



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2009-2010

David F. Sullivan, Chairman
Edward Warren, Vice Chairman

MINUTES

(Public Hearing of 21 May 2009)

7:00pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval of Minutes** for 16 April 2009
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a prospective tenant for the Light Industrial Park, Laffin's Small Engine Repair (EK PB #09-OA).
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a prospective tenant for the Light Industrial Park, Majestic Landscaping, LLC (EK PB #09-OB).
- ◆ **Public Hearing** for Diana Whitmore, 108 Depot Road (MBL 04-02-11) regarding a home occupation for doggie day care and dog boarding.
- ◆ **Discussion** with the Recreation Committee regarding the proposed improvements to Foss-Wasson Field.
- ◆ **Review** of the CTAP application.
- ◆ **Discussion** regarding the proposed Wind Energy ordinance.

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:03PM.

ROLL CALL: Mrs. White called the roll.

Members – Dr. RA Marston, Mr. D Sullivan, Mr. E. Warren, Mr. R Morales and Mr. D Pendell, ex-officio.

Alternate members present – Mr. J Cacciatore. Mr. R Forrest was not in attendance.

Advisors present – Julie LaBranche, Planner, Rockingham Planning Commission (RPC); Dennis Quintal, East Kingston Conservation Commission Chairman; Scott Urwick, East Kingston Conservation Commission; Sam Richard, East Kingston Fire Chief. Ray Donald, Building Inspector, was not in attendance.

Others present – David Laffin, James Knight and Mark Smith – applicants for tenancy for the light industrial park; William Kolias, representative for Diana Whitmore, Home Occupation applicant; residents Carol and Norman Freeman, Gary Hinz, and Mr. and Mrs. Brad Reardon.

Voting Members: There was a full voting Board for this meeting.

Chief Richard and Mr. Pendell arrived late to the meeting due to previous appointments.

Board Business

Approval of April Minutes. Mr. Sullivan asked if there were any changes or additions to the minutes. There being none, he asked for a motion to approve.

MOTION: Dr. Marston **MOVED** to accept the April 16th minutes as presented. Mr. Sullivan seconded. Mr. Warren and Mr. Morales abstained, as they were not present at the April 16 meeting. The motion passed.

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a prospective tenant for the Light Industrial Park (EK PB #09-OA), Laffin's Small Engine Repair.

Mr. Masone was not available to attend the public hearings this evening, but had sent a letter to the Board. Mr. Sullivan invited Mr. Laffin up to the front and asked him to explain to the Board how he intended on conducting his proposed business.

Mr. Laffin explained that his plan was a start-up small engine repair business. He would work on snow throwers, push lawn mowers, riding lawn mowers, chain saws, trimmers, small tractors, etc. and sell parts for these items. He could visualize selling some equipment in the future, but was not focusing on those sales at the present time.

Referring to a flyer from the newspaper, Mr. Sullivan asked Mr. Laffin if he was open at the present time. Mr. Laffin answered he was; he had been in the building fixing up the inside since March, but had been doing repairs for approximately 2-3 weeks. Mr. Sullivan informed Mr. Laffin he should have waited until he received approval from the Planning Board before sending out his flyer. Mr. Laffin stated his funding had not gone the way he had hoped, and he had been trying to get the most important things covered at the start; the advertising was one of those things. He apologized to the Board. Mr. Sullivan would notify Mr. Masone and ask his to wait to rent to future prospective tenants until they were approved.

Mr. Laffin stated as far as hours of operation, he would like to be open Tues-Fri 8-5, Sat 8-12 and would handle delivering on Mondays. If there were no deliveries, he would be open on Monday from 8-5. He would have no other employees but himself at the present time, but could envision two technicians if the need presented itself in the future. He clarified to the Board where his building, Building 5, was located in the park and explained he would be using the entire building, which is 3,600 sf.

Fire Chief Richard asked if Mr. Laffin was planning on utilizing any solvents. Mr. Laffin explained he would only have 1-2 aerosol cans, some spray grease, and perhaps brake-clean; nothing in large quantities; he bought his oil 5 quarts at a time. Much later on if the business warranted it, perhaps a 55-gallon drum for oil. He no large amounts of gasoline; approximately 10 gallons total at the most at any one given time. Future needs might warrant a 30-gallon roll-around gasoline container. He was only buying small quantities at the present time because of cost.

Chief Richard stated he did not think for the small amounts of solvents Mr. Laffin was stating that a hazardous materials locker would be necessary. If and when he utilized the 55-gallon drum for oil and/or the 30-gallon gasoline container, he would need to contact the Chief for inspection and to make sure everything was properly secured. When larger quantities of solvents, oil and gasoline were purchased, MSDS sheets also would be required for the Fire Department. Chief Richard confirmed that an annual fire inspection would be one of the conditions of approval.

Mr. Warren inquired if there was a fire alarm in Building 5; Mr. Laffin did not think so. It was noted that Mr. Masone had provided a Knox Box for the Fire Department for access to all of the buildings in the park in the event of an emergency.

Chief Richard asked about fire protection in the building. Mr. Laffin stated there were two fire extinguishers; he was not sure about a sprinkler system or smoke detectors. Chief Richard noted that heat detectors were more appropriate than smoke detectors since it was a commercial building. Mr. Laffin will check with Mr. Masone for information of what type of fire protection is in the building.

Mr. Laffin noted that signage for his business would be installed on Mr. Masone's marquee at the entrance to the light industrial park.

Mr. Morales referred to the light industrial regulation checklist, and the Board went through the checklist with the applicant.

1. *No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.*
Only had small amounts of solvents and/or gasoline would be stored, and they would be stored properly so there would be no danger of fire or explosion.
2. *No objectionable odors shall be detectable beyond the property line.*
His building is in the middle of the industrial park, so there would be no odors beyond the property line.
3. *No noxious, toxic or corrosive fumes or gases be emitted.*
No fumes or gases would be emitted.
4. *No observable dust or smoke shall be exhausted into the air.*
There would be no dust or smoke.
5. *No heat and glare shall be evident beyond the property line.*
There would be no heat or glare.
6. *No exterior lighting..... shall shine directly on adjacent properties or towards any street.*
No additional exterior lighting was being added.
7. *No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise.*
There would be no excess noise.
8. *No inherent and recurrently generated vibration beyond the property line.*
There would be no vibrations.
9. *No dangerous radiation shall be detectable outside any structure.*
N/A
10. *Waste disposal and water service.*
He will be getting a waste oil furnace to recycle the waste oil. At that time, he would contact the Fire Chief for the appropriate inspection. He has nominal amounts of solvents and at this time, the Fire Chief has determined that he would not need a hazardous materials locker. If at any time the volume of solvents and/or gasoline increased to bulk amounts, Mr. Laffin would need to contact the Fire Chief for instruction on what was needed. Water is provided by the park.
11. *Storage of fuel, raw, machinery, supplies and equipment.*
The park is well patrolled, but far enough from the road that equipment left outside could be an enticement. No equipment would be stored outside.

Mr. Warren noted that Mr. Laffin might want to reconsider the days/hours he had previously stated. If at the onset he asked for the most hours he perceived he might ever need, then he could be open anytime within those hours/days and not need to come back before the Board for a noticed hearing to change them.

Mr. Laffin decided to ask for approval for hours of 7:00am-8:00pm, Monday –Sunday. He would also like approval to sell the same types of small equipment he works on.

Mr. Sullivan opened the floor to abutters. There being none, he closed the floor.

The Board reviewed that the conditions of approval would include:

1. Approved hours are 7am to 8pm, Monday through Sunday
2. Approved to sell small equipment.
3. No equipment shall be stored outside the building.
4. There shall be no additional exterior lighting.
5. The East Kingston Fire Chief shall be contacted for further direction when the storage of oil volume changes to 55 gallons or more, and/or storage of more than 10 gallons of gasoline is anticipated.
6. The East Kingston Fire Department will be contacted for the appropriate inspection when a waste oil furnace is acquired.
7. Any flammable fluids or other hazardous chemicals to be used in large quantities will necessitate MSDS forms to be supplied to the Fire Department.
8. The East Kingston Fire Department shall conduct an annual fire inspection of the premises.
9. No odors, fumes, smoke or dust will be generated.
10. There will be no excessive noise or vibrations generated.
11. Applicant will need to come before the Planning Board for any changes to these approved conditions.
12. All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

The Board determined that a full site plan review was not necessary for this change in tenancy.

MOTION: Mr. Morales **MOVED** the Planning Board waive the requirements for a full site plan review for Laffin's Small Engine Repair and sales based on the information provided, and approve the tenancy for Mr. David Laffin with the 12 conditions of approval as noted. Mr. Warren seconded. The motion carried. Mr. Pendell abstained as he arrived late to the meeting and was not part of the discussions.

Mr. Laffin thanked the Board for their time.

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a prospective tenant for the Light Industrial Park, Majestic Landscaping, LLC (EK PB #09-OB).

As with the previous tenant, Mr. Masone was not available to attend the public hearing, but had sent a letter to the Board. Mr. Sullivan invited Messers. James Knight and Mark Smith up to the front and asked them to explain to the Board how they intend on conducting their proposed landscaping business.

Mr. Knight explained they were a landscape maintenance, construction and irrigation company; they provide landscaping services in the summer and plow snow 24/7 in the winter. At the present time, they provide landscaping services for Maplevale and Cricket Hill in East Kingston. They cut grass, trim bushes and mulch. They would store their equipment and vehicles inside the building. Mostly they would use this location for pick-up and drop-off of vehicles and equipment.

They use no pesticides or fertilizer. They would store 80-100 yards of mulch in the springtime. In the winter, they would provide a secured area for sand/salt for their plowing services. They would include a paved area with concrete barriers around it to contain the sand and would cover it with a tarp. In the wintertime, they would not be working out of the shop; they might pick up a truck for plowing and leave.

As far as equipment, they have a dump truck, 2 pick-up trucks, an irrigation service truck, 2 skid steers, and a mowing/maintenance trainer. At the most, they store 10 gallons of gasoline.

Based on the recommendation of requesting days/hours by the Board to the previous applicant, they would like to be open 7:00 am to 8:00 pm Monday through Sunday, seasonally 24-hours as needed for plowing.

Chief Richard explained that they should check with the Building Inspector to see if they needed a building permit for their proposed salt shed. He also asked if they were planning on servicing their own equipment on site, and Mr. Smith noted they bring their equipment to Haverhill Equipment for repairs. Mr. Smith explained they would be changing their oil, but at their other location they have a waste oil furnace and would bring the used oil there; they would not be storing any used oil on site.

Chief Richard noted there would need to be an annual inspection of the site, and clarified that there should be no ignition sources, gasoline or oil stored near the mulch. Mr. Smith explained that mulching usually only happened between April and July, when they would be finished for the season.

They currently have a dumpster and would be bringing that with them.

The Board went through the light industrial regulation checklist with the applicant.

1. *No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.*
Only had small amounts of solvents and/or gasoline would be stored, and they would be stored properly so there would be no danger of fire or explosion.
2. *No objectionable odors shall be detectable beyond the property line.*
There would be no odors beyond the property line.
3. *No noxious, toxic or corrosive fumes or gases be emitted.* No fumes or gases would be emitted.
4. *No observable dust or smoke shall be exhausted into the air.* There would be no dust or smoke.
5. *No heat and glare shall be evident beyond the property line.* There would be no heat or glare.
6. *No exterior lighting..... shall shine directly on adjacent properties or towards any street.*
No additional exterior lighting was being added.
9. *No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise.* There would be no excess noise.
10. *No inherent and recurrently generated vibration beyond the property line.*
There would be no vibrations.
9. *No dangerous radiation shall be detectable outside any structure.* N/A
12. *Waste disposal and water service.*
They would be providing their own dumpster. Water is provided by the park.
13. *Storage of fuel, raw, machinery, supplies and equipment.*
All equipment that will fit into the two bays will be stored inside the building.

Mr. Sullivan opened the floor to abutters. There being none, he closed the floor.

The Board reviewed that the conditions of approval would include:

1. Approved hours are 7am to 9pm, Monday through Sunday, seasonally 24-hours as needed for snow plowing.
2. There shall be no additional exterior lighting.
3. The East Kingston Fire Department shall conduct an annual fire inspection of the premises.
4. No odors, fumes, smoke or dust will be generated.
5. There will be no excessive noise or vibrations generated.
6. Applicant will need to come before the Planning Board for any changes to these approved conditions.
7. All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

The Board determined that a full site plan review was not necessary for this change in tenancy.

MOTION: Mr. Warren **MOVED** the Planning Board waive the requirements for a full site plan review for Majestic Landscaping, LLC based on the information provided, and approve the tenancy for Messers. James Knight and Mark Smith with the 7 conditions of approval as noted. Mr. Morales seconded. The motion carried unanimously.

Messers. Knight and Smith thanked the Board for their time.

Public Hearing for Diana Whitmore, 108 Depot Road (MBL 04-02-11) regarding a home occupation for doggie day care and dog boarding.

Mrs. Whitmore was not able to attend in person this evening, and has sent Mr. William Kolia as her representative. Mr. Sullivan asked Mr. Kolia to come up to the front to speak to the Board.

Mr. Warren noted that the plan had been downsized quite a bit from the original plan that had been presented to the Planning Board in November of 2008. Mr. Warren stated his only concern was for the noise. Mr. Morales stated his concern was he could not see where what Mrs. Whitmore proposed would fit within the parameters of the home occupations stated in the ordinance. Ms. LaBranche noted it would fit under #11 – those occupations not listed that are of a similar nature. Mr. Morales still did not see how it fit. Mr. Warren opined it fit under agricultural since they were animals. Mr. Morales noted they were speaking of a home occupation and not a farm. Dr. Marston noted they boarded horses just down the road; Mr. Morales opined he considered that was farming whereby he did not consider dogs farming.

Ms. LaBranche noted that the language of the ordinance is loose and thereby up for interpretation. Mrs. Whitmore would be providing a service not unlike other home occupations that provided services.

Mr. Pendell read an excerpt from the ZBA minutes: *“Mrs. Belcher stated they could have argued whether it fits as a home occupation versus having to meet the hardship criteria. Even though it is not listed on the home occupation list, it has all the characteristics of one; it sort of meets the agricultural piece, day cares can be noisy also, etc.”*

Mr. Pendell noted Mrs. Whitmore had originally applied to the Planning Board for a separate building and to Board 10 dogs. She was denied and directed to the ZBA for a variance. Noting the reduced scope of the application, the ZBA recommended she approach the Selectmen for clarification. When Mrs. Whitmore approached the Selectmen, one Selectmen was absent due to a family emergency, and another had to recuse himself as he was an abutter. That left one Selectmen who could not make a decision himself, although he stated he personally had no problem with Mrs. Whitmore’s proposal. They recommended Mrs. Whitmore go back before the Planning Board with her down-sized proposal.

Mr. Morales opined that since the ZBA thought there could be some interpretation of the ordinance, he was willing to abide by their analysis. Ms. LaBranche noted that the only difference she could find was that the runs would be outside and the ordinance stated the home occupation should be conducted within a building and there should be no evidence of the home occupation on the outside. Mr. Warren stated that since she had dogs of her own, the runs would be there anyway. It would not really be that different. He opined it would loosely fit into the daycare definition.

Mrs. White clarified that one of the items the ZBA had brought up was that a stipulated condition could be that Mrs. Whitmore receive and keep a copy of the rabies vaccinations of the animals she watches, and also suggested an annual inspection from the Animal Control Officer.

Mr. Warren wanted to make sure Mrs. Whitmore would address any noise complaints from her neighbors. Mr. Koliass clarified that Mrs. Whitmore had gone to all her abutters and none of them had any concerns about noise. Mr. Warren noted that neighbors may change. He just wanted to make sure she would address any concerns.

Hours of operation were discussed. Although Mrs. Whitmore's home occupation could in reality be 24 hours a day when she was keeping dogs for a length of time, it was discussed that the dogs should not be outside before 7:00 am or after 9:00 pm. Actual delivery and pick-up of dogs would be staggered so as not to cause any traffic disruptions.

Ms. LaBranche asked how waste was to be handled, as Mrs. Whitmore could not put animal waste for trash pick-up. Mr. Koliass noted she would compost the waste. Board discussion ensued and it was determined that any composting should be done no closer than 30 feet from the property line.

Mr. Sullivan opened the floor to abutters.

Mr. Brad Reardon, 98 Depot Road. Mr. Reardon stated he lived next door to Mrs. Whitmore and would need to go to the top of the hill on his property to even see the top of the proposed kennels. He did not have any issues with Mrs. Whitmore's proposed home occupation and was not concerned for any noise. All dogs barked some. He had no objections.

Mr. Sullivan closed the floor to abutters.

The Board reviewed that the conditions of approval would include:

1. The home occupation for doggie day care and dog boarding is approved for up to 5 dogs.
2. Approved hours for the dogs to be outside - 7:00 am to 9:00 pm daily.
3. Composting of waste shall take place on the premises and shall be no closer than 30 feet from any property line.
4. Proper paperwork shall be collected and retained concerning animal vaccinations.
5. The East Kingston Animal Control Officer shall conduct an annual inspection of the required paperwork and premises.
6. Applicant will need to come before the Planning Board for any changes to these approved conditions.
7. All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Mr. Sullivan asked for a motion.

MOTION: Mr. Pendell **MOVED** the Planning Board approve the home occupation for Warren and Diana Whitmore for doggie day care and dog boarding with the 7 conditions noted. Mr. Warren seconded. The motion carried unanimously.

Mrs. White noted she would be sending a letter of recommendation from the Planning Board to the Selectmen for Mrs. Whitmore's home occupation. As Mrs. Whitmore was not planning on having any signs, her home occupation would qualify as an invisible home occupation. The annual fee would be \$25, and Mrs. Whitmore would pay the \$25 at Selectmen's Office.

Ms. LaBranche noted Mrs. Whitmore should contact the Zoning Board to withdraw her request for variance. Mrs. White will include this notation in the letter she sends to Mrs. Whitmore.

Mr. Koliass thanked the Board for their time.

Discussion with the Recreation Committee regarding the proposed improvements to Foss-Wasson Field.

Mr. Rick Bourque, Recreation Committee Chairman, and Mr. Andre Gonthier, who drafted the improvement plan, were present to explain the proposed improvements to the Foss-Wasson Field by the Recreation Committee.

Mr. Bourque apologized to the Board for not having the handouts to them before the meeting, and passed out copies of the plans to the members and one to Mrs. White for the file.

The overall plan is to improve the fields so they are more usable for baseball and softball throughout the entire season. The fields are usually covered with water in the spring, which renders them unusable at that time. The plan is to make the existing field more usable by improving the drainage and also to add a small T-ball field in the area where the swing set is at the present time.

The plan consists of four pages; page 1 is the site as it is at the present time; page 2 is the proposal for re-grading and shows the second ball field; page 3 is a close up of the two ball fields which shows the drainage plan for the larger field; and page 4 focuses on the drainage itself.

The intent is to work within the existing property lines, with no infringement on abutters' property. They will re-grade the site, using existing materials on the site and bringing in additional material if it is needed. They have discussed their proposal with the Board of Selectmen and the Conservation Commission, and are here tonight to bring the Planning Board up to speed on the project and to answer any questions abutters might have. They will meet with the Fire Association next.

The Recreation Committee has \$16,000 set aside for specific use on this project, and there is another \$10-\$12,000 in another recreation account they will access to further fund this project. They would like to start as soon as the baseball/softball season is over, and plan to start the improvements in June or July.

The plan includes re-grading, the addition of the smaller ball field, the addition of a chain link fence around the entire field, and clearing of some existing brush on Town property. All work to be done would be done on Town property only; nothing will be done on Fire Association property. There is no intent on changing or modifying the Fire Association property to accommodate additional parking needs. The present parking will suffice; the Board of Selectmen has noted that the Town Hall across the street could accommodate additional parking if needed. If that extra parking became necessary on a regular basis, a cross walk would be added to the street so vehicles would need to stop for the pedestrians.

Mr. Sullivan asked where the fishing pond was, as he did not see it on the map. Mr. Bourque pointed out where the pond was on the plan pages. Mr. Bourque stated their improvements would be at least 100 feet from the pond.

Mr. Warren noted it looked as if they were adding parking on the Fire Association property. Mr. Bourque stated that they were not adding any additional parking; there is parking available on Fire Association property at this time and that would stay the same.

The only thing they might do is add gravel to improve the gravel drive. Mr. Marcella owns the right of way, and the Recreation Committee has no problem maintaining it as they use it.

Mr. Quintal, Conservation Commission Chair, asked that erosion control measures such as silt fencing be taken during the re-grading and construction process. Mr. Bourque agreed they would take those erosion measures. Mr. Morales was concerned with the change in the flow towards to the pond.

Mr. Gonthier noted the surface water would be directed off the field into a swale and any sediment would drop out before the water reached the pond. There would also be rip-rap. Mr. Quintal noted there would be a great amount of velocity for the water drainage.

Mr. Pendell asked how the pond would be accessed with the fencing of the field. Mr. Bourque explained they were only fencing in the larger field; the smaller field would not be fenced so there would still be access to the pond.

Mr. Warren asked if this proposed plan was the entire plan for the field, or was there to be another phase at some point. Mr. Bourque stated the only other thing the recreation committee would perceive sometime in the future was a concession stand. They were not planning on night games, so there would be no additional lighting.

The only phasing would be if they did not get to both fields this year. Their first focus was the top field to make it into a playable field and take care of the drainage. They think they can take care of the bottom field also, but if not, that might be a phase two.

Mr. Warren noted that the Recreation Committee came before the Planning Board as a courtesy; this is Town property and they do not need permission from the Planning Board to commence their improvements. He appreciates the Recreation Committee taking the time to bring them up to speed on their proposal.

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

Mr. Bourque noted that the proposed working hours would be from 8:00 am to 8:00 pm.

Mr. Pendell asked where the outhouse would go, since at the present time it is located where they were proposing the T-ball field. Mr. Bourque noted it was usually located on the Fire Association property, and they had relocated it this year. He was not sure just where it would end up being located. Mr. Pendell wanted to make sure they would be sensitive to abutters when they decided on where to locate it.

Chief Richard noted Mr. Bourque stated they were fencing in the field so people would not drive on it. He was concerned that emergency equipment would still have access. Mr. Bourque explained that only the larger field would be fenced in, there was no fence on the small field, so there was plenty of room for an ambulance to enter if needed. There would also be a gate in the outfield for access the ball field.

Chief Richard opined it would be a good idea to have cross walks painted from the Foss-Wasson driveways to the Town Hall driveways, since with another usable field, they would most likely need to use the lot across the street as well as the Foss-Wasson parking area. Mr. Bourque was not sure who was the correct entity to contact in regard for that. Mr. Morales thought it would be the State since it is their responsibility to maintain all cross walks on the state roads.

Mr. Bourque explained that some East Kingston children also play on the Exeter Junior Bambino league. That league uses the school field and would likely use the Foss-Wasson field too. There is an insurance certificate they provide to the school; Mr. Bourque would ask them to provide one to the Town as well. This way, any games played on that field would be covered under Exeter's insurance policy.

Mr. Pendell suggested when they meet with the Fire Association, they could suggest instituting some signage for the folks coming to the games who are not familiar with the procedures. This was they could make certain no one would park in the wrong areas.

Mr. Bourque had completed his presentation to the Board, and since a ruling from the Board was not necessary, no further discussion ensued. The Board thanked Messers. Bourque and Gothier for the information provided.

Discussion regarding the Community Technical Assistance Program (CTAP) Application.

Ms. LaBranche wanted to review the draft application with the Conservation Commission and the Planning Board to make sure they agreed with the way she completed the application and her interpretation of what it was they wanted to accomplish in asking for this funding. She had found out that building of a boardwalk was not covered under the grant, as funds are not for construction projects.

She had checked, under **Buffer/Wetlands Protections**, that the activity they were applying for was for "*development and assistance in implementing an outreach program to Town residents on the importance of buffer maintenance and protection*". The focus was for the Red Gate parcel, and following is what the Boards decided to submit on the application to CTAP after discussions.

The Town's objectives for this project are to:

- 1. Provide educational opportunities for residents to learn about the functions and values of buffers and the ecology of wetland systems, utilizing the Red Gate parcel, an 85-acre town owned property, as a primary educational resource.***

Task 1

Implement the following educational activities at the Red Gate property.

Task 1a: Identify a buffer demonstration area on the site.

Task 1b: Install buffer boundary markers and interpretive signage for buffers and wetlands.

Task 1c: Develop a natural resource inventory (including rare and unique plants and wildlife) and a management plan for the Red Gate property (buffers, trails, forested areas).

Assistance

The Town would likely hire a consultant to complete Tasks 1a, 1b and 1c, with assistance from Town Staff and the Conservation Commission.

- 2. Foster voluntary stewardship of buffers and other riparian areas on private property.***

Task 2

Task 2a: Promote use and access to the Red Gate property by distributing brochures (see Task 3a), including outreach to the elementary school, scouting and outdoor groups, and 4H.

Task 2b: Produce and install interpretive signage for the three access points to the Red Gate property from Robin Lane, Blue Heron Court and Giles Road.

Task 2c: Develop a program and conduct an annual Community Buffer Stewardship workshop.

Assistance

Town Staff, the Planning Board and the Conservation Commission would coordinate promotion of use and access to the Red Gate property and assist with organizing a Community Buffer Stewardship workshop. The Town requests assistance with developing a program, including speakers and activities for the workshop, either from PREP or a consultant.

3. Develop educational and outreach materials to distribute to the community.

Task 3

Produce the following outreach and educational materials:

Task 3a: Develop and produce a brochure describing the natural resources of the Red Gate property.

Task 3b: Develop a guide/newsletter to protecting wetlands and water resources, including water quality protection measures, buffer planting and maintenance, functions and values of buffers, and wildlife and aquatic habitat (modeled after a 2008 PREP project completed by the Towns of Sandown and North Hampton).

Assistance

The Town requests assistance from PREP to develop the outreach and educational materials described in Tasks 3a and 3b. Town Staff and the Conservation Commission will contribute information and content for the production of these materials, and may need the assistance of a consultant to help coordinate production.

2. What role do you envision your board or committee having in implementing this project (e.g., reviewing draft documents, committing meeting time to discuss and review products, organizing town workshops or public meetings, etc.)? Identify any other town staff, boards, or committees that will be involved with the project or whose participation or input would improve project implementation.

- The Town will contract with a consultant to implement specific project Tasks as described in Tasks 1-3 above.
- The Conservation Commission will assist in implementing several of the project Tasks 1a, 1b, 1c, 2a, 2b and 2c (as described above).
- The Planning Board will review outreach and educational materials and provide comment to the Conservation Commission and any consultant retained for the project.

3. What is the best timeframe for conducting this project?

The Town expects to secure a consultant and signage production company for the project by early July, 2009 and to complete project Tasks as outlined below:

Tasks	Timeframe for Completion
Task 1a: Identify buffer areas on the Red Gate property	August-September 2009
Task 1b: Install buffer boundary markers and interpretive signage for entrances, buffers and wetlands on the Red Gate property.	October-November 2009
Task 1c: Develop a natural resource inventory (including rare and unique plants and wildlife) and a management plan for the Red Gate property (buffers, trails, forested areas).	Through May 2010

Task 2a: Promote use and access to the Red Gate property by distributing brochures (see Task 3a).	Ongoing through end of grant and beyond
Task 2b: Produce and install interpretive signage for the entrance to the Red Gate property.	October 2009
Task 2c: Develop a program and conduct an annual Community Buffer Stewardship workshop.	April-May 2010
Task 3a: Develop and produce a brochure describing the natural resources of the Red Gate property.	March 2010
Task 3b: Develop a guide/newsletter to protecting wetlands and water resources, including water quality protection measures, buffer planting and maintenance, functions and values of buffers, and wildlife and aquatic habitat.	April 2009

4. What outcome or product do you anticipate at the conclusion of the project?

- Interpretive signage for the entrances, buffers and wetlands on the Red Gate property.
- Outreach and educational materials about buffers and water resources
- Buffer demonstration area on the Red Gate property
- Annual Community Buffer Stewardship workshop

5. What will you do with the finished product or results from the project, and what's your community's capacity to implement the project after assistance is complete?

The Conservation Commission will implement the following activities on an annual basis:

- Lead educational walking tours of the Red Gate property
- Conduct a workshop about buffer stewardship
- Distribute educational materials to residents

6. How does this project fit into the community's overall natural resource protection goals?

Master Plan

The goals of the East Kingston Master Plan include preserving the Town's natural areas, such as wetlands, forests, open space, and the Powwow River. The Natural Resource Section of the Master Plan recommends:

- Development should not be permitted to adversely impact surface waters, wetlands, and other water resources. Local regulations should specifically address the protection of all water resources .
- Areas of low and very low potential for supporting development should be protected from development, and are prime candidates for open space and conservation land.

Zoning Ordinance

The East Kingston zoning ordinance includes a Wetlands Conservation District. The purpose of this ordinance is:

- to maintain the quality and quantity of groundwater and recharge areas for existing and potential water supplies;
- to prevent the destruction of natural wetlands which provide flood protection, recharge and augmentation of stream flow during dry periods;

- to control the development of structures which would contribute to pollution of surface and groundwater; to preserve wetland ecological functions; and
- to encourage environmental diversity.

7. Briefly explain why you need this type of technical assistance.

The Town does not have the monetary or staff resources to complete the objectives described in this grant proposal. The Town does not have a planner. Currently, the Town uses all funds generated from the land use change tax to purchase conservation lands and to execute easements. In addition, the Town is operating on a default budget until at least the next town meeting in March 2010. The Town has no funds available to implement the objectives outlined in this grant proposal as no new expenditures can be added to the current default budget.

8. If you are applying for wetland inventories and/or evaluations, additional funding is likely to be required for the project. If applicable, identify the amount and source of funds available for the project to supplement PREP funds.

Not Applicable

It was discussed that any brochures could mention rare types of plants and birds included on the property, but they would not be specifically located as there have been instances of poaching in the past. It was ascertained that that information was privileged.

The Board thanked Ms. LaBranche for all her work and expertise in completing the application.

She explained that the deadline was the next day, and asked if the Board could approve it to submit as they had just discussed.

MOTION: Mr. Morales **MOVED** to submit the application to CTAP (Community Technical Assistance Program) as discussed. Mr. Warren seconded. The motion passed unanimously.

Wind Energy Ordinance discussion.

As the hour was late, it was decided to table the Wind Energy discussion. The Board decided on a work session on the following Thursday, May 28 at 7pm. Mr. Pendell, Mr. Cacciatore and Ms. LaBranche will not be available.

Updates for the Board

RPC Commissioner. Mrs. White noted that the Selectmen had approved Mr. Sullivan as the second RPC Commissioner on the Board's recommendation.

Mr. Castagna. Mrs. White requested the Board set a date she could relay to Mr. Castagna for the mini-charette. The Board decided on November 7th. Mrs. White will relay that date to him.

Calendar. Mrs. White noted she had changed some submission dates on the calendar and asked the Board members to discard their previous copy.

Don Ross. Has a mother-in-law apartment. Has no need for it now, and would like to know if he can rent out part of it to a nail technician. The Board asked Mrs. White to call Mr. Ross and explain that a home occupation needs to be conducted by the owner of the premises. Otherwise it is considered a business in a residential zone, which is not allowed.

Clint Furnald. Mr. Furnald had come before the Board previously with a conceptual plan for a conservation easement. He has more property he is contemplating on putting in conservation, and needs some direction on how to proceed. He has a 22.55 acre parcel with the potential of 10 house lots on over 2,000' road frontage between 2 roads. Rather than a house on either lot having a minimum of 2 acres, he would like to pursue a cluster development with a conservation area.

He does not fully understand the single-family cluster residential development regulations, and the developer he spoke to does not either. He was wondering if the Board could brainstorm a development plan with him, or does he need to pursue the plan with a developer and submit for the Board's review. It is the Board's decision that Mr. Furnald will need to come before the Board with a plan. Mrs. White will call Mr. Furnald and let him know he needs a conceptual plan to present to the Board.

OEP Conference. Mr. Sullivan did not make it to the OEP Conference, as he was delayed returning from a business trip. He did not think it was fair for the Town to pay for a session he did not attend, so he gave Mrs. White a check to reimburse the Town for the amount paid.

Mr. Warren had attended that conference and reported to the Board that in the plan reading session, they had suggested to color them in with different colors for waterways and property lines; this makes everything more clear to someone who is not used to reading plans, and also to walk the site. He noted most boards stated they walked the site before discussions began. Mr. Morales noted that in the past if there was any controversy regarding the site, the Board had conducted a meeting at the site.

Ms. LaBranche noted she could provide a mini-class for the Board on using colors for the plans if they would like. She also noted that the Board could also require that plans be colored in a certain manner before being submitted to them. Mr. Quintal mentioned he colors his plans for the towns that broadcast their meetings so the plans would show up better.

Grant Writing. Mrs. White reported that the Administrative Assistant from Newton had attended a grant writing session and one good piece of information they had imparted was that Towns should figure out what the goals for their Town are first, and then look for a grant that will cover those goals rather than grabbing at everything that comes along and trying to fit something to the grant that is available.

Televising Meetings. Mr. Pendell noted the Selectmen were meeting with Comcast to discuss televising the Selectmen's meetings.

Turner Mylar. Mrs. White reported she had received the final mylar for the Turner subdivision. All the conditions have been met, all the Town Engineer's points have been met, and a new driveway permit has been applied for. Mr. Sullivan will sign the mylars and when the fees have been paid, Mrs. White will take them to be recorded.

Other Information

Mr. Sullivan apologized to Mr. Pendell for asking him to recuse himself last month regarding the Whitmore application. It is Mr. Sullivan's objective to keep the integrity of the Board intact. He had checked with the LGC and since the lawyer had called Mr. Pendell, there was no issue. Mr. Pendell had made the same call and they had stated an attorney acting for a citizen was the same as that citizen contacting him directly. If there was no decision made, no deals done, no direction given; if it was strictly information, it is not an issue.

Mr. Pendell noted it was always good to err on the side of caution, and he had not taken offense to Mr. Sullivan's request.

Mr. Sullivan had observed the audience at the last meeting had agreed that abstaining was a good idea if there was any question.

Mrs. White also reported from last month's meeting with the representative of the elderly communities, some feedback she received. They thought it was the best meeting they had ever had, they felt so part of the Town now, and they felt it was a really good meeting.

Mr. Sullivan asked for a motion to adjourn.

MOTION: Mr. Warren **MOVED** the Planning Board adjourn. Mr. Morales seconded. The motion passed unanimously.

HANDOUTS TO THE BOARD

- Letter from Mr. Masone.
- CTAP Application.
- Adult Entertainment Zone article
- Wind Energy articles.
- April 13 and 27 Selectmen's meeting minutes

Mr. Sullivan closed the meeting at 9:30 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

David Sullivan
Chairman

Minutes approved June 18, 2009