



PLANNING BOARD  
TOWN OF EAST KINGSTON  
NEW HAMPSHIRE

2003-2004:  
James Roby Day, Jr., Chairman  
Richard A. Smith, Sr., Vice Chairman

MINUTES

(Regular Meeting & Public Hearings of 19 June 2003)

**AGENDA:**

- 7:30PM- Discussion only with Mr. Steve Amundsen, 5 North Road EK, NH
- 7:45PM- Continued Public Hearing for the light industrial zone site plan of Cook/Sullivan
- 8:15PM- Continued Public Hearing for the Tyrrell subdivision, 101 Giles Road
- 8:45PM- Public Hearing for Planning Board proposed changes to Zoning Ordinance Article XII – Elderly Housing
- 9:00PM- Discussion only with Mr. William Gregsak IRT a proposed elderly housing development

**CALL TO ORDER:** Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

**ROLL CALL:** Chairman Day called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Mr. JL Fillio, ex-officio, Dr. RA Marston, DVM,  
Vice Chairman RA Smith, Sr.  
Alternate members present – Mr. JD Burton, Mr. EV Madej  
Advisors present – Ms. Maura Carriel, Rockingham Planning Commission (RPC)  
Mr. Kent Shepherd, Building Inspector  
Mr. Larry Smith, Chairman, Conservation Commission  
Fire Capt. Andy Conti, Fire Department

**Voting member-** Mr. Day suggested in order to lend predictability to the selection of alternate members to vote on particular issues, a rotational basis be established. Mr. Burton shall be a voting member in odd months, and Mr. Madej in even months, abutter or conflict of interest considerations notwithstanding.

**BOARD BUSINESS**

**Minutes-**

**MOTION:** Mr. Smith **MOVED** to accept the minutes of the 15 May 2003 Planning Board regular meeting as written. Mr. Fillio seconded, and the motion carried unanimously.

**MOTION:** Mrs. Belcher **MOVED** to accept the minutes of the 5 June 2003 Planning Board working meeting as written. Dr. Marston seconded, and the motion carried, with Mr. Smith abstaining.

**Correspondence-**

1. The Board was apprised of the decision by the Office of State Planning (OSP) to conduct an audit of the Town's zoning ordinances and master plan. The audit will be focused on "smart growth", and is likely to begin in July 2003. When queried, Mrs. Carriel feigned ignorance of any specific details, but acknowledged she would likely be involved in some fashion.
2. The RPC training events for 23 & 30 June were reviewed. The Town has paid for five members' registration..
3. A flyer for a Water Quality seminar to be held in Fremont, NH, on 24 June 2003 was discussed. Mr. Larry Smith indicated he would attend, and Mr. Fillio noted there will be free pizza to tempt the rest of us.

4. The RPC Targeted Block Grant application was discussed by the Board, and the Board's consensus was the best use of our time and money would be to reexamine the Housing chapter of the Master Plan 2000. Further discussion noted that we would benefit by looking at the Future Land Use chapter as well.

**Counsel-** Mr. Day noted that Counsel had examined the Board's proposed ordinance changes for Article XII, and advised us he considered them sufficiently well-crafted to present at a public hearing and Town Meeting 2004. Counsel noted our use of the term "unit" in reference to a dwelling or structure, and suggested the Board consider a definition of the term to avoid any confusion.

The Board deliberated, considering possible future action, without drawing firm conclusions. Mr. Burton offered a possible definition of "unit" as "a free-standing residential building". Another perspective offered was to infer from the use of both "unit" and "building" that "unit" implied separate ownership. The Board's consensus for the moment was that the proposed changes were sufficient in and of themselves, and Counsel's suggestion would be addressed separately.

**Home Occupation Zoning Ordinance-** Mrs. Belcher addressed the concern that the present Article XVI does not answer the question of how many home occupations can be approved for one residential location. The Board acknowledged that the question should be addressed in a future working session.

**Barton's Mobile Home Park-** Dr. Marston asked about the Barton property's future. Mr. Fillio, Chairman of the Board of Selectmen, noted that the property is for sale, the taxes shall be paid, and the maximum number of mobile homes permitted on the property shall remain at eighteen.

DISCUSSION ONLY FOR MR. STEVE AMUNDSEN, 5 NORTH ROAD IN REGARD TO BUILDING A HOUSE.

Mr. Day noted that, in telephone conversations and correspondence, Mr. Amundsen had expressed the desire to build a residential home at 5 North Road, East Kingston, his property on which there is a commercial venture that is "grandfathered". He presented a small set of architectural drawings for a 2-storey house in the colonial style, and a map depicting where on the lot it would be placed. Mrs. Belcher observed that the property is a pre-existing, non-conforming lot of record, and asked whether the owner might encounter questions with financing.

The Board observed that the house appeared to meet the required lot line setbacks, and Mr. Smith immediately noted that Mr. Amundsen... "didn't need to be here". He observed that the proposed building was residential in the residential/agricultural zone. The Board did not disagree, indicating that so long as setbacks and septic system requirements could be met, Mr. Amundsen only needed a building permit.

Further discussion ensued regarding the adequacy of the existing septic system. Mr. Amundsen said he proposed to use the septic system for both the existing commercial business and the house, and Mr. Shepherd, East Kingston Building Inspector, suggested the existing system might not be adequate. Mr. Day advised Mr. Amundsen to go forth and obtain a building permit from Mr. Shepherd.

CONTINUED PUBLIC HEARING FOR A PROPOSED NON-RESIDENTIAL SITE PLAN FOR RICHARD COOK AND DAVID SULLIVAN, 3 BOWLEY ROAD, MBL 11-2-11, FOR THE CONSTRUCTION OF 31,250 SQUARE FEET OF NON-RESIDENTIAL SPACE (EKPB #02-OC).

For the applicants – Mr. Dennis Quintal, P.E. Mr. Quintal addressed the comments in his memorandum dated 2 June 2003 to the Board. His comments proposed to answer Mrs. Carriel's memorandum of 14 April 2003 regarding the site plan, and the Town Engineer's comments as well. Mr. Quintal noted that the Board has two waiver requests to consider regarding roadside slopes and lighting levels.

Mrs. Carriel asked that the proposed lighting be such that it does not shed light onto areas which do not require illumination. Mr. Quintal described the proposed hardware as being configured to direct light only where needed, and that light shall be enclosed to preclude light pollution skyward. Mrs. Carriel noted that lights described as "A1" on the lighting plan set drawing should be constructed to preclude light spillage onto surrounding vegetation.

**MOTION:** Dr. Marston **MOVED** the Site Plan Review provision for maximum lighting not to exceed 0.5 foot candles anywhere on the property (Section VIII.F.4) be waived. Vice Chairman Smith seconded, and the motion carried unanimously.

In view of the Town Engineer's recommendation to accept the applicants' waiver request regarding road side slopes, the Board agreed to the request.

**MOTION:** Mr. Fillio **MOVED** the Subdivision provision for road subgrade preparation (Section XVI.B2) be waived to permit fill side slopes of 3:1 without guardrails, and 2:1 with guardrails. Vice Chairman Smith seconded, and the motion carried unanimously.

Mr. Day noted that the Board had received a copy of the New Hampshire Department of Transportation correspondence approving the applicants' request to update the driveway permit application to reflect the present intended land use.

Mrs. Belcher raised the concern that one might infer from the traffic impact study that Ashlie Road could be used as an alternate route for industrial park traffic. Mr. Quintal stated that the traffic data generated reflected the expectation that Ashlie Road residents would have an alternate route out of their development.

Questions regarding architectural features of proposed buildings were addressed to Messrs. Cook and Sullivan. Mr. Cook acknowledged the Site Plan Review provisions for particular architectural appearances, and felt that their intended use of designs by the firm of *Morton Buildings* would satisfy those provisions. He added that the individual building designs would necessarily be dictated by a tenant's needs.

Mrs. Belcher observed that, given the nature of this site plan proposal, a site plan review for each building and tenant would be necessary. The process will amount to phasing of construction, but without a strict timetable. Mr. Fillio felt that each building project would be a discreet event with a public hearing. Mrs. Carriel suggested the Board use the mechanism of a compliance hearing with abutter notification, rather than individual site plan reviews, and the Board agreed that would be an efficient way to proceed.

The Board reviewed the Site Plan Review provisions for landscaping, and noted together with the applicants that it is fit subject matter for the site specific reviews when they are addressed in compliance hearings.

The Board discussed proposed conditions for approval, and Mrs. Belcher enquired about the suggestion there be no retail activity. Mr. Day noted that Mr. Cook had stated unequivocally he did not expect to have any retail business, and the traffic study was predicated on there being none.

Mr. Day opened the hearing for abutter comment –

Mrs. Deborah Kiesel, 4 Ashlie Road, asked whether a NO THRU TRUCKING sign on Ashlie Road would be enforceable by the police. Mr. Fillio assured her that such a sign is a legitimate traffic sign, and fully enforceable. Mr. Sullivan interjected that such a sign would not preclude local delivery vehicles from doing business.

Mr. David Toothaker, 10 Ashlie Road, expressed his concern regarding building exterior appearances. He felt it would be better to have a completed plan of what all the buildings would look like to avoid a jumble of designs. Mr. Cook noted that tenant requirements necessarily call for individualized designs to a great extent.

Mr. Day closed the hearing to abutter comment.

Mrs. Carriel suggested the Board address the provisions of Zoning Ordinance Article V-Light Industrial/Residential District, Section E.1-11 before it consider any form of approval. Mr. Day read each of the eleven provisions, obtaining the applicants' acknowledgement in each case, and the Board found no conflict between the ordinance and the site plan application.

Mrs. Belcher did note item #7. Noise. She asked about noise associated with proposed hours of operation, observing that there are no references in the plan to that concern. Mr. Quintal stated, with the concurrence of the applicants that such questions could best be dealt with in the course of site specific compliance hearings.

The Board deliberated what remained for the applicant to do, or provide, in order for the Board to take a decision on the site plan application. The Board identified the following conditions for approval:

- 1- All State permits regarding any site specific, wetlands impacts, septic impacts; NHDOT driveway approvals
- 2- Upgrade of Bowley Road to Town standards according to procedure agreed to with the East Kingston Board of Selectmen to reclassify as Class V.
- 3- Note added to final plan set stating no future use of any proposed building shall include retail business due to traffic generation and parking calculations considerations.
- 4- Counsel review of all easements language, e.g. for fire suppression systems, road slopes, treatment swales.
- 5- Note added to final plan set sheets to be recorded indicating they are a part of "X" number of pages in the plan set on file with the Town.
- 6- Fire Department approval of suppression system.
- 7- Performance and completion bonds agreed to with the Board of Selectmen.
- 8- An updated Traffic Analysis required if the use of buildings changes to a use with greater traffic than is currently proposed.
- 9- All fees and charges due the Town in connection with the site plan review be fully discharged.
- 10- Lighting from fixtures marked "A1" in the lighting plan be directed away from all surrounding vegetation.
- 11- Note added to final plan set stating a compliance hearing with abutter notification required to review architectural design, use, and landscaping for each proposed building before any individual building permit is issued.
- 12- Compliance hearing to establish applicant has met all conditions for Planning Board final approval of site plan.

**MOTION:** Mr. Filio **MOVED** the Planning Board grant conditional approval for the Cook/Sullivan site plan of MBL 11-2-11 for the construction of 31,250 square feet of non-residential space. The conditions are:

- 1- All State permits regarding any site specific, wetlands impacts, septic impacts; NHDOT driveway approvals
- 2- Upgrade of Bowley Road to Town standards according to procedure agreed to with the East Kingston Board of Selectmen to reclassify as Class V.
- 3- Note added to final plan set stating no future use of any proposed building shall include retail business due to traffic generation and parking calculations considerations.
- 4- Counsel review of all easements language, e.g. for fire suppression systems, road slopes, treatment swales.
- 5- Note added to final plan set sheets to be recorded indicating they are a part of "X" number of pages in the plan set on file with the Town.
- 6- Fire Department approval of suppression system.
- 7- Performance and completion bonds agreed to with the Board of Selectmen.
- 8- An updated Traffic Analysis required if the use of buildings changes to a use with greater traffic than is currently proposed.
- 9- All fees and charges due the Town in connection with the site plan review be fully discharged.
- 10- Lighting from fixtures marked "A1" in the lighting plan be directed away from all surrounding vegetation.
- 11- Note added to final plan set stating a compliance hearing with abutter notification required to review architectural design, use, and landscaping for each proposed building before any individual building permit is issued.
- 12- Compliance hearing to establish applicant has met all conditions for Planning Board final approval of site plan.

Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

**PUBLIC HEARING FOR PHILIP TYRRELL, 101 GILES ROAD, MBL 6-1-1, FOR A PROPOSED TWO-LOT SUBDIVISION (EKPB #03-03).**

For the applicants – Mr. Henry H. Boyd, Jr. Mr. Boyd presented a revised subdivision plan and addressed Mrs. Carriel's comments. He noted the driveway pitch at the Giles Road intersection is adjusted to the required 2%, with the greatest driveway grade at 11%. Mr. Boyd stated he had discussed the driveway with members of the Fire Department, and expected a letter from the department indicating what would be an acceptable design.

Fire Capt. Andy Conti noted that the driveway slope is acceptable to the department, so long as the driveway is paved, and kept plowed during snow conditions. Capt. Conti acknowledged the Fire Department shall provide a

letter to the Board with its recommendations. It was also noted that the professional engineer recommends the driveway be paved.

Mr. Shepherd enquired about the septic system location, noting that one of the depicted test pits is not in the 4000 square foot block. Mr. Larry Smith asked about any cuts and fills necessary for the driveway, and Mr. Boyd indicated they would be minimal.

Fire Capt. Conti stated that Deputy Fire Chief Carter felt paving the driveway should be a condition of approval, and there ought to be a note placed on the final plan stating the distance to the nearest fire suppression cistern.

Mr. Day opened the floor to abutters for question and comment. No abutters came forward.

The Board deliberated what remained for the applicant to do, or provide, in order for the Board to take a decision on the subdivision application. The Board identified the following conditions for approval:

- 1- All State permits regarding any site specific, wetlands impacts, septic impacts; driveway approvals
- 2- Wetland Scientist and Licensed Land Surveyor stamps and signatures on the final plan.
- 3- Monumentation confirmed by East Kingston Building Inspector using granite or concrete posts, and certification document completed.
- 4- Fire Department letter of approval for driveway grade.
- 5- Note on final plan set stating the driveway shall be paved to provide for emergency services.
- 6- Note on final plan set stating the distance from the nearest fire cistern.
- 7- Mylar and three (3) copies of final subdivision plan provided the Planning Board for signature and recording.
- 8- All fees and charges due the Town in connection with the subdivision be fully discharged prior to recording.

**MOTION:** Dr. Marston **MOVED** the Planning Board grant conditional approval for the Tyrrell subdivision of MBL 6-1-1 into a lot with an adjoining back-lot. The conditions are:

- 1- All State permits regarding any site specific, wetlands impacts, septic impacts; driveway approvals
- 2- Wetland Scientist and Licensed Land Surveyor stamps and signatures on the final plan.
- 3- Monumentation confirmed by East Kingston Building Inspector using granite or concrete posts, and certification document completed.
- 4- Fire Department letter of approval for driveway grade.
- 5- Note on final plan set stating the driveway shall be paved to provide for emergency services.
- 6- Note on final plan set stating the distance from the nearest fire cistern.
- 7- Mylar and three (3) copies of final subdivision plan provided the Planning Board for signature and recording.
- 8- All fees and charges due the Town in connection with the subdivision be fully discharged prior to recording.

Vice Chairman Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

#### PUBLIC HEARING FOR PROPOSED AMENDMENTS TO ZONING ORDINANCE ARTICLE XII- ELDERLY HOUSING.

Mr. Day opened the public hearing by outlining the Planning Board's deliberations over the course of two years with regard to proposed adjustments. With the experience of four elderly housing development applications brought before the Board, the Board considered the overall impact of elderly housing on the Town's population and housing stock. Also considered were features of housing unit construction and community needs provisions in the ordinance with which the Board now felt sufficiently competent to address. Consensus in deliberations was that the impacts of elderly housing developments in Town were as yet inconclusive, and there ought not be any restriction on their numbers. However, an annual review of that and related questions by the Board would be appropriate. The following amendments, changes, and additions were presented:

#### PROPOSED CHANGES TO EAST KINGSTON ZONING ORDINANCE

#### ARTICLE XII-ELDERLY HOUSING (Adopted 3/00)

- 1) Page 36- Paragraph B. General Standards:

*INSERT* new subparagraph after subparagraph 1., and renumber remaining paragraphs sequentially. New subparagraph to read:

*"2. No elderly housing unit(s) are to be built on land encompassed by the development within 200 feet of any development entrance as measured from the originally existing public or private road. The land precluded from any construction by virtue of this provision may be included, assuming it is otherwise eligible, in the development calculations for the required common land/open space. Two planning goals are thereby satisfied, i.e. 1) higher residential density offset by using common land/open space, and 2) privacy enhanced and traffic noise pollution abated in the neighborhood from adjacent highways."*

2) Page 36 – Paragraph B. General Standards:

*INSERT* at the end of the original subparagraph 2. the following sentence: *"This provision shall be reviewed annually by the Planning Board to ascertain whether the balance between the number of standard residential dwelling units and elderly housing units continues to reflect the stated goals of the East Kingston Master Plan and the community's long-term planning intentions."*

3) Page 36- Paragraph B. General Standards:

*CHANGE* the original subparagraph 3. which reads in part "The maximum allowable number of bedrooms allowed on a site is four bedrooms per acre of contiguous upland, and shall be calculated as follows.." to read:

*"3. The maximum allowable number of units allowed on a site is two (2) per acre of contiguous upland, and shall be calculated as follows:..."*

*Note- The subsequent provisions of a), b), and c) remain unchanged.*

4) Page 36 – Paragraph B. General Standards:

*INSERT* new subparagraph after the original subparagraph 3. and renumber remaining paragraphs sequentially. New subparagraph to read:

*"4. All elderly housing units are to be constructed only as single or duplex units."*

5) Page 36- Paragraph B. General Standards:

*DELETE* from the original subparagraph 4. which begins "Dwelling units shall be specifically designed to provide housing for elderly residents..." the sentence which reads *"No building shall exceed 10,000 square feet in footprint"*

6) Page 36- Paragraph B. General Standards:

*INSERT* new subparagraph after the original subparagraph 4., and renumber remaining paragraphs sequentially. New subparagraph to read:

*"5. Elderly housing developments shall include a non-residential structure dedicated to use as a development community center. Any such building shall provide for space to hold activities such as periodically required homeowner association meetings, and formal and informal community functions. No building in the development shall be of more than two stories in height, nor shall it exceed 10,000 square feet in footprint."*

7) Page 37- Paragraph B. General Standards:

*AMEND* the original subparagraph 10. to read: "All such elderly housing development shall make provision for pedestrian access within the development *by use of paved sidewalks*, and to the extent possible, to off-site community facilities."

8) Page 38 –Paragraph C. Common Land/Open Space:

*AMEND* subparagraph 3. to read: "Access to open space/common land. Such common land shall have suitable access to a road within the development *by use of a network of cleared and demarcated walking paths.*"

Discussion ensued over the term "units" as used in amendment item #4. It was agreed by the Board to substitute the word "buildings" for the word "units", thereby removing any possible confusion as to the Board's intentions. The sentence shall read:

*"4. All elderly housing units are to be constructed only as single or duplex buildings".*

Mr. Day opened the floor for questions and comment from the public.

Mr. William Gregsak, P.E., asked how the Board had settled upon 200 feet as the setback from the originally existing public or private road at a development's entrance, rather than, perhaps, 100 feet. Mrs. Belcher explained that 200 feet was the frontage the Town requires for a building lot, and it was the Board's considered opinion that distance would be sufficient to provide separation from a trafficked road needed for noise attenuation, and provide for the Board's original planning goal to give such a development a distinctive entrance and character. A distance less than 200 feet would render these desired visual and audible features ineffectual.

Mr. Dan Post of MDR Corporation asked about a development with more than one road in it, and setbacks within the development itself. The Board confirmed its intention that the 200 foot setback is intended to be only from the original road.

Mr. Day closed the public hearing to comment from the public.

**MOTION:** Mrs. Belcher **MOVED** to accept the proposed changes and amendments to Zoning Ordinance Article XII- Elderly Housing, and to prepare a warrant article for the Town Meeting 2004 ballot. Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

DISCUSSION ONLY FOR MR. WILLIAM GRECSAK ON BEHALF OF ANTHONY SCAPICCHIO REGARDING A PROPOSED ELDERLY HOUSING DEVELOPMENT ON MBL 13-3-1.

Mr. Gregsak indicated he had no plans to present in view of the Board's changes to the Elderly Housing Zoning Ordinance. Mr. Day noted the Board had received his driveway permit request to NHDOT, and asked if he had anything at all on the drawing board about which we might advise him. Mr. Gregsak was not sure he would be prepared in time for the July Planning Board meeting, but suggested he thought of connecting a development road to the end of Andrews Lane as one solution to several difficulties. The Board apprised him of the state and status of Andrews Lane regarding the building to Town road standards, present abutters' properties, and the length of the road actually owned by the Town. Mr. Gregsak was asked if there might be a way to exit through adjoining Kensington, but he was uncertain that would be feasible.

CONTINUED BOARD BUSINESS:

**Recording Secretary-** Mr. Day expressed his intention to continue performing the duties of recording secretary.

ADJOURNMENT:

**MOTION:** Dr. Marston **MOVED** the Board adjourn. Mr. Filio seconded, Mrs. Belcher thirded, and the motion carried unanimously at 9:37PM.

Respectfully submitted,

James Roby Day, Chairman  
East Kingston Planning Board  
Minutes approved 17 July 2003