



**PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE**

*2005-2006
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES
(Regular Meeting and Public Hearing of May 19, 2005)

AGENDA:

- 7:00PM– **Call to Order and Board Business**
7:15PM– **Continued Public Hearing**– for a proposed 22-lot subdivision of Bowley Real Estate, LLC, involving MBLs 1-1-1 and 2-2-3 (PB # 05-01)
7:45PM – **Public Hearing**-- for a Home Occupation of Christopher Crowley, 153 North Road, MBL 10-2-3 in regard to a proposed equine tack business
8:15PM– **Public Hearing**– for Eric and Marcie Lister, 27 Joslin Road, MBL 17-1-12 in regard to a proposed three-lot subdivision (PB# 0505)
8:45PM – **Discussion Only** – for Donald H. Clark, Sanborn Road, East Kingston in regard to a proposed subdivision
9:00PM – **Discussion Only** – Marciello Realty proposes to subdivide the 46-acre parcel at the end of George Street
9:15PM–**Adjournment**

CALL TO ORDER AND BOARD BUSINESS

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

ROLL CALL: Mrs. Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman RA Smith; Dr. RA Marston, DVM, Mr. R Morales, ex-officio
Alternate members present – None
Advisers present – Mr. LK Smith, East Kingston Conservation Commission; Fire Captain A Conti, East Kingston Fire Department

BOARD BUSINESS:

Minutes–

MOTION: Mrs. Belcher **MOVED** that the Board accept the minutes of the April 21, 2005 meeting as presented. Mr. Morales seconded and the motion carried unanimously.

Action/Information Items –

Planning Board Calendar -- Mr. Day noted the calendar for the year. He stated that the Goals and Visioning is scheduled for Saturday, May 21, 2005 at 9:00 AM. He stated that the CIP update process will start in June. He added that sometime between now and July, the Board has to decide if it is asking for money from the RPC.

RPC Municipal Board Training -- Mr. Day stated that there are two sessions June 15 and June 22, one dealing with wetlands in southeastern New Hampshire and the other dealing with pros and cons of regional waste water study.

Dr. Marston stated that he would be attending the Exeter Planning Board meeting on Monday, May 23 regarding the Britain development. He stated that there is a rumor that they want to push a road through to Giles Road.

CONTINUED PUBLIC HEARING—FOR A PROPOSED 22-LOT SUBDIVISION OF BOWLEY REAL ESTATE, LLC, INVOLVING MBLs 1-1-1 AND 2-2-3 (PB#05-01)

Mr. Day opened the public hearing.

Mr. Garrepy appeared before the Board and stated that he has provided the Board with revised plans that have not been reviewed by Dr. Jill Robinson as of yet.

Mr. Day stated that the Town Engineer has also not had time to review the revised plans. He noted that the new circuit rider is Dr. Jill Robinson, who apologized for not being at the meeting because of a previous commitment. He added that the biggest question is the shared driveway for lots 1, 2 and 3.

Mr. Garrepy noted the correspondence from the Fire Department dated March 15 and May 3, 2005. He added that they both refer to the shared driveway. He stated that there is correspondence received from the Town Engineer.

Mr. Garrepy pointed to sheet C5 in the revised plans. He stated that he has met with the Fire Department twice on the matter as well as spoken with Jay Stephens and Civil Consultants. He stated that the safety professionals as well as the engineering professionals have suggested that the shared driveway is safe and accommodating for the three homes. He noted that the driveway 20 feet wide, which is what the Fire Department recommended. He stated that it has a 14-foot paved surface with three-foot gravel shoulders. He added that they have added a guardrail on the slope adjacent to the gas line easement in the shared part of the driveway for safety. He stated that the detail may be clearer on the P3 sheet.

Mr. Garrepy stated that some trees will have to be taken down for construction purposes. He noted that the Conservation Commission's comments have not been merged into the revised plans, but he will make those revisions.

Mrs. Belcher stated that she does not like the design of the shared driveway even though it meets the standards of the safety and engineering professionals because of the slope and the proximity to the gas line. Mr. Garrepy stated that they looked at alternatives, but wetland impact was greater, C4.

Mr. Day stated that the unfortunate reality is that the cluster housing ordinance specifically allows up to three houses on a shared driveway. He added that it goes back to 1997. Mr. Day read from the ordinance Article XI – Single Family Cluster Residential Development (Adopted 3/89) Q6a, "Unless approved by the Planning Board, no driveway shall access more than three dwelling units in a cluster development." He stated that that is the only place in the ordinances or regulations that allow for more than one driveway per house, therefore Mr. Garrepy is within the framework of the ordinance. He added that that doesn't mean the Board has to accept it.

Mr. Smith asked how safety equipment will be able to turn around. Mr. Conti stated that the driveway trifurcates and the driveway is 14-feet wide.

Mr. Day polled the Board members and all agreed that the driveway configuration was going to be a problem in getting to some sort of conditional approval in the future. Mr. Day suggested that Mr. Garrepy find some other solution or propose not to develop that land. Mr. Garrepy asked the Board for guidance for a solution.

Mr. Day suggested that there might be some way to rejig the existing lots so that maybe only one lot would be lost instead of three. He pointed to Lot 4 as a way to rearrange the property so that instead of having the long driveway directly paralleling the easement, use the upland in some other fashion to get one house in the back.

Mr. Day opened the floor to abutters.

Mark Durkee, 15 Rowell Road. Mr. Durkee stated that he has a concern about the impact of the water, how they are going to redirect the water. He stated that there is substantial water behind his house and asked if Mr. Garrepy has done any flood plain design to protect from the possibility of flooding. His second concern are the leeching fields, he asked if they are going to be protected. He added that he has a surface well that goes 25 feet down. He has a concern about drilling. He stated that he is concerned about the impact on his property.

Mr. Day stated that this plan is designed to try to preserve as much open space as possible and to avoid impacting wetlands in particular. He stated that his personal opinion is that Mr. Garrepy has done a pretty good job. Mr. Day added that it is an unusual project that does not impact wetlands in some fashion since East Kingston is a wet town.

Mr. Durkee stated that there is a lot of ledge in that area and asked if Mr. Garrepy is willing to establish a bond to protect homes. He added that he wants some assurance that his well is protected.

Mr. Garrepy stated that he would be more than happy to meet with Mr. Durkee. With respect to blasting and ledge, Mr. Garrepy stated that they have done a series of test pits witnessed by Ray Donald.

Mr. Day stated that they will submit themselves to a bond in the event that their construction equipment destroys the road, there will be money to repair it.

Mr. Day closed the floor to abutters.

Mr. Day asked Mr. LK Smith to comment on the 18" cisterns or boxed culvert for some of the wetland crossing and he stated that the Town Engineer has signed off on 15" culvert tube. Mr. Smith stated that he did not have a problem with the 15".

Mr. Day noted his list of outstanding questions:

1. drainage pipe size;
2. development signage. Mr. Garrepy stated that they do intend to have a sign. He added that he can add the location of the sign on the plans.
3. correspondence from the New Hampshire Department of Historical Resources. Mr. Day stated that it addressed archaeological sites.
4. L1 Lighting. Mr. Day stated that there is no indication of lighting. He added that his personal opinion is that he is content that there is not lighting on the plan. Mr. Garrepy pointed out where the lights would be located on the plan, D1. He added that the lights are on timers. Mr. Day stated that in earlier discussions, the Board was polled and it was decided that there would be no lights. Mr. Day asked Mr. Garrepy to take the lights out.
5. Open space consignment agreement. Mr. Day stated that Mr. Garrepy has been in discussion with Conservation Commission on this issue.
6. Covenant/homeowner association smooth. Mr. Day advised the Board to take a good look at these agreements and be prepared to submit criticisms at the next meeting. Mr. Garrepy noted that the covenants can be changed with the vote of the homeowner association at a later time. He stated that these are proposed covenants and once it is turned over to the residents, they can change anything.
7. FPI – tank capacity. Mr. Day stated that the capacity is not noted anywhere. He said that it was supposed to be a 30,000 tank. Mr. Garrepy stated that that will be corrected.

Mr. Day noted that if Mr. Garrepy's intention is to effect the subdivision and then sell off the lots individually, the buyers of the individual lots must be made aware that unless the cisterns are in and approved, they do not get a building permit. Mr. Garrepy stated that he would like to explore this question with Carl Richter, Fire Department. Mr. Garrepy asked that the Board consider not issuing CO's until cisterns are installed and are operational. Mr. Day stated that the practice has historically been that unless the system is in place, then a building permit is not issued and using the occupancy certificate as a fall-back position in the event of contingencies. He stated that he is personally disinclined to consider that.

Mr. Day stated that there will be bonding to protect Rowell Road from construction equipment, bonding for the two cul-de-sacs because it will be several years before they can go to Town Meeting to decide whether or not to buy the roads. Given the complexity of this development, Mr. Day stated that they will probably require a compliance hearing before any final approval is given.

Mr. Garrepy requested a continuance to the June 16, 2005 meeting at 7:15.

MOTION: Mrs. Belcher **MOVED** that based on the request of the applicant that the Board continue the public hearing to June 16 at 7:15PM. Mr. Smith seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR A HOME OCCUPATION OF CHRISTOPHER CROWLEY, 153 NORTH ROAD, MBL10-2-3 IN REGARD TO A PROPOSED EQUINE TRACK REPAIR BUSINESS

Mr. Day opened the public hearing.

Mr. Day explained the procedure as the Planning Board reviews the application and makes a recommendation to the Board of Selectmen. He referred to Article XVI— Home Occupations Paragraph E. Permitted Uses.

Mr. Crowley stated that what he is proposing is a small tack repair business repairing leather and saddles and various tack related items. He added that most of his work is conducted off-premises. He explained that he goes to barns and performs physical therapy to horses. He stated that he wants the permit so that he can hang a sign letting people know of the business.

Mr. Day asked how the business would fit into the Permitted Uses. Mrs. Belcher stated that she thought it would fit in best under Tailor, Seamstress. Mr. Day went through the Standards for a Home Occupation.

Mr. Crowley stated that he has an office in the house and there is a small workshop in an auxiliary building. He stated that the dimensions of the workshop are 12X13. He added that he may have one or two people stop in per month and there is adequate parking in the two driveways. He stated that the square footage of his house is 1,500 for the total house. He stated that there are no employees at this time.

The Board agreed that the business fits into the Home Occupation Ordinance and it meets all the standards.

Mrs. Belcher asked if there are any chemicals used for the business and where are they stored. Mr. Crowley stated that he would be using mostly lanolin and oil based products and leather conditioners and soaps for cleaning. He added that nothing would be warehoused. Mrs. Belcher asked if Mr. Crowley would be agreeable to an annual inspection, to which Mr. Crowley said he would be.

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

Mr. Day noted that there are specific signage requirements and the Selectmen can help with that issue.

MOTION: Dr. Marston **MOVED** that Board recommend to the Board of Selectmen to approve the application of Christopher Crowley for a home occupation permit. Mr. Smith seconded and the motion carried unanimously.

Mr. Morales suggested that Mr. Crowley attend the Board of Selectmen's meeting, which is on Tuesday, May 31, 2005 at 6:30PM.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR ERIC AND MARCIE LISTER, 27 JOSLIN ROAD, MBL17-1-12 IN REGARD TO A PROPOSED THREE-LOT SUBDIVISION(PB#0505)

Mr. Day opened the public hearing.

Mr. Chris Hickey, surveyor from Eric Mitchell & Associates in Epping appeared to explain the plan.

Mr. Hickey stated that the existing lot has 10.65 acres with the existing house and well and there is approximately 715 feet of frontage on Joslin Road. He added that they are looking to create two building lots leaving the remainder existing lot with 3.26 acres and then creating a middle lot with 2.93 acres with 2.4 acres of contiguous

upland. He added that the other lot would be just under 4.5 acres with just over 2 acres of contiguous upland, the top and middle lots have 200 feet of road frontage, the bottom lot has 315 feet of road frontage. He stated that test pits have been done on the property in the beginning of January which were witnessed by Ray Donald. He added that they have been working with the Fire Department on the installation of a dry hydrant. He stated that the distance from the dry hydrant to the existing house is roughly 800 feet.

Mr. Hickey stated that they are requesting two waivers; one is to have the lower lot's driveway access from the middle lot to avoid wetlands and the second is to not require site specific soils survey mapping due to the fact that all of the lots have over two acres of contiguous upland. He stated that Dr. Robinson has supported both these waivers.

Discussion ensued regarding the two driveways on one property and its location to the lot line.

Mrs. Belcher suggested creating a back lot. She added that 5 acres are needed and a minimum of 240 feet. Mr. Day explained that the back lot provision allows someone with 5 acres or more of land to subdivide it in such a way with 240 feet minimum frontage you can have a 40 foot frontage for purpose of a driveway to get to the back lot and the. He stated that Mr. Hickey may be able to do that by rearranging the lot lines and avoid the question of someone's driveway on someone else's property. Mrs. Belcher read from the ordinance, "Both lots must conform to the density, soil type, setbacks and other appropriate subdivision and zoning regulations, except with regard to frontage for the second lot. The existing lot of record shall be five acres or more in size and have a contiguous frontage of at least two hundred forty feet (240'). Only one back lot shall be permitted per lot of record. A back lot shall have a minimum frontage of 40 feet (40')..."

Mr. Day explained that the plan would have to be redo the lot lines to create a back lot and in doing so they would eliminate the need for the waiver.

Mr. Conti brought up the fact that the Board historically tries to keep lots rectangular in shape and now it is being suggesting having an L-shaped lot.

Discussion ensued regarding the impact on the wetlands if the driveway was put on the third lot and not having it on the middle lot, which was agreed was a possibility.

Mr. Hickey stated that each lot will have its own well.

Mr. LK Smith stated that the drainage analysis is inadequate and needs to be redone because he failed to calculate the pre-development flows so there can be no comparison. He added that the map accompanying the drainage analysis does not show where the water sheds are on the project area.

Mr. Day stated that he believed the plan was complete according to the checklist to take jurisdiction. Dr. Marston stated that he did not think the plan was complete because of the inadequate drainage report. Mr. Morales agreed that he would like to see a corrected drainage report. Mr. Smith stated that the driveway has to go over three wetlands and felt that it was not complete.

Mrs. Belcher stated that she wanted to be clear as to what constitutes "complete enough to take jurisdiction". She asked if it is that all the submission requirements are met or the plan on its face looks as though it meets everything. Mr. Day explained that what he believed to be complete is that the applicant satisfies the checklist for subdivision site plan. He stated that he felt it was complete in that they have addressed the issues.

Discussion ensued regarding what "complete to take jurisdiction" means. It was agreed that it would mean that they have conformed to the checklist. Mrs. Belcher stated that in that case she felt it is complete enough to invoke jurisdiction even though there are things to be done. Mr. LK Smith stated that the term that the Wetlands Bureau uses is "administratively complete", that means all the pieces are there, ie., fees have been submitted, abutters have been notified. It doesn't necessarily mean that the project meets all the requirements.

MOTION: Mrs. Belcher **MOVED** that Board invoke jurisdiction of the Eric and Marcie Lister subdivision. Dr. Marston seconded and the motion carried unanimously.

Mr. Day stated that now the 65-day clock is ticking.

Mr. Day went over his list of outstanding questions and issues. He stated that Mr. Hickey may have to go before the ZBA regarding the crossing of very poorly drained soils. (Article VI.G) He stated that making a petition to the ZBA might be the first thing to do. Mr. LK Smith stated that the crossings are only poorly drained soils. Mr. Day stated that, given the complexity. Mr. LK Smith stated that the plan has to reflect the county soil symbols for poorly drained and very poorly drained.

Mr. Day directed Mr. Hickey to contact the Town Secretary to get the correct MBL numbers for the newly created lots. Mr. Day stated that the regulation also calls for placing proposed dwelling locations of new lots. He added that the amount of uplands needs to be on the plan as well.

Mr. Day stated that Dr. Robinson mentioned culvert design. Mr. Hickey stated that it is included in the drainage report. Mr. Day suggested Mr. Hickey getting together with the Conservation Commission to get a better understanding of what has to be included in the drainage report. He added that when the drainage report and revised plans are complete, it will be sent to the Town Engineer for his input.

Mr. Day noted that the Fire Department has asked for a directional arrow on the plan to the nearest fire suppression water source be placed. Mr. Hickey stated that there is going to be a dry hydrant on the Blunt property.

Mr. Day opened the floor to abutters.

Gordon Bibbins, 13 Joslin Road. Mr. Bibbins expressed his concern regarding the drainage onto Joslin Road. He stated that they experience problems with wash out. He said that he is concerned that adequate steps are taken to preserve the integrity of Joslin Road.

Rick Ferris, 36 Joslin Road. Mr. Ferris stated that his concern is the traffic on Joslin Road. He stated that Joslin Road is a shortcut road between 108 and Kingston and there is very little visibility from driveways. Mr. Day stated that what the Board is insisting that the driveway permit process be done properly. Mrs. Belcher stated that she can assure that the Building Inspector won't issue a driveway permit unless there is proper sight distance. Mr. Day stated that they will have the Town Engineer also take a look at it.

Mr. Ferris stated that Joslin Road has a disproportionate amount of high speed traffic and the Town went to the trouble of posting a sign, which indicates to him that someone was aware that this was a potential safety issue. Mr. Day assured Mr. Ferris that these issues will be raised in the process of the Building Inspector and the Town Engineer looking at the road.

Mr. Day closed the floor to abutters.

Mr. Day told Mr. Hickey that as soon as he has revised plans and drainage report to get it to the Town Engineer and Dr. Robinson to expedite the process.

Mr. Day closed the public hearing.

MOTION: Mr. Morales **MOVED** that the Board continue this hearing to June 16 at 8:00PM. Mr. Smith seconded and the motion carried unanimously.

DISCUSSION ONLY— FOR DONALD H. CLARK, SANBORN ROAD, EAST KINGSTON IN REGARD TO A PROPOSED SUBDIVISION

Mr. Dennis Quintal appeared before the Board for the applicant. He presented the plans and showed where the property is located on Sanborn Road and he showed where the other lots are located. He stated that Mr. Clark would

like to put the land at the back into a conservation easement and retain the existing lot as a building lot as well as a three-acre lot for his family.

Mr. Quintal stated that while review the regulations with Chairman Day, the one lot could not be a buildable lot because it does not meet the frontage requirements for a back lot. He stated that he does not 240 contiguous feet.

Mr. Quintal added that Bob Rossi is also intending to buy a piece of the property for sand. He stated that he'd like to do a lot line adjustment to accomplish this.

Mr. Quintal stated that one option would be to take a look at the back lot requirement, do a lot line adjustment with the adjacent lot creating the 240 feet, which would give the 40 feet of frontage for a back lot. He stated that it would make a horseshoe shaped lot.

Mr. Quintal stated that another option would be to create a Town right-of-way to create a cul-de-sac. He added that the new lot would then have frontage along the right-of-way creating a three-acre parcel. He stated that it would provide a right-of-way to the easement property and it would also provide an avenue for possibly retaining the driveway. He stated that it would remain a right-of-way until such time that they would submit an application for a building permit.

Mr. Quintal pointed out where the wetlands were located. He stated that another option was to not put the back property into the conservation easement and put in a cul-de-sac and have three or four lots.

Mrs. Belcher suggested doing a subdivision or lot line adjustment that would convey the property to one property and create a back lot off of that.

Mr. LK Smith stated that putting a conservation easement on a piece of property is just like putting current use on your land. He added that it is just designating a portion of it for a different use and is not a subdivision.

Mr. Quintal stated that the only thing they are proposing to do is conservation easement, building areas and lot line adjustment. He stated that the right-of-way would be later and they are just trying to find out if that would be acceptable to the Board in the future.

Mr. R Smith that originally Mr. Clark had all the lots and he had a little strip next to Robin's Lane that went up to the back land and came out on his property. He stated that it was all one lot on his property. It was then subdivided and it was agreed that he would leave enough so he could have a road to get to the back land if he ever wanted to do anything with it. He was told that he could put a road in there.

Mr. Quintal stated that the right-of-way is 50 feet wide. He stated that Mr. Clark wants to be assured that someday in the future he can use the property and build on it. He added that they are looking for guidance from the Board.

Discussion ensued regarding voluntary merger, subdivision or lot line adjustment.

Mr. Day read Subdivision Regulation Section VII – General Requirements for the Subdivision of Land Paragraph H, "Where the Planning Board judges it necessary; the applicant shall provide 50 foot right-of-ways to adjacent parcels to provide access or for possible future connections." (Amended 1/96) Mr. R Smith stated that that was done on Forest Drive.

Mr. R Smith stated that there is a State statute that says you cannot create inaccessible land in a subdivision. Mr. Quintal stated that there would be an easement to access the conservation easement, but they were just trying to get around the problem of frontage. He added that it would have to be accessed for maintenance and stewardship.

Mrs. Belcher stated that she didn't know how you could build a driveway off a right-of-way that hasn't been brought up to standards of a Town right-of-way.

DISCUSSION ONLY – MARCIELLO REALTY PROPOSES TO SUBDIVIDE THE 46-ACRE PARCEL AT THE END OF GEORGE STREET.


Ms. Richards did not appear for the discussion only. Mr. Day stated that she is a realtor with a client who wants to develop the 46 acres at the end of George Street for a horse farm. He added that they want to chop off 3 acres with the house and then they lose their frontage.

Mr. Day introduced Ted Lloyd (Library Trustee) as a possible candidate for the Planning Board.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 10:03PM.

Respectfully submitted,

H 
Recording Secretary

Approved on: 6/16/05