

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
May 18, 2000

FILE

AGENDA

7:30 Jeffrey & Susan Marston – Giles Road Lot Line Adjustment - Discussion

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice-Chairman, and Alternate Members Peter A. Riley and David Morse (7:24 p.m.).

Absent: John L. Fillio - Ex-officio, Dr. Robert Marston, Beverly A. Fillio and Alternate Robert Nigrello.

Others attending: Lawrence K. Smith – Conservation Commission Chairman, Sarah Campbell – RPC Planner, J. Roby Day and Fire Department Captain Andy Conti.

Chairman Smith opened this May 18, 2000 public Planning Board meeting held at the East Kingston Town Hall at 7:03 p.m. with the roll call.

Planning Board Minutes: The Board reviewed minutes dated April 20, 2000. Members present and eligible to vote on their acceptance were Chairman Smith, Mr. Johnson and Mr. Riley.

MOTION: Mr. Johnson motioned to approve the April 20, 2000 Planning Board minutes as presented. Mr. Riley seconded. With no further discussion, the motion carried 3-0.

Home Occupation Invisible Clause: As discussed at a previous meeting, the Board acknowledged that a clear and consistent process to determine whether or not a proposed home occupation qualifies as invisible under Article 10.6 needed to be agreed upon and implemented. The question was whether this determination should be made at the public hearing level or the discussion level.

Chairman Smith stated that if this is done at a public hearing, then abutters are given an opportunity to vent any concerns they may have about the proposed business. It will also eliminate placing the Planning Board in an awkward position should an abutter come to the board later and question why he/she wasn't notified of the business in the first place. He further stated that this determination should be done at the planning board level as when it was previously the duty of the selectmen, a Powwow Road business as deemed invisible (by the Selectmen) and then given a sign permit – a clear violation of the invisible provisions.

Mr. Johnson concurred with Chairman Smith reiterating that the abutter should know what's going on next door. Mr. Riley also agreed.

At this time Fire Department Captain Andy Conti entered the meeting and inquired if the Planning Board was in need of fire department representation this evening as he received a work related call. Chairman Smith noting the agenda stated that his (Conti's) services would not be required this evening. Mr. Conti was then excused from the meeting.

Noting the opinions of the members present, the recording secretary asked if the "invisible clause worksheet" should still be used. This worksheet is currently provided to home occupation applicants who may qualify for exemption from the permitting procedures (Article 10.6). It is completed by the applicant and then forwarded to the selectmen who, originally determined whether or not the business was exempted. Should this worksheet still be completed and submitted to the Planning Board? If all invisible clause determination is made at the public hearing level, then this worksheet's purpose is no longer needed.

Mrs. Campbell noted that the record shows several (Roth, Rojkowski, Riley) home occupations that were deemed invisible at the discussion level, thus no public hearing was held – abutters were not notified.

Mr. Day stated that the invisible clause first arose when it was questioned why businesses who had no impact on the neighborhood were charged annual fees. The purpose of this procedure was to eliminate the annual renewal process but that the rest of the fees and public hearing were a part of the regular process [in determining whether invisible or not]. He added that he thinks all home occupation proposals should go through the same process.

This was formally put before the town (on ballot). If a business is truly invisible – the Board wouldn't know it. If there is any visible evidence of a business – it needs to go through the process.

Chairman Smith tabled this discussion until next month to get the opinions of tonight's absent members.

Future Land Use Chapter: Board members reviewed the changes made to the Future Land Use Chapter prepared and presented by Mrs. Campbell. Last month's recommendations were incorporated into this newest draft. There was some question as to what part of the utilities tax revenue is earmarked for the town. It was believed by Mr. Larry Smith that most of those revenues are paid to the State. Mrs. Campbell will research and make appropriate changes to Table 2.

At 7:24 p.m. Mr. Morse entered the meeting.

Corrections to the Current Use criteria were noted – any amount of wetland would qualify for Current Use status. Upon reviewing all changes,

MOTION: Mr. Johnson motioned to hold a public hearing for the adoption of the Future Land Use Chapter of the Master Plan on Thursday, June 15, 2000 at 7:30 p.m. Mr. Morse seconded. With no further discussion, the motion carried 4-0.

Jeffrey & Susan Marston– Giles Road Lot Line Adjustment – Discussion: Chairman Smith opened discussion with Jeffrey and Susan Marston at 7:40 p.m. Members inquired as to the status of Mr. Marston father, Doc Marston, member of the Planning Board. Upon the report of Doc's recovery status, members requested their well wishes be forwarded to him (Doc) via his son.

Mr. Marston then presented a conceptual plan to purchase an area measuring approximately 700 feet along the railroad right-of-way (68 acres) to be combined with MBL# 17-03-01. The purpose of this boundary line adjustment is to provide a safer access to MBL# 17-03-01. This lot already has a permissive access to use this r.o.w. however, combining this r.o.w. to the lot and further running a driveway easement through MBL# 16-04-01 would create a much safer access to the property. The Marston's own both MBL # 17-03-01 and 16-04-01. It would also allow them to use an existing railroad bridge versus building a new bridge further into MBL # 16-04-01. It is less expensive to purchase the railroad property than it would be to build a bridge across the existing stream.

Inspection of the proposal resulted in the Board noting that a waiver from the common driveway regulation would also be needed for Planning Board consideration. This request must be in writing and it must include the regulation number (Section 4.D) and reason(s) why the board should consider granting it.

On further inspection of the conceptual plan, members made notation that a reference pin should be installed at the "Detail A" section of the boundary. Though a pin cannot be placed in the center of a stream, a reference pin may be placed in its stead. Or, indicate on the plan the exact point of change in bearing on the new outer boundary line. There also needs to be a notation of the status of the existing railroad access; since it would continue to be used by the railroad, it could not be abandoned.

For the purposes of entering the transaction into the minutes, Mrs. Marston submitted a formal application for this lot line adjustment along with the payment of \$35 (check # 511). It was noted that since the proposal did not create a buildable lot (already buildable), the proposal would fall under the provisions of a minor lot line adjustment, thus only notice to abutter fees are required. The Marston's were then informed that a certified letter confirming the date and time of the public hearing would be sent to them and each of their abutters. Chairman Smith directed that this formal application be held on Thursday, June 15, 2000 at 7:15 p.m.

Is Your Town Farm Friendly?: Chairman Smith presented literature of a checklist for sustaining rural character. The information included a questionnaire regarding town's encouragement, or lack of, to promote farms. He requested that copies of the literature be distributed to each board member and the subject be placed on the June meeting's agenda.

RPC Elderly Housing Forum: Chairman Smith informed the Board that he and Mr. Morse attended an elderly housing forum hosted by the Rockingham Planning Commission. He stated that a model elderly housing complex placed on 15 acres would not succeed in a town like East Kingston because for the project to be economically feasible, the property would need access to both town water and town sewer. In addition to making such a complex successful, some sort of assisted living would be required to make the homes attractive to senior citizens. However, the nature of an assisted living facility, may re-categorize the use of the property from residential to commercial (similar to a nursing home or hospital). Once the use is considered commercial; the entire project becomes a different issue – new zoning is required. Would the town be agreeable to rezoning some area(s) from residential to elderly

housing/residential? Again, once hospital-like facilities are allowed, there are employees, deliveries, and parking issues to consider. This does not belong in the middle of a strictly residentially zoned area. This is something the Board needs to think about.

Future Land Use Map: Members reviewed the changes made to the Future Land Use map. It was noted that in order for the map to fairly represent the land uses properly, color copies must be considered. This would be more expensive for the town; but a black and white map would not adequately distinguish the several color codes used on the map.

With no further business,

MOTION: Mr. Johnson motioned to adjourn. Mr. Riley seconded. The motion passed 4-0 and this May 18, 2000 Planning Board meeting ended at 8:52 p.m.

Respectfully submitted,

Catherine Belcher
Secretary

Minutes completed and on file May 23, 2000.

Approved: June 15, 2000