



**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 June 16, 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)
8:00PM– **Continued Public Hearing**-- for Eric and Marcie Lister, 27 Joslin Road, MBL 17-1-12 in regard to a proposed three-lot subdivision (PB# 0505)
8:30PM – **Discussion Only** – for Donald H. Clark, Sanborn Road, East Kingston in regard to a proposed subdivision of MBL 7-3-8, a 33-acre parcel
9:00PM – **Discussion Only** – Diane and Edward LeClair, One Depot Road (MBL 9-2-6) in regard to a proposed real estate office on the premises
9:15 PM– **Discussion Only**– for DeBross Builders in regard to an alternate plan for the Glenn and Katherine Clark property (PB#0503)
9:30PM– **Adjournment**

CALL TO ORDER AND BOARD BUSINESS

CALL TO ORDER: Vice Chairman Smith 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, Vice Chairman RA Smith; Dr. RA Marston, DVM, Mr. R Morales, ex-officio
Alternate members present – Mr. JD Burton
Advisers present – Dr. Jill Robinson, Rockingham Planning Commission (RPC); Fire Captain A Conti, East Kingston Fire Department; Raymond R. Donald, East Kingston Building Inspector

BOARD BUSINESS:

Minutes--

MOTION: Mr. Morales **MOVED** that the Board accept the minutes of the May 19, 2005 meeting as corrected. Mrs. Belcher seconded and the motion carried unanimously.

Designated voting member – Mr. Smith noted that Mr. Burton is the designated voting member.

Action/Information Items --

Letter from Ted Lloyd –Mr. Ted Lloyd expressed his interested in becoming a member of the Planning Board. Mrs. Belcher stated she is very impressed by his work with the library and he has exactly the kind of personality that the Board needs. Mrs. Morales stated that Mr. Lloyd has put a lot of time into the town and has made a major contribution to the town and would be a great asset.

MOTION: Mr. Morales **MOVED** that the Board recommend to the Board of Selectmen Mr. Ted Lloyd be appointed as an alternate Planning Board member. Mrs. Belcher seconded and the motion carried unanimously.

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

Mr. Smith opened the public hearing.

Mr. Garrepy had submitted revised plans. Mr. Garrepy appeared before the Board and stated that the most pressing issue was the shared driveway for the three lots off Squire Drive.

Mr. Garrepy noted Sheet P3. Mr. Garrepy stated that the old plans had the driveway at a 10% grade for a good portion and went to 6% to the end of the property. He stated that several Planning Board members were concerned with the drop down to the gas line easement. He stated that what he has done is dropped the driveway from what was originally proposed about 7 or 8 feet in that location for about 100 feet. He added that that was the most significant height differential between the existing terrain and the gas line. He stated that it reduced the grade of about 250 feet of the proposed driveway in that location from 10% (which is the maximum allowable for a driveway) to 7%.

Mr. Garrepy stated that this was not run by the Fire Department, but he stated that the Fire Department was comfortable with the previous grading of the driveway. Mr. Garrepy stated that there will be a guardrail as well.

Mr. Garrepy stated that revised drainage reports have been submitted to the Conservation Commission as well as the Town Engineer. Mr. Garrepy stated that there is a 10 to 12 foot drop from the highest point (Station 300, Elevation 142) down to the gas line.

Mr. Garrepy stated that their attempt wasn't just to change the grade of the driveway but to lower the elevation entirely. He stated that they dropped it below existing grade its entire length except one area where a small section is being filled, but it is not dramatic. He added that it was dropped an average of 5 feet.

Mr. Garrepy stated that if you are standing at the edge of the driveway, the slope going down is a 2 to 1 slope.

Mr. Burton asked for comment from the experts. Mr. Conti stated that his position has not changed from the original plans, which he stated were fine and since it is now lower, it is safer. He added that the guardrail is the same as found all over town. Mr. Donald stated that if the Town Engineer doesn't have a problem with it, then it's okay. Mr. Morales stated that he didn't think the guard rail would stop a fire truck.

Mr. Garrepy stated that he was hoping to come back to the next Board meeting and get conditional approval. He asked for direction so that this may occur.

Mr. Dennis Quintal stated that in his opinion the difference in grade from the house to the street is 20 feet, but when the house is built, eight feet from the top of the hill will be cut down. He stated that the slope is not going to be as excessive as it appears on the plans. He added that he thought the grading could be dropped down even more.

Dr. Robinson stated that the shared driveway width is 14 feet plus three-foot gravel shoulders on each side, making it 20 feet wide, which is wider than some of the roads. She stated that this should be considered in the decision.

Mr. Garrepy stated that they can require when these lots are transferred, there be a legal understanding of the shared responsibility for the driveway in terms of a shared maintenance plan and plowing. Mr. Morales noted that the guard rail as well would have to be maintained for safety.

Mr. Quintal stated that he didn't think the grade was bad when he first looked at it and reiterated that the width overcomes any safety concerns.

Mr. Burton suggested polling the Board members for their opinion of the driveway. Mr. Morales stated that he is concerned about the slope as well as the extensive length of the driveway. He stated that he would still have to ponder it. Dr. Marston stated that he thought it was adequate as long as the Fire Department thought so. Mr. Smith stated that he did not think the driveway was good. He stated that he thought it was a badly planned lot with the steep slope. Mrs. Belcher asked if Mr. Garrepy would consider getting rid of Lots 1 and 2 and changing the

driveway. Mr. Garrepy stated that that would require a significant driveway, which would require reconfiguration of the plan and require wetland crossings.

Mr. Morales brought up the problem of snow removal. Discussion ensued regarding snow removal to which Mr. Burton stated that it is not the Board's responsibility to worry about that issue since it has no expertise in this area.

It was decided to go on to other issues and get back to the driveway issue later. Mr. Smith stated that he was under the impression that Mr. Garrepy was going to do away with one of the lots. Mrs. Belcher stated that based on how it was left at the last meeting, she was under the impression that the driveway was going to be placed in another location.

Mr. Garrepy noted the list of other issues prepared by Mr. Day. He stated that the Board did not like the lighting plan, so he took off the lights on the plans. Mrs. Belcher pointed out that the lights are not out of the Covenants. Mr. Garrepy stated that he has not done any revisions to the Covenants as of yet as he is waiting for all the Board member comments.

Mr. Garrepy stated that another issue was the NH DES has responded with some questions about the wetland crossings. He stated that their concern is that the proposed fire pond on Rowell Road will impact the nearby wetlands by pulling the water from the wetlands. He stated that when they come back next month they may have a cistern application after speaking with the Fire Department.

Mrs. Belcher stated that, in regard to the Covenants, the Board was to make comments and then it would be sent to the attorney. Mr. Garrepy stated that he would like to get the final draft to the attorney sometime in the next week, so he asked for the Board's comments.

With regard to the Covenants, Mrs. Belcher noted "Use of Lot B" where it reads, "Further subdivision of any of the lots is expressly prohibited without the express written permission of Bowley or East Kingston Planning Board". She recommended that "without the express written permission..." be removed because open space can never be subdivided. Mr. Garrepy explained that he put that sentence in because the Town's entire zoning ordinances could change in the future. Mr. Garrepy stated that he would consult with his attorney to see if the language should be revised or eliminated and he stated that he did not think there was any intention of further subdivision. He added that it is in there to clarify to the homeowners that if they were ever intending to do subdivision, they would have to get permission from the Association and then the East Kingston Planning Board.

Mrs. Belcher stated that she would discuss further changes to the Covenants at a later time.

Mr. Smith opened the floor to abutters.

Mark Durkee, 15 Rowell Road. Mr. Durkee asked if there is an ordinance against street lights in East Kingston. Mrs. Belcher stated that there is no ordinance to that effect. Mr. Durkee asked why because one person on the Board does not like street lights, Mr. Garrepy is not allowed to place lights on the plan. Mr. Durkee asked for an explanation as to why the street lights are being taken out. He stated that since there are no sidewalks, there should be lights to protect people walking.

Mrs. Belcher stated that the majority of the Board feels that they do not want light pollution. She added that there are no restrictions against putting a light in someone's front yard.

Mr. Smith stated that if street lights are put up, that puts an obligation on the Selectmen and taxpayers to pay for upkeep. He stated that that is why there are so few street lights in East Kingston.

Mr. Garrepy stated that they thought the Town wanted lights because a landscaping and lighting plan is required.

Mr. Smith closed the floor to abutters.

Mr. Garrepy asked the Board to continue the hearing to July 21, 2005.

MOTION: Mr. Burton **MOVED** that the Board continue the public hearing to July 21 at 7:15 PM. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Smith 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. Smith opened the public hearing.

Christopher Hickey from Eric C. Mitchell & Associates, Inc. appeared for the applicants, Eric and Marcie Lister.

Mr. Hickey stated that there are two wetlands applications associated with this plan. He stated that he has met with the Conservation Commission and the applications have been approved at the State level. He stated that there were previously two waivers requested; one for a driveway easement, but this one is being withdrawn. He stated that the proposed driveway to Lot 26 has been adjusted to avoid the very poorly drained soil.

Mr. Hickey stated that they are requesting a waiver from Subdivision Regulation X.B –Site Specific Soil Mapping. He stated that Mr. LK Smith and the Rockingham Planning Commission support the waiver. Mr. Hickey explained that the reason for requesting this waiver is because every lot has at least 2 acres of contiguous upland. Mr. Quintal concurred that there is quite a bit of upland and so it really is not necessary to do the site specific on the whole site. Dr. Robinson also agreed with that.

MOTION: Mr. Burton **MOVED** that the Board grant the waiver from Subdivision Regulation X.B – Site Specific Soil Mapping. Dr. Marston seconded and the motion carried unanimously.

Mr. Hickey stated that the proposed lot numbers have been changed per the Town Administrative Assistant and are shown on the plan.

Mr. Hickey stated that on Sheet #2 are the proposed house locations. He stated that the total uplands have been added to the lot areas. He stated that the Conservation Commission wanted 15” pipes rather than 12” pipes and that has been changed and was approved at the State level. He stated that a site distance plan profile for the two driveways has been included.

Mr. Quintal stated that in reviewing the drainage, there were no calculations of the depth of the rip rap for erosion control on the culvert.

Mr. Hickey stated that all the driveways are designed with a -2% slope. He stated that they have received minor comments from Civil Consultants. Plan Review, Sheet 2 of 3 – Subdivision Plan 1. "Although the silt fence would work as shown, we recommend that the silt fence be moved away from the wetland and closer to the driveway, perhaps to the wetland setback line. This would make the installation easier and create less chance of wetland disturbance due to the silt fence installation." Mr. Hickey stated that this has been done.

The next comment from Civil Consultants dealt with the 15” pipes. Mr. Hickey stated that this has been changed. He stated that comment 3 was in regard to grading and possible water overtopping the driveway.

Comment for Sheet 3 of 3 – Proposed Sight Distance Plan & Profile. Mr. Hickey stated that this is in regard to putting a ditch in. Dr. Robinson noted the paragraph "Note: Due to the character of this section of roadway, the Town may want the developer to replace the stonewall with a modified wall after re-grading has been completed." She asked if this was being planned. Mrs. Lister stated that they would prefer to not have the added expense of rebuilding the wall and added that the stonewall is only on part of the road. She added that the Town looked at drainage along Joslin Road years ago and decided not to do anything about it.

Civil Consultants next comment was Sheet 1 of 1 – Dry Hydrant Details. Mr. Hickey stated that the proposed paved apron section has been modified to show that the sawcutjoint will be tacked. No. 2 talked about the 30,000 gallons of water in the pond, Mr. Hickey stated that when talking with Carl Richter from the Fire Department he stated that

he has no concerns with that. Mr. Conti stated that the pond is more than 30,000 gallons. Mrs. Belcher asked for that in writing from the Fire Department.

Mrs. Belcher stated that the map didn't show a drainage pattern in the project area, which was raised by Mr. LK Smith. Mr. Quintal stated that as far as he knows, Mr. LK Smith is fine with it. Mrs. Belcher stated that Mr. Hickey has to work on the swale of drainage on the roadway. She added that the waiver should be noted on the plan.

Mr. Smith stated that the Building Inspector is the one who gives out driveway permits. Mr. Donald stated that the Road Agent does not get involved in this at all. Mr. Donald stated that he would be glad to visit the area and verify sight distance.

Mr. Burton asked Dr. Robinson for a list of conditions of approval. They are:

1. Inspection of erosion and sediment control measures by the East Kingston Town Engineer.
2. Swale drainage along the roadway designed and approved by the Town Engineer.
3. Easement language to Town Counsel.
4. Final stamps and seals.
5. Depth of the rip rap along the culvert noted on the plan.
6. Certificate of Monumentation signed by the East Kingston Building Inspector.
7. State Subdivision approval.
8. Building Inspector to approve driveway locations and verify sight distance.
9. Final mylars together with full sized and 11X17 copies, to be submitted to the Board for Chairman signature and recording.
10. Written approval from the Fire Department that the fire suppression has been met.
11. All fees and charges due the Town in connection with the subdivision, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Senior Planner, and Fire Department and administrative costs incurred by the Town be fully discharged.
12. Resetting of stones from stonewall.

Discussion ensued regarding the rebuilding of the stone wall, which has to be moved for drainage purposes. Dr. Marston stated that he would like to retain the stonewall. Mr. Conti asked that if the Town is requiring the Listers to remove the wall to install drainage, how can they force them to rebuild it at their own expense. Mr. Quintal stated that the trees have to be cut back before the wall is taken down, the rocks can be picked up and put back at the beginning of the cut and placed in an orderly fashion. He stated that then the swale can be cut and the rip rap put in. He stated that he didn't think it would be a tremendous expense. Dr. Robinson stated that she thought that would be a reasonable compromise. Dr. Marston agreed as did Mrs. Belcher. It was decided that the stones would be moved back the proper distance and reset.

MOTION: Mr. Burton **MOVED** that the Board grant conditional approval of the Lister subdivision plan with the 12 conditions. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Smith opened the floor to abutters, of which there were none and closed the floor.

Mr. Smith closed the public hearing.

DISCUSSION ONLY --FOR DONALD H. CLARK, SANBORN ROAD, IN REGARD TO A PROPOSED SUBDIVISION OF MBL 7-3-8, A33-ACRE PARCEL

Mr. Smith opened the Discussion Only.

Mr. Smith stated that basically it is a lot line adjustment, not a subdivision.

Mr. Clark stated that he would like to go forward with the conservation easement. Mr. Clark stated that when his son built his driveway it came over on his land so now would be a good time to correct that.

Mr. Quintal stated that there is 28.8 acres being put into conservation easement. He added that they are doing a lot line adjustment with Mr. Rossi to give him more land for his sand which consists of about 4,000 square feet. He stated that they would make a bend in the lot line so Mr. Clark's son's driveway would be on his own land for any future sale of the property.

Mr. Quintal stated that the original subdivision plan had some flares of radiuses at the entrance because it was a potential roadway. He added that since this is going to be a conservation easement, the roadway is not going to happen. He stated that the actual frontage is less than the 200 feet. In order to make this lot meet zoning requirements, the line should extend straight down he said. He added that this would make the 200 feet of frontage to be in compliance.

Mr. Quintal stated that this plan will alleviate hardships and make situations better. He added that he hoped he would have the formal plan and application in for the next meeting.

Mr. Quintal stated that Mr. Clark can still use the property, but he is basically giving up any building rights to it.

Mrs. Belcher asked if this qualifies for a minor lot line adjustment. She read from the Subdivision Regulations RSA 676.4, "Minor lot line adjustments which do not create additional lots or increase the development potential of a lot require subdivision application and approval in the same manner as ordinary subdivision, except that a public hearing shall not be required." Dr. Robinson agreed that this would be considered a minor lot line adjustment. Mrs. Belcher continued, "...notice to abutters shall be given prior to approval and any abutter may be heard on the application upon request."

Mr. Smith closed the Discussion Only.

DISCUSSION ONLY –FOR DIANE AND EDWARD LECLAIR, 1 DEPOT ROAD(MBL9-2-6),IN REGARD TO A PROPOSED REAL ESTATE OFFICE ON THE PREMISES

Mr. Smith opened the Discussion Only.

Mr. Smith stated that the property is in the commercial zone and the LeClairs would like clarification of Planning Board concerns, recommendations and requirements.

Diane LeClair appeared before the Board.

Mrs. LeClair stated that they bought the property two years ago knowing that it was a commercially zoned piece of property. She stated that it was her intent to take advantage of its best use. She added that they have been working to make the house look presentable.

Mrs. LeClair stated that she is a real estate salesperson and is associated with McPhail Associates in Salsbury, MA and Seabrook, NH. She stated that she wanted to open an office on the property. She said that her immediate goal is to have a sign put up so people know she is there and business can be conducted out of the house. She stated that if they get approved, they would like to convert their garage into the office rather than just have it in the basement of the house.

Mr. Burton asked if she might consider it as a home occupation to speed things along. Mr. Donald stated that a home occupation allows someone to open a business in a residential area. He added that the only requirement he is aware of is a site plan review and it is up to the Board to decide just how much of a site plan review would be required for this application. Mrs. LeClair stated that they are not expecting a great volume of customers.

Discussion ensued regarding whether this would be considered a commercial business or a home occupation. Mrs. Belcher stated that she didn't think the site plan review would have to be that extensive. She added that given the scope of what they are proposing, she could not see them having to hire an engineer, submit 10 sets of 11X17, five prints of each plan. Mr. Smith suggested Mrs. LeClair get the Site Plan Review Regulations book at the Town Office and read the submission requirements.

Mr. Donald stated that he would suggest asking the applicants for a copy of their State driveway permit, show a general layout for parking and a sign proposal and location and hours of operation.

Dr. Robinson stated that it appears to be a home occupation that happens to be in a commercial zone. She added that if it meets the definition of a home occupation, there's really nothing in a home occupation ordinance that says it has to be in a residential zone. She stated that a home occupation seems more appropriate for this particular business. It was agreed that they would follow the home occupation guidelines.

Mr. Smith closed the Discussion Only.

DISCUSSION ONLY – FOR DeBROSS BUILDERS IN REGARD TO AN ALTERNATE PLAN FOR THE GLENN AND KATHERINE CLARK PROPERTY (PB#0503)

Mr. Smith opened the Discussion Only.

Mr. Ken Berry, Beals Associates appeared before the Board. He introduced his associate, Scott Cole, who would be doing the presentation.

Mr. Cole stated that the last time they were before the Board was for a cluster subdivision. He stated that since that time Bruce Nadeau, DeBross Builders, asked them to do a revised concept based on the issues brought up at previous meetings.

Mr. Cole stated that the new plan is a smaller scale version of the previously submitted plans. He stated that they shortened the road and pulled the lots back from the steep slope area. He stated that one of the major differences between the two is the roadway design is 500 feet shorter. He added that there has been a reduction in the actual number of lots. He noted that previously there were 16 lots, which included a lot with an existing structure. He stated that it is now 12 lots including the existing structure. He said they had a net loss of four lots. He stated that the open space has also increased from 17.7 acres to 20.5 acres.

Mr. Cole stated that the driveways are identical to the previous design. He asked the Board for opinions as to the new plan.

Mrs. Belcher asked Mr. Cole to identify the grading. Mr. Cole stated that the light green was 15-25% slope; the middle green was 25-35%; and the dark green was 35+%.

Mr. Cole stated that Lot 3 is in the 25-35% slope, but they believe that that is because there is an old material pile. He stated that when they do the grading for the roadway, they will get rid of that hill and bring the lot down to below the 15% criteria.

Mr. Berry stated that the objective of the redesign was that the buildable area on each one of the lots would be in an area below the category the Board considers to be steep slopes in the previous application. He stated that the slope of the buildable area would be less than 15%.

Mr. Donald asked if they have given consideration to what it would look like if reclamation was done. Mr. Berry stated that there are areas where topsoil was put in and there are trees and vegetation growing; there was approximately three acres of exposed excavation. He added that the area will all be regraded and reclaimed and blended in when the road goes through.

Mr. Burton stated that they have definitely responded to the Board's concerns and that is appreciated. Mr. Smith asked about the curves in the road and Mr. Cole stated that one is for the Clark property and the other is because there is an existing culvert and a narrow wetland crossing so the road had to bow away from it.

Mrs. Belcher asked if they were to back out all soils with slopes over 25%, how much actual open space would remain. Mr. Berry stated they would have to look at the calculations from the original plan, but they more than met the requirements on the original plan and the new plan is adding more open space. Mr. Burton estimated it as about 11.5 acres of open space.

It was agreed that the Board had already approved the conventional yield plan, but Dr. Robinson stated that since the original application was denied, they have to start over and present the conventional yield plan to be approved again. Mr. Berry stated that they will be submitting the original yield plan that was accepted with the original application with 16 lots and now they are asking for only 12. Mr. Burton suggested taking some of the lots off since they were not going to be asking for the extra lots.

Mr. Smith polled the Board members for their opinions. Mr. Smith stated that he liked the plan very much. Mr. Burton stated that he thought it was a big improvement and he's very happy that they have come back. Mrs. Belcher stated she thought it was certainly a better plan. Mr. Morales stated there is still the outstanding issue to reclaim that pit. He stated that he agreed that the plan was a big improvement.

Mr. Berry stated that they were prepared to submit the reclamation plan at the last public hearing they attended. He noted that DeBross Builders is taking this into consideration. He added the road is going to be an integral part of the reclamation.

Dr. Marston stated he thought it was a lot better plan

Mrs. Belcher stated that the Board was not opposed to the development itself.

Mr. Smith closed the Discussion Only.

Mr. Smith asked the Board for a date for a work session per a request from the Board of Selectmen. Mr. Morales stated that he did not know where that request came from.

Mrs. Belcher read, "...together with interested parties to discuss the CIP with particular focus on library, police station and Town Meeting warrant article proposals." No date was agreed upon.

Mr. Morales stated that the Board has to consider what is put before the voters. He added that last year there were two major capital improvements for the Town. He suggested discussing putting everything that is wanted out to the voters all at once and getting nothing or putting together a priority list.

Mr. Burton welcomed Dr. Jill Robinson.

Mr. Donald stated that there will probably be a petition next March relative to trash pick-up and road maintenance in the adult housing development, Cricket Hill. He stated that the people are saying they pay their taxes like everyone else does, but they do not receive any services, so they will petition the town. Mr. Donald suggested to the Board if there is another development, this not become an issue.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 10:25PM.

respect fully submitted,

Helen M. Lonek
Recording Secretary

Approved on:  7/21/05