



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2006-2007:
James Mr. Day Day, Jr., Chairman
Catherine Ellen Belcher, Vice Chairman

MINUTES
(Regular Meeting of 18 May 2006)

AGENDA:

- 7:00PM - **Board Business**
Targeted Block Grant Submission
- 7:15PM – **Public Hearing** for East Kingston Master Plan Goals and Visioning Chapter Revision
- 7:30PM – **Continued Public Hearing** for Glenn and Kathleen Clark for a 9-lot Subdivision
- 8:00PM – **Public Hearing** for Joseph and Henriette Conti in regard to a 2-lot Subdivision
- 8:30PM – **Public Hearing** for Steven R. Davis in regard to a 2-lot Subdivision
- 9:00PM – **Continued Public Hearing** for Paul R. Masone and a prospective tenant of the light industrial park
- 9:30PM – **Continued Public Hearing** for Julie Turner in regard to a 2-lot subdivision
- 9:35PM - **Adjournment**

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

ROLL CALL: Mrs. White called the roll.

Members present – Vice-Chairman CE Belcher, Chairman JR Day, Dr. RA Marston, DVM,
Mr. RF Morales, ex-officio, and Mr. RA Smith, Sr.

Alternate members present – Mr. EA Lloyd, Jr.

Advisors present – Jill Robinson, PhD, Senior Planner, Rockingham Planning Commission
Mr. LK Smith, Chairman, East Kingston Conservation Commission Chairman
Mr. RR Donald, East Kingston Building Inspector

Voting members - Mr. Day noted the entire Board is present.

BOARD BUSINESS:

Mr. Day distributed the Work Meeting of May 11 minutes to the members for their approval at the next work meeting on June 13. He also inquired if the means by which the non-public portion of the minutes were handled that last time was acceptable to the board; Mr. Morales stated that it had been completed according to the book.

Targeted Block Grant (TBG). Mr. Day stated that the town had made a submission and in an informal conversation with Glen had discerned that the RPC was excited about the farm friendly ordinance they town had offered. Mrs. Robinson said that she had also spoken to Glenn and they were excited about the different things they could do to help. They needed some direction as to how much the Planning Board was going to do and how much help they would like from the RPC in the area of time and money.

Mr. Day explained that the germ of the idea came from the work on the visioning and goals and the questions and issues surrounding agriculture and farming and that it had become apparent rather quickly that this was a subject the Planning Board could chew on. Mr. Day saw it as multi-faceted, with issues regarding preservation of existing enterprises, incentives to keep people in those enterprises, attracting new people, etc. Mrs. Robinson added that the board could look for things in the current zoning that could be obstructions to the effort and that the board could encourage farms stands and diversified agriculture. Mr. Day stated that Larry Smith had already looked at that issue and a farm friendly survey had been done in which they came out quite fair. Mr. Day offered that perhaps building permits for agricultural structures could be eliminated, and is quite tired of people "packing up their cows and moving to New York." He encouraged the board to exercise their imaginations. The town is in the queue to see if there are any funds to do this. He suggested that the board could continue to chew on the issues without the TBG. Mr. Day asked Mrs. Robinson when the deadline for the application was. She replied that the application was due on June 2 and the board would be notified by July 1. She indicated that if there were enough funds to cover all the applications, the board would be assured of receiving the project.

Mr. Donald reported that some issues had come up and wanted the board to be uniquely aware of and to take into consideration these items. He suggested that when the planning board approved a developer, it would be appropriate to designate when and if the building permits are issued. Mr. Donald reminded the board of past problems with 3 Taylor Way when people moved in ahead of time and stated that there were similar problems currently with another subdivision who proposed building prior to the fire suppression system being in place and functional. He also suggested that fire department and emergency vehicles needed to be able to access the subdivision and cistern before building was initiated and that the boundaries of the lots needed to be identified. He stated that it would make the job easier for the Building Inspector and the Selectman.

Mrs. Belcher agreed and thought the board could go one step further and add something in the subdivision regulations that talked about the issuance of building permits and the timeframes, whether it is to be determined by the planning board, or whether certain criteria needs to be met first unless so waived by the planning board. She noted that different departments were stating different things and that the board needed to be fair to the developer. Mr. Donald emphasized that the Planning Board, Selectman and the Zoning Board all need to be on the same page.

Mr. Day came to the defense of the planning board in this instance, stating that 21 July conditions of approval listed a couple which referred directly to the fire department and spelled out exactly the point about building permits not being issued until the fire department tested, accepted and signed off on the fire suppression system. He stated that in that particular instance someone was pushing the envelope and the board needed to push back.

Mr. Donald said he sent a note to the attorneys who were responsible for the depositions and noted that he had felt he was being harassed. He stated that the Planning Board makes specific requirements that the Building Inspector and the Selectman cannot override.

Mr. Day acknowledged that those points regarding roads and fire suppression were points well taken and thought they could be taken care of by regulation revision and amending the list of conditions. He did not think it necessary to tinker with ordinances.

Public Hearing for East Kingston Master Plan Goals and Visioning Chapter Revision

Mr. Day stated that after a long and arduous journey, starting with two Spring 2005 seminars trying to figure out what the board really wanted to do and with the excellent and superior help from the Rockingham County Commission, the board has formulated their vision of East Kingston as reflecting what the folks in town wanted to see. Together with the visions and goals, the board set some goals and from that they have 20 recommendations for action involving the planning board, and various other bodies. He pointed out that there were copies on the table at the back of the room if anyone was interested.

The vision portion is recent requirement by the state, and requires that the board decide what they want the town to look like. Mr. Day stated that there are 5 Vision Statement Principles and Priorities and 17 Goals that the board proposes to incorporate in the Master Plan, replacing the 2000 version. He also noted that the goals have not changed much in 20 years, only updated.

Mr. Day inquired if Mrs. Belcher had noted that he had inserted the farm friendly information and she replied she had. Mrs. Robinson stated she liked the recommended actions and Mr. Larry Smith noted that the town had already implemented some of them.

The floor was opened for public comment, and there being none, the floor was closed.

Mrs. Belcher inquired if the new chapter would be replacing the existing chapter from 2000, and Mr. Day answered that it would, but the previous version would be preserved in the records. Mr. Day explained that the new visions and goals would not become an official part of the Master plan until the Town Clerk Barbara Clark recorded it. Mr. Smith asked if it was to be placed on the agenda in March for the town meeting and Mr. Day stated he did not want to wait that long.

MOTION: Mrs. Belcher **MOVED** the Planning Board replace the existing goals chapter written and accepted in 2000 with the new Vision and Goals chapter that has been presented. Mr. Morales seconded, and the motion carried unanimously.

Mr. Day presented the cover sheet for Board signatures, and closed the public hearing.

Continued Public Hearing for Glenn and Kathleen Clark for a 9-lot Subdivision (EKPB #06-03)

For the applicant, Mr. Kenneth A. Berry of *Beals Associates*. Mr. Berry introduced his associate, Mr. Scott. Cole, who would be presenting tonight.

Mr. Day reported that he had not received any new material, but did receive Jay Steve's' comments and a site-specific permit from DES regarding the development.

Mr. Cole handed out corrections to the board and described the changes to the open space areas. The original plan showed 3 open areas and the amended plan showed 2 areas. After a meeting with the applicant, it was made clear that the applicant wished the front open area to stay with his existing structure, which amounts to approximately 8 acres. The adjusted amount of open area would be 19.7 acres.

Mr. Cole stated that they had received proper lot numbers from the town offices. His presentation showed that access to the green space is a 25-foot access easement on the east side of Lot #5 which is along the existing tree line. He reminded the board that prior discussion was in regards to the cul-de-sac bulbs and reducing the bulb radius from 75 feet to 50 feet. He asked for an opinion from the board on the smaller bulb size and the one-way loop. Mr. Day stated that he, personally, preferred the smaller radius bulb but would defer to the fire department's decision, as there had been a question of school bus access on the road. Mr. Day would hope it would not be necessary for a school bus to come up the road at all.

Mr. Berry stated he was going to meet with Mr. Cronin on the conservation easement language and provided Mr. Day with 4 copies of the document. Mr. Day explained to Mr. Berry that the easement language to the town council should contain parcel-specific references with full set of plans and that it would not make any sense to forward one to him without the other. He would hold onto the document until Mr. Berry provided him with a set of plans to go with it for Mr. Cronin.

Mr. Barry provided a letter to Mr. Stevens in relation to drainage analysis yield plan. They had previously submitted the yield plan for the drainage analysis and the retention pond was in the drainage the analysis. Mr. Cole stated that in essence, they had already has done the design and wanted to know if the board thought it sufficient.

In separate correspondence Mr. Day had addressed that directly to the town engineer and asked for his view of the need for a conventional yield plan drainage analysis and what Mr. Cole read was the response to that question. Mr. Day indicated he was inclined to say that what they have should be sufficient and asked the board members what they thought.

Mrs. Belcher deferred to Larry Smith, who stated that there was still a problem with the drainage analysis for the cluster; there seemed to be some concerns regarding the calculations. Mr. Berry stated he was meeting with Town Engineer tomorrow. Mr. Day acknowledged he did not compare the conservation commission and town engineer comments.

Mr. Cole said that they would be meeting with Mr. Stevens regarding the mathematics for the road grades. Mr. Stevens was concerned that the grade at the left turn was too steep and inquired about a landing at the intersection. Mr. Berry stated it would take 13,000 cubic yards of material to raise the grade to 10% at the landing and asked the boards opinion. The board recommended that he speak to Mr. Stevens. Mr. Cole explained that a change in the road design would affect 3 lots.

Mrs. Robinson inquired if there might not be another way to resolve the grade at the intersection and Mrs. Belcher asked if it could be make a fork. Mr. Cole replied that a fork would affect the lots also. Mr. Day stated to Mr. Scott and Mr. Berry that the board would hesitate to make any recommendation without the town engineer's expertise, and would reserve a decision until they had a more definitive discussion on the subject. He informed the board that the grade on the main road at Greystone was an 8-9% grade.

Mr. Coles asked of the board could act on two items since Mr. Stevens had no reservations on the waivers for them them. One was the cul-de-sac length and the other the pavement width.

Mr. Belcher stated that since the waivers were tied in to road she did not feel she would be comfortable taking any action until the final layout was in place. Mr. Morales asked if the board could be certain that the road width would not need to change. Mr. Day stated the board would not be comfortable placing a vote until the road is a final plan with all permits, including the amended wetlands permit.

Mrs. Belcher asked when the full plan was submitted, would it include the reclamation plans and with the bulb diameter reduced to 50 feet, if cars were parked on the road would trucks and emergency vehicles be able to pass. Mr. Coles stated signage could be posted. Mr. Day stated that the same situation occurred at Cornerstone and signage was placed for no parking on the bulb road.

Mr. Berry will meet with Mr. Jay Steves at 11 am on Monday, May 22 in his South Berwick office and asked if a board member would like to attend the meeting. Mr. Day stated that they were heading in the right direction and the board was not concerned with the waivers.

Mr. Donald had three concerns he wanted to see the planning board address: 1) what condition must the street be in; 2) has reclamation been properly addressed; and 3) is the fire suppression system fully activated and tested. He wanted to know what the point was in issuing building permits if these things were not in place. Mr. Day stated that the board would address those concerns.

Mrs. Robinson said she and the RPC looked forward to helping the town develop standard forms for these conditions. Mr. Morales stated that it would be helpful if they were included directly on the original application. Mrs. Belcher stated she agreed and thought a check box to verify conditions of approval had been met could work.

Mr. Larry Smith received the draft conservation easement deed for the open space, which lists the town as grantee. No decision has been made by the town to accept the easement and he thought it was presumptuous. Mr. Day stated that they might have not known where to turn. Mr. Morales stated that the town would prefer not to hold the easement, but did not know who would.

Mr. Berry stated that they were willing to turn it into a conservation restriction and have the document recorded at the registry of deeds that binds the homeowner's association if the town does not wish to hold the easement.

Mrs. Robinson asked if the land trust had been approached in regards to it and Mr. Berry stated they had not but did not think they would be interest in paying the stewardship fees. Mr. Berry will speak to Marge Curry.

Mr. Morales stated the Planning Board does not want to get into the land business and does not have the resources.

Mr. Day opened the floor to abutters, there being none, the floor was closed to abutters.

Mr. Day noted they are at the 30-day mark in the application and stated they were well within the 60-day timeframe.

MOTION: Mrs. Belcher **MOVED** the Planning Board continue the Public Hearing for Glenn & Kathleen Clark (EKPB #06-03) 9-lot subdivision until June 15 at 7:15 PM. Mr. Morales seconded, and the motion carried unanimously.

Continued Public Hearing for Joseph and Henriette Conti for a 2-lot Subdivision (EKPB #03-04)

For the applicant, Mr. Dennis Quintal of *Civil Construction Management*. Mr. Quintal pointed out on the map that the lot is approximately 10 acres. He has made application to the state for a partially constructed driveway, for which he has received approval from the state and a driveway permit. Mr. Quintal described the lot as having uplands in the front and wetlands in the back and pointed out that the pink line on the map was where the division of lots would be. He stated that he had been to the town offices and received official lot numbers which were Lots #11 and #13, with Lot #11 having 200 feet of frontage and Lot #13 having 95 feet of frontage.

He stated that two test pits had been drilled and witnessed by the building inspector and that there was a dry hydrant across the street. He has submitted a request for a shared driveway and a drainage analysis to the town and the Conservation Commission. He asked if the plan was complete enough for the board to take jurisdiction.

Mr. Smith referred to the zoning ordinance, Article 10, ¶ G.1&2. Mr. Donaldson stated that the soil of the houses are up high and it is a buildable lot.

Zoning Ordinance Article 10, ¶H2 states all new construction shall have the lowest floor (including basement) elevated to or above the 100-year flood evaluation as per the building inspector. The Planning Board will address the ordinance.

Mr. Day observed that the proposed location for the dwelling was omitted on the plans. Mrs. Belcher asked for clarification of the elevation.

Mr. Donaldson stated that FEMA was the one whose responsibility it was to decide the 100-year floor plains and that there had been a problem obtaining the maps for the town from them. Mrs. Robinson stated that it was the applicant who was responsible to inform the town if they were in the flood plain.

Mr. Smith observed that Great Brook had been left off of the maps. The road elevation was the structural engineer's responsibility. Larry Smith asked FEMA when line the line was. Mr. Day and Mr. Larry Smith will write a letter informing them that Great Brook had been omitted and applauded Mr. RA Smith for catching the omission.

Mr. Quintal will revise the plans to show flood elevation and where the proposed building site is to be. There is an existing dam on the property, which is 6-10 feet lower than the building area.

Mr. Morales stated that there was a tree on either side of the dam and a stone wall and the dam was not creating a water flow problem. Every once in a while debris would build up in the flow path and present a problem with the water flow. Mr. Quintal has sent for state subdivision approval [which is had not been received back yet]. Mr. Quintal asked if the board could take jurisdiction.

Mr. Marston noticed that the addresses on the abutters were incorrect; Gary Ingram should be at 175 North Road and Karen Ingram should be at 177 Bioteau Road. Mr. Day also interjected that he had noticed an omission and had added Mr. Szuba and Kendrick Farms to the abutter list and sent notifications to them.

Mr. Morales inquired if the board could take jurisdiction before the abutters were notified. After some discussion, it was deemed that abutter notification had been in compliance as notifications had been sent to the latest address the town offices had on file. Mr. Day stated that the responsible party for compiling the list of abutters was the applicant, not the Planning Board.

MOTION: Mr. Morales **MOVED** the Planning Board continue the Public Hearing for Joseph and Henriette Conti (EKPB #03-04) 2-lot subdivision until June 15 at 7:45 PM. Mr. Marston seconded, and the motion carried unanimously.

Continued Public Hearing for Steven R. Davis for a 2-lot Subdivision (EKPB #06-05).

Mr. Day had noticed Mr. Marston had been omitted and had included him on the abutter list, and as such, Mr. Lloyd will be voting in his stead.

For the applicant, Mr. Dennis Quintal of *Civil Construction Management*. Mr. Quintal stated that test pits were drilled and witnessed by the building inspector. He noted that the closest hydrant is on Rout 108, which is 1,150 feet from the property. Mr. Day noted that also map, the building sites had been omitted and Mr. Quintal affirmed that they would appear on the next map. Mr. Quintal presented a waiver for a common driveway to Mr. Day, stating that the existing driveway was dry and a shared drive would minimize impact to the wetlands. Mr. Quintal had obtained proper lot numbers from the town office and explained that Lot #6 [the existing lot] has 158 feet of frontage and was 5.08 acres and Lot #13 has 208 feet of frontage and was just over 13 acres. He also noted that no state approval was needed for a common driveway.

Mr. Donald inquired about the trailer on the property and was told the kitchen was to be removed and the trainer used for storage.

At this point in the meeting, Mr. Day noticed that the Merchants [abutters to the Conti property] were present and asked if they had any comment. They stated that they were just listening and had no questions or statements.

Mr. Davis stated that through the recent flooding, his cellar was still dry. It was decided that the elevation needed to be reviewed for flooding. The orange line on the map denoted the utility easement. Mr. Quintal explained that there was a buildable lot at the rear of the property of contiguous upland totaling 5,800 square feet, but a wetland crossing permit would need to be obtained for a driveway to be built to that lot. Mr. Quintal presented drainage information to the Planning Board and to Larry Smith.

Mr. Davis noted that his house was right next to the brook but was high enough that the water was not a problem.

Mr. Day stated that the abutter address change did not affect the board's ability to take jurisdiction as they had acted in good faith in notifying with the addresses on file.

Mrs. Robinson offered that the Board had enough information to take jurisdiction.

MOTION: Mr. Lloyd **MOVED** the Planning Board take jurisdiction of EKPB #06-03, 2-lot subdivision. Mrs. Belcher seconded, and the motion carried.

Mr. Smith inquired if the railroad had been notified as an abutter as he did not see it listed. Mr. Day stated that it had and brought Mr. Smith's attention to the very top of the list of abutters, where Mr. Smith noted it.

Mr. Quintal explained that separate driveway would disturb the wetlands and that a common drive would minimize the impact. Mrs. Robinson thought it prudent to minimize the impact to the wetlands.

Mrs. Belcher asked for clarification on the road to the back of the property. Discussion on this ensued and Mr. Quintal explained that there was to be no driveway to the rear of the property at the present time, but he had only been explaining what would be needed if the owner had wanted access to the rear of the property. Mrs. Belcher then asked for clarification of the feet of frontage for the lots and Mr. Quintal answered that Lot #6 had 158 feet and Lot #13 had 208 feet.

Mr. Day quoted Section XV A.1-4 Subdivision regulations that asks that waivers not be considered unless the 4 items are considered and stated that this proposal does not contradict any of the provisions.

MOTION: Mrs. Belcher **MOVED** the Planning Board grant the waiver for Subdivision Regulation 7F, common driveway, as it meets all criteria necessary. Mr. Smith seconded, and the motion carried unanimously.

Mr. Quintal will amend the plan to show the flood elevation, proposed house location and check the abutter list. Mr. Day explained to Mr. Quintal that the easement language to the town council should contain parcel-specific references with full set of plans.

MOTION: Mr. Lloyd **MOVED** the Planning Board continue the Public Hearing for Steven R. Davis (EKP# #06-05) 2-lot subdivision until June 15 at 8:15 PM. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Donald excused himself from the meeting at 9:25 to take care of water problems at his home.

Mr. Day relayed the message from Mr. Paul Masone that he would not be attending the meeting as his prospective tenant has hurt himself and could not appear, and asked the board if they wanted to continue this hearing to next month.

MOTION: Mrs. Belcher **MOVED** the Planning Board deny action for Paul Masone (PB #04-OB) and prospective tenant of the light industrial park as pursuant to 676.4 1E2 – failure to appear and provide materials. Mr. Smith seconded, and the motion carried unanimously.

Mr. Day explained that he had received no more information from Julie Turner regarding the 2-lot subdivision and asked the board if they wanted to continue this hearing until next month.

MOTION: Mrs. Belcher **MOVED** the Planning Board deny application for Julie Turner (PB #06-02) and the 2-lot subdivision pursuant to 676.4 1E2 – failure to supply required information. Mr. Morales seconded, and the motion carried unanimously.

Mr. Day polled the board members as to a work session date in June and the 13th was decided upon.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 9:35PM.

Respectfully submitted,

Barbara A. White
Recording Secretary

James R. Day, Jr.
Chairman