**

2. A significant change has also been made to the plan subsequent to the NHDES' review of the wetland crossing application. The applicant is proposing that the wetland crossing be eliminated, with cul-de-sacs being constructed on either side of the crossing, while maintaining a pedestrian walkway across the existing crossing. The Board should review this change, and request comments from the Fire Department. Mr. Smith stated the existing crossing will be removed and replaced with an elevated walkway restoring it back to its original condition-basically a bridge across the wetlands near the apple orchard. Mr. Conti stated he has no input with regard to the cul-de-sacs and the island being left in a vegetation state or being solidly paved. The proposed cul-de-sacs are 600 feet in length, 24 feet in width and Mr Conti felt that if the radius was properly designed the fire trucks could turn.
3. The board needs to act on the applicant's request for a waiver from Sec. VI.D of the Town's Site Plan Review Regulations regarding lighting. As part of this waiver it is recommended as part of any approval, the Board require that a note be added to the plan specifying that no light will trespass onto abutting properties. **The board needs to act on this request and the waiver request has been submitted.**
4. NHDES Subdivision, Site Specific and Wetlands approval are pending. Final state approvals can be a condition of approval, but will be required prior to the Board's final approval. **The Wetlands Permit has been received. The remaining permits are pending.**
5. The Board needs to address the sequence it wishes to follow in the review and approval of the condominium documents. The Board can grant conditional approval requiring that all documents be reviewed and approved by the Board's counsel; in doing so, however, the

board recognizes will give up its role in the review process. If the board wishes to participate in the review and approval process, conditional approval of the project should not be given until the necessary documents have the counsel's and the Board's approval. **Attorney Ratigan will provide the complete set of documents for the review by Town Counsel and the Board.**

6. The finalization of bond amounts and instruments can be a condition of approval; however, the board should discuss with the applicant what bonding will be required for the project. **Items to be included in the bonding include the roadways, drainage, monuments and sidewalks. The discussion about building or bonding took place and pending the results of the desire of the Board of Selectmen the applicant will proceed in the appropriate manner.**

Ms. Fillio asked for board comment.

Ms. Fillio asked for abutter or public comment. None was received.

Ms. Belcher asked about lighting for the project. One light at the entrance and one light at the end of the cul-de-sac is being proposed.

Mr. Hirsch noted the blueberry bush area will be removed and a garden area for the residents will be provided.

Ms. Belcher made a motion to grant a waiver request to Site Plan Review Regulation VI.D. Lighting regarding lighting as follows: "The lighting as proposed on the project has been shielded and will not spill onto adjacent properties" to be noted on the plans.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Belcher made a motion to continue the public hearing until June 20, 2002 at 7:15 p.m.

Dr. Marston seconded. The motion passed unanimously.

Continued Public Hearing for Maplevale Farms, site plan proposal to develop an elderly housing community located at 14 Depot Road

Mr. Jeff Hirsch, Applicant, Mr. Joe Coronati, Engineer for Jones & Beach; Mr. Giles Hamm, Engineer for Vannesse & Associates and Attorney John Ratigan were present.

Mr. Smith and Mr. Morse stepped down as members of the board as they are abutters.

Mr. Day and Ms. Belcher were appointed voting members by Ms. Fillio.

The board is in receipt of revised plans depicting a site plan for the elderly housing complex.

A report prepared by Maura Carriel, Rockingham Planning Commission was reviewed as follows:

1. The Board needs to act on the applicant's request for a waiver from Sec. VI.D Lighting of the Town's Site Plan Review Regulations. It was recommended that as part of any approval, the Board require that a note be added to the plan specifying that no light will trespass onto abutting properties. **The board needs to act on this request.**
2. NHDES Sub division, Site Specific and Wetlands approval are pending. Final state approvals can be a condition of approval, but will be required prior to the Board's final approval. **The Wetlands Permit has been received. The remaining permits are pending.**
3. The Board needs to address the sequence it wishes to follow in the review and approval of the condominium documents. The Board can grant conditional approval requiring that all documents be reviewed and approved by the Board's counsel; in doing so, however, the board recognizes will give up its role in the review process. If the board wishes to participate in the review and approval process, conditional approval of the project should not be given until the necessary documents have the counsel's and the Board's approval. **Attorney Ratigan will provide the complete set of documents for the review by Town Counsel and the Board.**
4. The finalization of bond amounts and instruments can be a condition of approval; however, the board should discuss with the applicant what bonding will be required for the project. **Items to be included in the bonding include the roadways, drainage, monuments and sidewalks. The discussion about building or bonding took place and pending the results of the desire of the Board of Selectmen the applicant will proceed in the appropriate manner.**

Ms. Belcher made a motion to grant a waiver request to Site Plan Review Regulation VI.D. Lighting regarding lighting as follows: "The lighting as proposed on the project has been shielded and will not spill onto adjacent properties" to be noted on the plans.

Mr. Fillio seconded. The motion passed unanimously.

Ms. Belcher made a motion to continue the public hearing to June 20, 2002 at 7:45 p.m.

Dr. Marston seconded. The motion passed unanimously.

Mr. Smith returned as Chairman and Mr. Morse returned as a regular board member.

Michael and Beverly Logan-Request for Merger of Lots

Mr. Smith noted a request dated April 22, 2002 from Michael and Beverly Logan, 31 Rowell Cove Road, for an approval for 2 of our deeded lots to be merged into 1 (refer to, NHRSA 674:39-A-Voluntary Merger). The lots are located at 27 and 29 Rowell Cove Road, Tax Map 2, Block 1, Lot 16 and Tax Map 2, Block 1, Lot 21, respectively.

The board reviewed the tax maps which show one lot being 9,112 square feet and one lot being 10,564 square feet for a combined total of 19,676 square feet, just shy of a ½ acre. These lots are vacant and is located on Pow-Wow Pond. These lots are abutted by a Town right of way and Rowell Cove Road which separates these lots from his current home located at 31 Rowell Cove Road. Mr. Logan would like to build a new home on these two lots and has been working with Mr. Dennis Quintal to achieve this. A septic system design is currently being designed for the lots in conjunction with the installation of a new well. The board questioned the merger, compliance with the shoreline protection area, non-conforming uses, compliance with setbacks and possible meeting with the ZBA as with the merger, the lot will still be non-conforming. Mr. Logan noted that the Building Inspector and Mr. Quintal feel the first thing to be accomplished is to merge these lots together. The Planning Board feels that once the lots are merged, a new lot is created and he will need to go before the Zoning Board of Adjustment and start from scratch because it was a pre-existing two lots. The board felt this would be a new lot with sub-standard frontage and a variance will be needed thru the Zoning Board of Adjustment which means the five criteria will need to be met.

Mr. Logan withdrew his request without prejudice.

Other Business:

The board noted that all condominium documents shall be reviewed by the Planning Board and Town Counsel before Conditional Approval is granted.

Mr. Fillio asked the board for clarification on when the date of issuance should be interpreted regarding the issuance of building permits. The board discussed the date being the date of issuance, when the building permit is ready to be picked up at the Town Hall or the actual date the permit is picked up by the applicant as the date the clock starts ticking for construction to begin within six months. The board felt that the date of issuance should start when the building permit is picked up and the fee has been paid.

The board discussed the number of elderly housing permits that can be issued per year. Currently 10% of the total dwelling units can be built in one year for new elderly housing units. Ms. Carriel read the regulation in its entirety. The board noted that if 500 houses are in Town, then 50 elderly housing units can be built. When the new year arrives, the 10% calculation is based upon the 550 total housing units, so 55 elderly houses can be built.

Dr. Marston adjourned at 11:18 p.m.

Mr. Fillio seconded. The motion passed unanimously.

Respectfully submitted,

Susan J. Rice, Secretary
East Kingston Planning Board

Typing Completed: May 18, 2002

Minutes Accepted: _____