



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

20042005
*James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES
(Regular Meeting and Public Hearing of June 17, 2004)

AGENDA:

7:00PM – **Board Business**
7:15PM – **Continued Public Hearing** – for a proposed elderly site plan of Glen J. Tebo, MBL 6-2-10, involving 4 duplex and 3 single units with a community center (PB#03-OH).
9:00PM – **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:05M.

ROLL CALL: Mrs. Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Dr. RA Marston, DVM
Alternate members present – Mr. R. Morales, Ex-officio, Mr. JD Burton
Advisers present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner; Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department

Designated Voting member – Mr. Day noted that this month Mr. Burton is the designated voting member.

BOARD BUSINESS:

Minutes –

MOTION: Mrs. Belcher **MOVED** that the Board accept the minutes of the May 20, 2004 meeting with corrections. Dr. Marston seconded and the motion carried unanimously.

Notes & Asides –

NROC – Mr. Day asked Mr. LK Smith to give a report of the NROC meeting of June 16, 2004. Mr. LK Smith stated that the meeting helped make it clear what needs to be done. He added that a lot of the information available presently is not up to date. Dr. Marston stated that the Soil Conservation Service has already done a farmland survey of the town and he asked why they are thinking of mapping it. He stated that it is already mapped. Dr. Marston added that the town is not farm-friendly and they tax the farms out of existence and that is why the farm owners sell to developers.

Mr. Day stated that at the first NROC the subject of economics of natural resources preservation was not discussed. Mr. LK Smith stated that the NROC people can help a town develop ordinances and zoning to help a Planning Board make better decisions. Mr. Day stated that the first step is sorting out where the town wants to go with it.

Mrs. Belcher noted five areas that she felt the Board should consider. The first was storm water management. She stated that there is a lot of concern as to where it is going to go with this matter. The second thing was the transfer of development rights. She added that this is one way to add further protection to the farmers by fostering a relationship with farmland owners. Another concern Mrs. Belcher brought up was about designating scenic roads. She stated that RSA 231:157 allows the Planning Board to do that as long as it is not a Class I or II roadway. This will maintain vistas and rural character. Another area to consider is expanding stream and river buffers. The last

Mr. Day suggested going through the review step by step. Mr. Boyd stated that the Town Engineer's basic and major thing was the stormwater review because it has been a challenge from the beginning dealing with this issue. He pointed out on the second sheet that initially there was a very large pond that was high-walled in the front. It has been changed to eliminate some of the pavement. It was suggested by the Town Engineer to do a one-way roadway to reduce the pavement from 24' to 16' width. This will create larger set-back, larger green areas in front of the homes and a larger area in the center for the common area. He pointed out on the sheet the course of the drainage to the catch basin and detention pond.

Mr. Boyd noted Ms. Carriel's concern regarding the grading in the back of some of the units. He stated that there is a 3 to 1 slope, which is a very mowable slope. Regarding the stormwater review, Mr. Day stated that the Board was supposed to receive five copies of it. Mr. Boyd stated that they would get more copies to the Board. Mr. Boyd read from the Town Engineer's review, "During the initial review, we did not believe the computer model adequately represented the site nor did we believe it properly identified impacts to downstream abutters. It is our opinion that the current report represents a reasonably accurate model of existing and proposed conditions. We take no exceptions to the delineation plan or the various components... upon which the model is based. We are in general agreement that the project should have no adverse impact on downstream abutters and that post-development flows should be less than current pre-development levels"

Mr. Boyd stated that there were three concerns of the Town Engineer with the drainage. They are: 1) The drainage relies on exfiltration as the normal outlet for Detention Pond 2. He is concerned that a more positive outlet is needed. He suggested a controlled exfiltration outlet be considered. He added that this would involve a buried perforated pipe that accepts water similar to a French Drain with a filter area designed to achieve the desired percolation rate. Mr. Boyd stated that they would take this suggestion. Mr. Boyd added that he did not see anything in the report that he disagrees with or doesn't think is a good idea.

2) The culvert beneath the proposed drive adjacent to Greystone Road needs to be drawn in full Cross-Section View. It appears that the upstream end will have a 4' deep hole at the start. The Town Engineer suggested that a catch basin may be more appropriate. Also, there appears to be very little cover as you go along the pipe. The pipe length needed appears to be twice as shown. Mr. Boyd stated that this is something that they will address. Mr. LK Smith stated that that pipe needs to be put into the ground deeper so that there is adequate cover. Mr. Boyd added that the Town Engineer suggested that each one of the six sheets be altered in some way. The first sheet he has two suggestions that Mr. Boyd added he agreed with both. The first was the location of the utility poles be shown with numbers and the second is that the soil scientist seal does not appear. Mr. Boyd stated that traditionally, they wait until all of the final plans are done and then, as a formality, they will come by the office to stamp the final plans.

Mr. Boyd stated that the Town Engineer suggested that drainage easements would be needed in favor of the Town to permit on-sight review of the drainage facilities if there is a problem. Mr. Boyd stated that there are two ponds. He said that there could also be a blanket easement.

Mr. Boyd stated that the bulk of the Town Engineer's concerns on the second sheet is that the proposed swale should say "channel" just as it does on Sheet 5. He said that that would be done. And added that he would do all that the Town Engineer asks for. The second concern on Sheet 2 was the location of the proposed lighting should be on this plan. The location of the proposed utilities are not shown on the plan. He stated that they were on the first set, but were left out on this by accident, which sometimes happens with computer technology. The next concern is that the drainage easements and buffer areas are not shown on the plan. Mr. Boyd stated that he would rely on John Ratigan for the language of a blanket easement to the Town. He added that they will make the buffer areas much clearer.

The next concern of the Town Engineer is the common driveways. Mr. Boyd stated that there are a several driveways that service more than two units. The Town Engineer said that for common driveways for more than two units should be a minimum of 18' in width. Mr. Boyd said that what they are going to do is widen the driveway before they shoot off to individual units.

The next concern is that the proposed treelines are not indicated around the areas that will be cleared, making it difficult for the contractor to make the proper clearing limits. The result could be the clearing of more land than originally designed for, impacting the drainage calculations. Mr. Boyd said that because the sheets are too busy, he

Mr. Day stated that he did not believe that there are any ordinances or regulations that stipulate that roads have to be two-way, therefore no waiver is needed.

With regard to Sheet 4, Mr. Boyd stated that the Town Engineer's concerns were: 1) Roadway Note #1 indicates that all stumps, rocks and ledge within the limits of the proposed paved way be removed. This requirement should be extended to the swales to ensure that the proper materials will be placed at the correct elevations and thickness. He stated that anything within the whole roadway should have proper materials and that this should cover the swales as well. 2) The walkway detail should be labeled "Walking Path" as that is how it is labeled on Sheet 2. Mr. Boyd stated that this is the path that accesses the open space land in the back.

Mrs. Belcher stated that she was under the impression that the two walking paths were to be networked and Mr. Day said that it is in the ordinance. Mrs. Belcher suggested that they redesign these so that they are connected. Mr. Day added that there needs to be some way of access to these paths. Mr. Boyd stated that the one pathway is accessed by walking up a driveway and past the garage.

Mr. Boyd produced a revised Sheet #2 which brings the open space land line down to add 30,000 square feet of open land. This will be undeveloped land. Mr. Boyd stated that this revision date is June 15, 2004. He added that it is all upland area.

Mr. Boyd outlined the points for Sheet 5 as bedding materials should be shown for the pipes shown in the Typical Trench Detail. The Town Engineer suggested a minimum of 1' sand layer before backfill is placed. Mr. Boyd stated that this would be no problem. The second concern is that there needs to be some sort of drain (exfiltration) outlet for Pond 2. Mr. Boyd stated that that is something that they will address and correct it as a detail on Sheet 5.

Mr. Boyd stated that the only other point the Town Engineer had was on the last sheet. That is that the minimum width of the stabilized construction entrance should be the width of the roadway. Mr. Boyd stated that they had proposed a narrower one at first to keep the construction traffic on a narrower path, but the Town Engineer suggested that this be expanded to be the actual proposed road path. Mr. Boyd stated that there is no problem in altering that detail. It will be widened to 24 feet.

Ms. Carriel stated that she did a review based on the revised plans identifying any issues that she felt the Board had fully discussed. She added that these are things that either need to be discussed, decided on or tell her that approval has already been given. She stated that some of the things overlap with the Town Engineer's review, but for different reasons.

Ms. Carriel then proceeded to go through her review line-by-line.

1. A proposed road name should be added to the plan set. Mr. Tebo stated that the name will be Cornerstone Road.
2. At the 3/18/04 Planning Board meeting, the applicant stated that there will be curbside trash pick-up by a private hauler. Mr. Tebo stated that he has calls into several different haulers, but would leave the dumpster there for the time being. Ms. Carriel stated that it is her understanding that there will be curbside pick up and the dumpster will then be removed. Mr. Tebo stated that it could be left if the condominium association sees fit. Mr. Boyd pointed out on the plan where the dumpster is now located with a fence around the dumpster. Ms. Carriel stated that if the dumpster is going to be left there, detail has to be provided regarding the fence and the height.
3. The Board still needs to review the sidewalk plan for adequacy. Ms. Carriel stated that she brought this item up because she wanted to make sure the Board is satisfied with the sidewalk as proposed. She noted that the sidewalk in the vicinity of the homes is provided on the inside of the cul-de-sac so anyone who wants to use the sidewalk has to walk across the street. Mr. Boyd noted that the sidewalk leads to the common building.
4. The edge of the clearing/proposed tree line should be added to Sheet 2. Ms. Carriel noted that with regard to the 25 foot buffer, she pointed out the four trees that have been added on the north side of the

out on the plan three lights which appear to be unnecessary. She stated that she would not have a problem with the other six. Mr. Day suggested that if the condominium association wants to put a light in at the intersection, then they can figure out how to do it.

11. Condominium documents and easement language. Ms. Carriel stated that that has been dealt with.

12. NHDES Alteration of Terrain and Septic permits. Ms. Carriel stated that these have been received.

Ms. Carriel stated that the only other thing that she would point out is the three parking spaces by the community building. She stated that since that road would be a one-way, she suggested that the parking spaces be angled. Mr. Boyd stated that they would take up more area that way, but he could do that since it does make sense. Mr. Boyd showed where he would place a "One-Way" and a "Do Not Enter" sign. Mr. Boyd said that opposite the driveways they could place small "One Way" signs.

Mr. Day referred to Ms. Carriel's review #11 which referred to a well radius easement will be needed from the owner of Lot 6-2-9 for the portion of the applicant's 125' well radius extending across the property line. Mr. Boyd stated that generally the State gives you 10 feet onto the abutter because they are not allowed to build a septic system within that 10 feet. He added that there are situations where someone will have to sign a well release form where they can't fit everything on their own property and their well radius goes onto the neighbor's. He stated that if the neighbor needs to use that area, it may jeopardize their own well.

Mr. Day asked the Conservation Commission and the Fire Department for any additional thoughts. Mr. LK Smith stated that Dennis Quintal is still reviewing the latest drainage plan, which was received just last week. Mr. Day reminded Mr. Boyd that at least two more copies of the drainage report are expected. Mr. Day stated that the Fire Department issues are the sprinkler system and the road width. He stated that the Board would need a formal letter from the Fire Department.

Mr. Morales asked in regard to the walking path, if the brush could be removed to leave a more natural walking path and interconnect the network as the ordinance requires. Mr. Day stated that the site walk would look at the paths.

With regard to new plans, Mr. Ratigan stated that they needed the Board's input before revising the plans as far as the paths are concerned. It was decided that the site walk would take place on Sunday, June 27 at 1:00PM.

Mrs. Belcher referred to her concerns from the last meeting. 1) Mrs. Belcher had a note stating "well water lines after testing". Ms. Carriel stated that originally the water lines weren't shown, but they are shown now based on the proposed location of the well; 2) the profile sheet doesn't show the depth of pipes is still pending; 3) signage detail; 4) configuration of the driveways and congestion. Mr. Tebo stated that it was the Town Engineer's recommendation to have an 18-foot width road; 5) escrow to protect the neighbors' wells. Mrs. Belcher stated that there was some concern at the last meeting of wells drying up. She recalled that there were discussions regarding bonding or escrow to protect against this situation. Mr. Tebo stated that that would be more of a concern for a common well. He added that these are considered residential wells that won't impact like a community well. Mr. Ratigan suggested that Ms. Carriel contact Brandon Kiernan from the DES to get his opinion. Mr. Burton stated that the Board approves wells all the time and it should first be determined if this is going to be a problem. Mr. Day noted that there are two wells on 10 acres.

Mr. Ratigan said that a true concern is that there is no demonstration that the water is safe to drink. He added that arsenic and radon are the two leading serious health contaminants.

Mr. Day opened the floor to abutters.

Ms. Jeanne Furfari, 13 Greystone Road. Ms. Furfari stated that she had six issues from the last meeting, of which four were addressed at the meeting. She stated that her concerns involved drainage and depletion of well water. She stated that they won't know if there is a problem until after her well water is depleted. She asked if there is any way to predict if there will be a problem. Mr. Day stated that the Town Engineer's review stated that the drainage plan will result in less runoff onto abutters' properties. Mr. Boyd stated that they are actually breaking up the natural drainage pattern.

DELETE the sentence in Paragraph B. General Standards: 3. which reads “The total number of elderly housing developments shall not exceed two per calendar year.”

(Comment) The elderly housing development ordinance is an innovative land use, and the age discrimination intended by the ordinance is justified by the State of New Hampshire only if there are no growth control measures applied. The voted provision is invalid, and unenforceable. Town Meeting 2004 restricting the number of elderly housing development applications to two which the Planning Board can accept in a year.

SUBDIVISION REGULATIONS – Change recommendations to be put on the Agenda for July 15, 2004. Ref: a. NH RSA 676:4

A) Page 7-**SECTION VII– GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

Paragraph S. 1 Fire Ponds b.4): **AMEND** to read

“A *bituminous concrete (asphalt)* approach *sufficient to bear East Kingston fire apparatus* shall extend 12 feet in width and 40 feet in length parallel to the roadway to allow easy access by fire apparatus.”

B) Page 7-**SECTION VII– GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

Paragraph S.2. Cisterns subparagraph beginning “A gravel approach 12 feet wide...” **AMEND** to read:

“A *bituminous concrete (asphalt)* approach 12 feet wide and 40 feet long parallel to the roadway, *and sufficient to bear East Kingston fire apparatus, shall be provided.*”

C) Page 17-**SECTION XI– THE FINAL PLAT**

Paragraph B. **AMEND** by **ADDING** subparagraph 7. to read:

“7. The location of the nearest fire suppression water source, with the numerical distance measured in linear feet along Town or State roadways to the nearest newly created lot boundary indicated on the plan, and clarified with a compass bearing from the lot boundary.”

Mr. Day stated that the Board is accommodating the Fire Department with these three.

D) Page 23-**SECTION XVII– PROCEDURE FOR OBTAINING APPROVAL FOR SUBDIVISION**

Paragraph C. Submission Requirements– Subdivision **AMEND** to read:

“1. *Five* copies of the engineered plan *ten 11X17” copies* of all plans and *five* copies...”

AND

“2. Correct names, addresses, and tax map, block and lot numbers of owners of record of abutting properties, including those across any street or stream, *and within 200 feet of the boundary lines of the parcel in question.*”

Note: See subdivision and lot line adjustment applications.

E) **APPENDIX A–APPLICATION FOR SUBDIVISION APPROVAL**

and

APPENDIX B– APPLICATION FOR LOT LINE ADJUSTMENT APPROVAL

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 10:15PM.

Respectfully submitted,

Helen M. Lonek
Recording Secretary

Approved 7/15/04