

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
June 18, 1998

FILE

AGENDA

- 8:00 James & Karen Bioteau – 24 Giles Road Subdivision – Public Hearing  
8:30 Proposed Zoning Amendments – Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, Catherine George (7:53), Dr. Robert Marston and Alternate Beverly Fillio.

Absent: Ex-officio John Fillio, Alternate Robert Nigrello and Building Inspector Glenn Clark.

Others attending: Sarah Campbell - RPC Circuit Rider, Lawrence K. Smith – Conservation Commission Chairman, Richard Leith, Brett Smith, David Toothaker, James & Karen Bioteau, Atty. Jackson Casey and Nat Rowell.

Chairman Smith called to order this June 18th public planning board meeting at 7:33 p.m. with the roll call. Noting the absence of two members, he then designated Alternate Beverly Fillio to participate in any voting matters before the board.

May 21, 1998 Planning Board Minutes: The Board reviewed the minutes dated 5/21/98 and noted corrections.

MOTION: Mr. Johnson motioned to accept the May 21, 1998 Planning Board minutes as corrected. Mrs. Fillio second. With no further discussion, the motion passed 4-0.

The June 3, 1998 Work Session Minutes will be tabled until those attending the June 3<sup>rd</sup> work session are present.

Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. NH Estuaries – Estuaries Project for coastal towns. East Kingston is not directly involved. A conference will be held on June 23, 1998 to discuss their recently drafted management plan.
2. Rockingham Planning Commission – Exeter River Local Advisory Committee conference to be held on 6/23/98 regarding the Exeter Watershed Project.
3. NHDES – Cheryl Tucker's state subdivision approval for MBL# 16-3-6, 158 North Road.
4. NH Governor's Office – Telecommunications information packet available from OSP. Wireless communications are not regulated by NH law.
5. Selectmen's Administrative Assistant – The new 1998 Zoning Books are now \$10 each to both resident and non-resident. Master Plans are now \$20.

Charlotte Wall Subdivision: The Board acknowledged receipt of a Waiver Request from Subdivision Regulations Section 7.B.4: *Permanent concrete monuments shall be set at least at all corner points of each proposed lot before the plan is signed.*

The Board reviewed the plan and noted the existing drill holes and new drill hole markers. Also identified on the map were two new concrete bounds. The recording secretary apprised the board that Mrs. Wall, against the instructions of the recording secretary, recorded her mylar at the registry. Having done this, the normal process of confirming all bounds was not done prior to recording. After the mylar was recorded, the chairman and recording secretary conducted a site walk to confirm the boundaries. It was discovered then that concrete bounds were not set at two points, which is required in the subdivision regulations.

Since Mrs. Wall has sold her home and left the state, the issue was taken up with the new owner of the property. Contact was made with William Doucet of Doucet Survey, LLS on the plan and a waiver was requested. Mr. Doucet explained that the new drill hole should suffice as it is located in a very large boulder in a stone wall and the existing drill hole is located in a smaller boulder also in a stone wall.

MOTION: Dr. Marston motioned to accept the waiver request from Subdivision Regulations Section 7.B.4 citing sufficient monumentation exists. Mrs. Fillio second. With no further discussion, the motion carried 4-0.

The Board noted their policy for plans receiving conditional approval. Once all conditions have been met, the new plan will be submitted to the Selectmen's Office at which time the recording secretary will notify the chairman who will inspect the plan, sign if acceptable, and then given to the recording secretary to record at the Registry of Deeds.

James & Karen Bioteau – 24 Giles Road Subdivision – Public Hearing: Chairman Smith opened the public hearing at 8:00 p.m. for Mr. & Mrs. Bioteau's proposal to subdivide 7.3 acres into 2 parcels located at 24 Giles Road, MBL# 16-4-3.

Mr. Bioteau presented plans and deeds of the property. The Board reviewed the backlot provisions and noted items to be addressed prior to approval. It was noted that the soils mapping Mr. Bioteau submitted was not acceptable for HISS mapping. The old SCS soil map must be converted to the new HISS mapping numbers.

The Board reviewed the deeds and requested that the 20-foot right-of-way located on MBL# 16-4-10 be reflected in the deed. Mr. Bioteau informed the Board that he is waiting for their approval prior to submitting his state subdivision approval application. In reviewing the plan, it was noted that the right-of-way, MBL# 16-4-10 and the proposed driveways were not shown in the required scale of 1' = 100 ft.

Mr. Bioteau citing the cost of having the plan re-scaled, requested the Board be polled on whether or not the plan be redone. The Board was polled resulting in the order to have the plan re-scaled.

Mr. Bioteau then submitted a written waiver request from Subdivision Regulation Section IV.D: *Each building lot shall have its own driveway accessing onto a street or highway according to State and Town regulations...*

He reminded the Board that the State approved this driveway proposal, in which the driveways share only the access on to Route 108. The driveways then immediately split into two separate entrances.

**MOTION:** Dr. Marston motioned to accept the waiver request from Subdivision Regulations Section IV.D for lots identified as MBL#'s 16-4-11 and 16-4-10. Mrs. George second. With no further discussion, the motion passed 5-0.

The Board noted the following list of items to be addressed prior to future consideration of this subdivision proposal:

1. HISS mapping is required for the existing and proposed lots;
2. Driveway detail must be shown on the plan (this includes the proposed driveway for MBL# 16-4-10);
3. A copy of the State Approved Driveway Permit for MBL# 16-4-10 must be submitted;
4. Both lots 16-4-10 and proposed 16-4-11 must be shown to scale (1' = 100 ft.) (include owner's names and MBL#'s);
5. Route 108 must be shown on the plan and the locus map;
6. Show all bounds set and found (there were a few that needed correction);
7. Submit a deed for MBL# 16-4-10 reflecting the 20-foot driveway easement; and
8. The proposed subdivision must receive State Subdivision Approval.

**MOTION:** Mrs. George motioned to continue the public hearing for James and Karen Bioteau's subdivision proposal located at 24 Giles Road, MBL# 16-4-3 to Thursday, July 16, 1998 at 8:00 p.m. Mrs. Fillio second. With no further discussion, the motion carried 5-0.

Mr. Bioteau then inquired if a new house could be built on a lot that was subdivided in 1987. He stated that since the subdivision, the wetland setbacks have changed. The proposed location for this house would be 60 feet from a brook where 100 feet is required by today's standards. The Board referred Mr. Bioteau to RSA 674:39 Four-Year Exemption, which states that subdivisions must conform to current standards unless active and substantial development has taken place.

**Zoning Amendments:** Chairman Smith opened the public hearing for the proposed zoning amendments at 9:04 p.m. As was discussed at the May 21<sup>st</sup> meeting, Mrs. Campbell submitted proposed zoning amendments for the purpose of making the zoning ordinance consistent with the "Signs" section (6.E) of the newly adopted Architectural/Aesthetic Standards in the Site Plan Review Regulations. Posting and holding a public hearing on these amendments will put these proposed amendments into effect until they are voted on by the town. The amendments are as follows:

Amend IV.F (page 6) to read as follows:

- F. *On premise advertising signs in the Residential District shall be allowed under the following conditions:*
1. *They shall be no more than four (4) square feet in size.*
  2. *They shall be illuminated only by non-colored, non-rotating, non-flashing light.*
  3. *No sign shall be placed in such a position as to endanger traffic on a street of highway by obstructing a clear view or by confusion with official street signs or signals.*
  4. *Every sign shall be constructed of durable materials and shall be maintained in good condition and repair at all times.*
  5. *All signs must be located a minimum of 10 (ten) feet from any right-of-way or property line.*
  6. *Prior to installation, a permit for each sign shall be obtained from the Board of Selectmen.*

And add a new IV.G as follows:

G. *Signs in the Commercial and Light Industrial districts shall comply with the Signs section of the Site and Building Design Requirements in the Site Plan Review Regulations.*

And renumber the existing IV.G, H, and I (to H, I, and J).

And delete XII.3.h (page 27) [pertains to signs in the light industrial district].

**MOTION:** Mrs. Fillio motioned to place the proposed Zoning Amendments as presented above on the next available ballot (at the next election). Mrs. George second. With no further discussion, the motion passed 5-0.

**Future Land Use Chapter:** At this time the Board took up discussion on the Future Land Use Chapter of the Master Plan. Members presented their "homework assignments" of identifying three parcels of land, which they would like to see preserved/protected and state their reasons why. Recommendations were as follows:

1. Monahan's Farm and Rosenberg's parcel – These parcels are located at the entrance points in town. Preserving these would help keep East Kingston aesthetically pleasing.
2. Andrew's Lane up to the school – For future school expansion.
3. Kennerly property – For future town facilities expansion.
4. Area by Powwow Pond – Town owned with a recreational focus and since it is already congested, promoting what open space that is left would be beneficial to the town.
5. Woodworth property – For future school expansion.
6. Walker land (old Monahan) – This land abuts the school and could be used for future expansion.
7. Land located between 10 North Road and Tilton Lane – This piece has history dating back to the revolutionary war.
8. Ewald land across from Carmen's – This land was once approved for a large subdivision and would be beneficial to preserve.
9. Rosenberg's and Bodwell's meadow – Prime open space.
10. Smith Farm on Sanborn Road – Preserving all existing farms would be consistent with East Kingston's agricultural character.
11. Railroad tracks up to South Meadow as well as to Route 108 – Prime open space.
12. Hauser land (EK old brickyard) – Prime open space.

Discussion of conservation easements and current use status transpired. It was noted that all but (about) 10 large parcels in town were in Current Use. The Board discussed the possibility of writing a special ordinance for the existing agriculturally used lands, in which more stringent setbacks were required. This would assist in keeping more open space.

For the record, Mrs. Fillio commended Chairman Smith for his response to the Selectmen's indication that the Home Occupation Ordinance is not working. At a meeting with the Selectmen, Chairman Smith informed them that the ordinance worked just fine and that the problem was with the enforcement of the ordinance, not the ordinance itself. This was published in the Exeter Newsletter.

Other members agreed with Mrs. Fillio commendation.

Mrs. Campbell informed the Board that Ron Pica has contacted her in relation to the possibility of developing the end of Andrew's Lane. It was noted that this proposal was presented back in 1989-90 and conditionally approved. By reason of financial difficulties, the developer did not execute the proposal.

Chairman Smith stated that there is interest in Kingston to build an elderly housing complex on the Pinebrook Springs property. The property is 85 acres total with 35 acres in East Kingston.

With no other business before the Board,

**MOTION:** Dr. Marston motioned to adjourn. Mrs. George second. The motion passed 5-0 and this June 18, 1998 public planning board meeting ended at 9:50 p.m.

Respectfully submitted,

Catherine Belcher  
Secretary

Minutes complete and on file June 19, 1998.