

## EAST KINGSTON PLANNING BOARD

May 20, 1993

Attending: Richard Smith, Sr., Chairman, Cathy George, Robert Marston and Amanda Rossi, Alt.

Others Attending: Peter Dow, RPC Circuit Rider; and Larry Smith, Conservation Commission, James Davis and Joe Conti (8:05PM)

The meeting was called to order at 7:50pm by Chairman Smith.

Mr. Dow handed out the copies of the newly printed and updated Zoning Ordinances.

The Board discussed with Mr. Dow the updating of the zoning maps and including them with the zoning ordinance book. An estimate for doing these maps from the USGS base map and overlay of the zones was \$200 for the base and \$50 per overlay.

Mr. Smith stated the Planning Board has some money set aside for CIP and they would have enough to do this.

Larry Smith suggested getting other departments to pitch in to get the mapping process going. USGS maps could be used for this purpose successfully in his opinion.

Mr. Dow noted that this would also be useful to other departments within the Town.

Larry Smith stated that the soils data is already in the computer system.

Mrs. George motion to approach the Selectmen to contact all Town Depts. to share in the estimated cost of getting this Zoning Map.

Ms. Rossi second.

The motion passed 4-0.

The Public Hearing for Charlotte Wall was opened at 8:00pm.

Mr. Smith read from her application.

Kevin Frye and wife; Ronald and Annette Strickland, abutters were present.

Ms. Wall explained that she made a buildable 2 acre parcel for Lot 52 and the remainder (which are wetlands) will remain with her original lot. Wetlands are adjacent to the piece that will be annexed.

Mr. Smith noted that the bounds have been set.

Ms. Wall stated that 1.82 acres have been added to her original acreage. She noted that she had a discussion with Charles Tucker (attorney) who agreed that the intent on the 30 easement between the KV Development and the Town would be to have the easement go to the property owner. It stays in both deeds and she was advised to be sure that the new deeds so reflected this easement.

Mr. Dow asked if this property was formerly that of Kemp.

Ms. Wall answered yes.

Mr. Dow gave a history from the minutes of the KV hearings.

Mr. Smith confirmed not referencing this part of the ROW, but the ROW off Deer Run Drive is clearly referenced.

Ms. Wall stated that no one controls the ROW, not even her.

Mr. & Mrs. Strickland and Mr. & Mrs. Frye do not have any problems with the Lot Line Adjustment as presented.

Ms. Rossi motioned to approve the LLA.

Mrs. George second.

The motion passed 4-0.

Ms. Wall will provide one mylar and two copies of the plan. She will bring the plan to the Board members for signature when it is completed.

The Public Hearing was closed at 8:12pm.

Frank Colanton, 69 East Road was present to propose at an informal discussion, a golf course at the UNH Farm at the former Anderson Farm, Depot Road (abutting the Town of Kingston).

Mr. Colanton explained that wetlands have been delineated already.

Larry Smith inquired if there are future plans for the use of these wetlands.

Mr. Colanton stated he would not disturb the wetland, but would use some of the dry land. He stated UNH owns 15.4 acres in East Kingston.

Larry Smith noted there are many woods roads going to the rear of the property toward Rte 107A.

Mr. Colanton said Jim Hayden is doing the work on the wetland delineation at this time.

Mr. Dow stated he looked at the minutes of the EKGCC expansion and noted that Mr. Colanton got a variance and he would need another variance for the commercial adventure in the Agricultural/Residential zone. This would be a commercial use and would require Site Plan Review.

Mr. Dow read from Article III of the Zoning Ordinance, Districting. He advised Mr. Colanton to go before the Board of Adjustment first, then the abutters would have a chance to voice their opinions.

Mr. Colanton said he wants to go ahead this year and said he would schedule for the Board of Adjustment for June.

Mr. Dow noted there would be only one fairway in East Kingston.

Mr. Colanton stated that actually there would be one green in East Kingston.

It was noted there would be a buffer required between Residential and Non-Residential; a minimum of 200 ft.

Mr. Dow stated 200 ft. would be required unless the Planning Board waived.

EKGC was originally built in 1981 and was added to in 1988.

Mr. Davis asked where the nearest home was.

Mr. Colanton stated that he could push the fairway back from the lot line.

Mr. Dow noted that plans do not show where the finished contours are.

Mr. Colanton said they are working on that, the Engineer is working on the contours and grade.

Mr. Dow asked if there were any detention ponds planned.

Mr. Colanton said this would be up to Jim Hayden, now there is a big storm drain already in place from the existing house.

Mr. Dow said if there is only a buffer within East Kingston, waivers or variances may not be required.

There was a discussion about the sequencing to follow..to the Board of Adjustment and then to the Planning Board.

Mr. Robert Hart was present to informally discuss the development of the property at 10 North Road (formerly Frost Garage). Mr. Hart stated he has been talking with the owner and he wants to establish two businesses and get the building back in shape. He would like an option to buy. Currently he is seeking approvals and the Town's feeling about two business at this site. Both proposed businesses are currently operating within Town.

Mr. Hart stated the two companies would occupy the first floor and office space would be on the second floor. The business operations would remain the same as current.

Mr. Richard Cook, the second business owner, stated they are looking to improve the area and make it a nice area again.

Mr. Hart said they both would like to add more employees, they need bigger and more machines and employees. Right now they are talking a lease situation and perhaps long-term they would be buying the property. They need to negotiate more with the owner, and there are many items to be done prior to coming to an agreement.

Mr. Davis asked if there was a plan to install a sprinkler system.

Mr. Hart said perhaps in the future.

Mr. Davis stated with the current configuration of the interior, he is concerned about fire and the safety of the firefighters.

Mr. Hart stated he would be removing the intermediary walls. There would be no machinery to require sprinklers. He would begin negotiations with the owner immediately if the Planning Board sees no big problems.

Mr. Curtis Jacques, an abutter asked when the last date of occupancy of the building was.

Mr. Conti stated it is still considered occupied; Jackson's property is still there. He referenced Article XVI, Abandonment of land for one year or the structure for two years.

Mrs. Jacques brought up the history of the apartment and that the house was raised and Mr. Scliris built on the wings.

There was discussion about Curt Cleary removing the tanks, and Jackson got stipulations that were never adhered to, nor enforced.

Mr. Dow noted that the Planning Board doesn't have the authority to enforce.

Mr. Hart stated the Police Dept. and the Selectmen are the ones who should have enforced those rules. He said his business would require cooling temperatures and he would be air conditioning. He would be using denatured alcohol which would evaporate (approximately one gallon per month estimated to be used).

Mr. Cook stated that they both have businesses in a residential area presently. They visited their neighbors beforehand and they want to be good neighbors and not be offensive to the neighborhood.

It was noted that both businesses would have minimal traffic as most of the business is to service the customer off site.

Mr. Cook estimated 6-8 cars, pickup trucks or vans. He wants to employ about ten persons.

Mr. Jacques stated he was happy with the organ business and furniture repair business, they did some good landscaping and it has all been downhill since they vacated. He said he is unhappy about the enforcement and it has been bad business. He stated this could adversely affect the financial condition of his property.

Mr. Conti stated that all complaints should be addressed to the Selectmen in writing.

Ms. George noted that both Mr. Hart and Mr. Cook are residents of the Town and already conduct business here.

Mr. Jacques questioned that on-going non-conforming uses of the property after abandonment.

There was discussion about grandfathering date and the Zoning beginning of 1953.

Mr. Smith asked if the Board would like to make a recommendation to these persons.

Dr. Marston stated he sees no problem.

Ms. George saw no problem with good neighbors and conformance to the rules/regulations.

Mr. Dow addressed abandonment and grandfathering; using the administrative decision of the Building Inspector to take it to the Board of Adjustment; he said State law cites no changes to the existing use. He then cited the reason of intent, and that financial issues may be a factor.

Mr. Conti stated in his opinion, Frost's Garage is not abandoned.

Mr. Cook invited all to come to see the two shops, anytime.

Mr. Smith said they must present a Site Plan Review when ready.

Edward Smith proposed informally, a two lot subdivision. He presently has a house on 13 acres. One lot would have 6.34 acres and he is going to donate 43.9 acres to the Town. He said he has

talked with Larry Smith about this, it is mostly wetland. He will give access ROW to get maintenance equipment to the dam area.

Mr. Smith stated he would provide a letter of intent, and this would be deeded after the sale of the Smith property.

Mr. Dow noted that Mr. Smith should include a note on the donated land that it is a non-buildable lot.

Larry Smith noted that there should be a note - to be deeded to the Town (the ROW) for purposes of recording at the Registry.

Mr. Ed Smith agreed to make a note on plan for the ROW and Lot 6-1-43 which will be donated to the Town.

It was also noted that this easement would not be for public access. It would be a right to pass on the continuance of the driveway laid out for this particular lot.

Mr. Dow suggested Lot 13 contain a specific area for the ROW to pass for maintenance purposes only.

Mr. Edward Smith was scheduled for a Public Hearing on June 17.

Board Elections:

Dr. Marston nominated Richard Smith as Chairman.

Ms. Rossi second.

The motion for nomination passed unanimously.

Ms. Rossi nominated Catherine George as Vice Chairman.

Mr. Smith second.

The motion for nomination passed unanimously.

Dr. Marston stated that Clarence Palm has his land up for sale and he understands it is possible it is being looked at by a developer.

The meeting was adjourned at 9:37pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant

Typed: June 02, 1993