

Town of East Kingston, NH
Planning Board Minutes

Date of Meeting: June 20, 2002
Place of Meeting: East Kingston Town Hall
Time of Meeting: 7:00 p.m.
Type of Meeting: Monthly Meeting

Present: Richard Smith, Chairman; Beverly Fillio, Vice Chairman, John Fillio, Ex-Officio, Dr. Robert Marston, David Morse, Cathy Belcher, Alternate, Roby Day, Alternate and Gene Madej, Alternate.

Others Present: Andy Conti, Fire Department
Larry Smith, Conservation Commission
Kent Shepherd, Building Inspector
Maura Carriel, Rockingham Planning Commission

Call To Order: Mr. Smith called the meeting to order at 7:05 p.m. The roll call was conducted by Mrs. Rice.

In-Coming Correspondence:

1. Letter dated 6/19/02 from Saunders & McDermott, PC relative to Maplevale Woods and Maplevale Farms.
2. Letter from Donahue, Tucker and Ciandella dated 6/20/02 relative to Maplevale Projects.

Review of Cricket Hill Elderly Housing Community

The board reviewed the present condominium and bylaw documents as revised by Attorney Fryer. The board noted the following still needs to be addressed:

Page 11 and 41 refer to Lamplighter Estates; Page 8 refers to the Town of Kingston, not East Kingston. The requirement for turning in the age survey to the Board of Selectmen within 30 days has not been entered into the document.

The board will respond directly to Attorney Fryer for completion of these items.

Page 12, Section 2-7-10 #5, D. to delete "or declined to comment" The board discussed this whole provision and noted that it relates back to the Federal and State laws governing elderly housing restrictions and that from time to time amendments may need to be made in order to meet state and federal requirements

Page 25, Section 8-3 need to be removed as it does not apply to this community.

Page 39, Section 20-2 The Board discussed the wording of Section (a) and Attorney Ratigan explained examples of easements and to give language for the board to abide by and to protect the homeowners from any transfer of the outside common area. Some board members felt this language dealt with the interior of the units and expansion of these units. Attorney Ratigan suggested the elimination of this section.

Continued Public Hearing for Maplevale Woods. Site Plan proposal to develop an elderly housing community located at 14 Depot Road

Mr. Jeff Hirsch, Attorney John Ratigan, Jonathan King, Engineer, Jones & Beech were present.

Mr. Smith, Mr. Morse and Mr. Madej stepped down from the Board as they are abutters.

Mrs. Fillio appointed Ms. Belcher and Mr. Day as regular members for this hearing.

Mr. King informed the board that State of NH Site Specific Permit was issued on May 22, 2002. Receipt of final comments from Jay Stevens, Board Engineer dated June 3, 2002 was received. **Outstanding items regarding Board Engineer review include final traffic impact study comments that were resubmitted on June 6, 2002.** These comments will be addressed and re-reviewed for conformance with the Board Engineer. State Subdivision Approval and State Water Supply approval are still pending. The Fire Department review is still pending, as well as the legal document review and acceptance.

Mr. Andy Conti was present and presented the board with a letter dated June 6, 2002 from the Fire Department relative this project. The plan meets all Fire Department state and local codes and ordinances with regard to the fire suppression systems. Plans need to be signed by the Fire Department.

The board reviewed the May 16, 2002 minutes relative to this proposal. Outstanding items include the following:

1. Architectural drawings or pictures of the proposed quadplexes and noted square footage to be added to the plan. The board reviewed the blue print renderings of the outside of the proposed quadplexes. The board noted that no further information was needed to satisfy this requirement. **The square footage of the individual unit needs to be added to the plans.**
2. **Receipt of State Subdivision Approval.**
3. **Receipt of State Water Supply Approval.**
4. **Legal Documentation.**
5. **Bonding to include roadways, sidewalks, drainage and monuments.**

6. **Final review letter by the Board Engineer for the traffic impact study.**
7. **Recreational Vehicle Parking will have covenants for usage depicted in appropriate legal documents.**

Review of Declaration of Condominium for Maplevale Woods Condominium:

- Correct page number on page VIII to delete "8".
- * Page 8, Section 2-4-6-Change the "Town of Kingston" to "Town of East Kingston".
- Page 10, Section 2-7-5-Definition of noxious or offensive use-Attorney Ratigan stated that a noxious or offensive use would be considered what a normal person would find noxious or offensive and that this really cannot be defined with great specificity other than what a normal person would find noxious or offensive. It was noted the Town has a hard time defining this.
- Page 10, Section 2-7-5-add provision for other small animals to include "birds".
- Page 11, Section 2-7-7-add that any adoption or amendment to the document be submitted to the East Kingston Board of Selectmen.
- Page 11, Section 2-7-10-discussion about placing a notation within the deed that would run with the land that this development is to be maintained as elderly housing. Attorney Ratigan will submit the proper wording.
- Page 11, Section 2-7-10 #3. The board asked the applicant to provide this information within 30 days of completion to the Board of Selectmen.
- Page 11, Section 2-7-10 #5 to read as follows: "...occupied by any person who is at least fifty five years old or older."
- Page 12, Section 2-7-10 #5, D. to delete "or declined to comment." The board discussed this whole provision and noted that it relates back to the Federal and State laws governing elderly housing restrictions and that from time to time amendments may need to be made in order to meet state and federal requirements.
- Page 13, Section 2-7-10, #5, F. The board asked that this information be submitted to the Board of Selectmen within 30 days of completion.
- Page 15, Section 2-9-2 change from "Scotland Road, Kingston" to "East Kingston"
- Page 25, Section 8-3 need to be removed as it does not apply to this community.
- Page 25, Section 9-2 needs to include the provisions H, I, J, K in the Cricket Hill documents. Attorney Ratigan will obtain this language from Attorney Fryer and include these provisions.
- Page 31, Article II, Section 11-1 (iii) Correct "East Kingston".
- Page 36, Add Section 18-4 relative to the number of units to be added. This shall be clarified for Maplevale Woods and Maplevale Farms.
- Page 36, Section 18-7 does not refer to the Maplevale Projects. The text needs to read that 3-four unit quad plexes will be provided in Maplevale Woods and 20 single detached units will be provided in Maplevale Farms for a total of 32 units.
- Page 39, Section 20-2 The Board discussed the wording of Section (a) and Attorney Ratigan explained examples of easements and to give language for the board to abide by and

to protect the homeowners from any transfer of the outside common area. Some board members felt this language dealt with the interior of the units and expansion of these units. Attorney Ratigan suggested the elimination of this section.

- Page 40 -correction of "Lamplighter Estates" to "Maplevale Woods" or "Maplevale Farms".
- Page 41-correction of "Lamplighter Estates" to "Maplevale Woods" or "Maplevale Farms"
- Page 44-deletion of paragraph referring to amendment #3 to the East Kingston Zoning Ordinance.

The board reviewed the Maplevale Woods Condominium Bylaws.

The board discussed the number of directors and suggested the language under Paragraph I. be changed to read as follows: "The initial number of directors shall be one until such time as the declarant shall no longer control the association."

- Page 15 -change "Lamplighter Estates" to "Maplevale Farms" or "Maplevale Woods"
- Page 17, Paragraph A-the Board would like to see a courtesy copy be submitted to the Board of Selectmen within 30 days of completion.

The board noted that the documents for "Maplevale Woods" would be a replication of the "Maplevale Farms" document.

Other Discussion:

Ms. Belcher asked if the applicant would be willing to draw up a new deed for the Church as acreage will be conveyed to that entity thru a lot line adjustment. The applicant agreed to provide a new deed for the Church.

The board reviewed outstanding items that need to be provided including state approval numbers and final reports from the Town Engineer. The board discussed the number of parking spaces provided for each unit and it was determined that 2 garage parking spaces as well as 2 outside/driveway/off street spaces will be provided. This is noted on Sheet 4, Note 10 of the plans. The lighting waiver needs to be shown on the plan. The board discussed the recreational vehicle parking area and asked for covenants to Section 2-7-2. It is the applicant's intention that only registered recreational vehicles would be allowed in this area by permit only. The board discussed the "storage of extra things" in this area and the applicant advised the board that only registered vehicles would be allowed and that anything above this requirement would require condominium board approval.

The board discussed bonding. The applicant discussed building a portion of the improvements prior to bonding and recording of the mylar. It was noted no lots could be transferred or built prior to the recording of the mylar. The applicant noted he was willing to post a "site restoration bond" prior to starting any road construction and this "site restoration bond" would be to finish items if the project was not to be completed. The board discussed this issue in length and noted several instances in Town where proper bonding was not provided and the Town had to finish the project. It was

noted the Board of Selectmen set and maintain the bonding within the community. Board members noted that bonding has always been required for projects.

It was noted that two bonds are required of Cricket Hill, one for the connection to Maplevale and the other for the additional improvements. Mr. Fillio noted that with Cricket Hill, the bonding will be in accordance with the phasing of the project. Cricket Hill will be constructed in four separate stages due to site specific concerns. The bond will be posted for the section of work that is being completed at that point.

The board discussed being consistent with the proposed developments being built within the Town and noted that one other purpose of the bond is to allow the Town, if need be, to bring the constructed road to town standards if for some reason it was not built to Town specifications.

Attorney Ratigan explained to the board they would like to start construction with a site reclamation/restoration bond in place and then post a regular bond after the road has been completed.

Mr. Morse stated that is what Cricket Hill would like to do as well.

It was noted the Board of Selectmen need to address this item by obtaining input from Town Counsel and the Board Engineer on this item. It was further discussed the amount of the bond to be posted at the beginning of the project for improvements vs. the bond to be posted after certain improvements have been completed. The board also discussed the bonding amount plus certain contingencies to be added for escalation, engineering and inflation.

Mr. Day made a motion to recommend to the Planning Board of Selectmen that this development be required to post for bonding before any construction is started and to leave the final decision to the Board of Selectmen.

Dr. Marston seconded.

It was noted that is the current bonding process that is in place. It was further noted the Town has always bonded everything and one time when this did not happen, the Town had to finish the project to the best of its abilities.

Attorney Ratigan noted that the proposed road will not be dedicated to the Town as it will be a private road and he asked why the board would require a performance bond if the road will not be dedicated to the Town. Ms. Fillio noted that all roads are built to Town specifications and surety needs to be in place to insure they are indeed constructed correctly in case the Town at some point does obtain them. Attorney Ratigan noted the roads will be inspected by the appropriate officials and he will not be transferring units until the road is completed. He noted the Town does not have rights to the property and he advised he does not think the Town wants to complete any work on private property. He noted the Town is not going to use the bond, because they do not want to end up with the road. He noted that if the Town uses money to complete the road, then in essence it

becomes a Town road.

It was noted Cricket Hill is also a private road and the board needs to be consistent.

The board is concerned over the developer defaulting on the road construction and who will finish the site. The board discussed bonding on private property and building permits being issued for the property. The board discussed the issuance of building permits vs. the transfer of those buildings.

Mrs. Fillio, Dr. Marston, Mr. Day and Mrs. Belcher voted yes, by roll call vote. Mr. Fillio abstained.

The board discussed items for conditional approval.

Mr. Day made a motion to grant conditional final approval for Maplevale Woods with the following waivers and conditions:

Ms. Belcher seconded.

Waivers:

1. Site Plan Review Regulations, Section VII.D. Outdoor Lighting. The lighting as proposed on the project has been shielded and will not spill into adjacent properties.

Conditions:

1. Final Engineer report approval for outstanding items; to include review of traffic impact study items.
2. Receipt and acceptance of final legal documents to include condominium, bylaw and deed language to both the East Kingston Planning Board and Town Counsel.
3. Note in deed language that this project is designed for residents over 55 years of age.
4. State Subdivision Approval.
5. State Water Supply Approval.
6. All waiver requests to be shown on plan.
7. The number of parking spaces includes two parking spaces within a garage and two parking spaces within the driveway for each unit.
8. Recreational Vehicle Parking will have covenants for usage depicted in appropriate legal documents.
9. Plans shall be stamped by a Licensed Land Survey and Professional Engineer.
10. Plans shall be stamped by a Certified Wetland Scientist and Certified Soil Scientist.
11. Square footage of each unit shall be depicted on the plan.
12. Resolution of bonding items. Bonding shall be in accordance with the recommendation obtained by the Board of Selectmen.

Mrs. Fillio, Mr. Fillio, Dr. Marston, Mr. Day and Mrs. Belcher voted in favor by a roll call vote. The motion passed unanimously.

Plans shall be submitted one week prior to the meeting so that all board members may review the documents prior to the final signing.

Dr. Marston made a motion to grant conditional final approval for Maplevale Farms with the following waivers and conditions:

Ms. Belcher seconded.

Waivers:

1. Site Plan Review Regulations, Section VII.D. Outdoor Lighting. The lighting as proposed on the project has been shielded and will not spill into adjacent properties.

Conditions:

1. Final Engineer report approval for outstanding items; to include review of traffic impact study items.
2. Receipt and acceptance of final legal documents to include condominium, bylaw and deed language to both the East Kingston Planning Board and Town Counsel.
3. Note in deed language that this project is designed for residents over 55 years of age.
4. State Subdivision Approval.
5. State Water Supply Approval.
6. All waiver requests to be shown on plan.
7. The number of parking spaces includes two parking spaces within a garage and two parking spaces within the driveway for each unit.
8. Recreational Vehicle Parking will have covenants for usage depicted in appropriate legal documents.
9. Plans shall be stamped by a Licensed Land Survey and Professional Engineer.
10. Plans shall be stamped by a Certified Wetland Scientist and Certified Soil Scientist.
11. Resolution of bonding items. Bonding shall be in accordance with the recommendation obtained by the Board of Selectmen.

Mrs. Fillio, Mr. Fillio, Dr. Marston, Mr. Day and Mrs. Belcher voted in favor by a roll call vote. The motion passed unanimously.

Plans shall be submitted one week prior to the meeting so that all board members may review the documents prior to the final signing.

Other Business:

Mr. Smith and Mr. Morse returned to the board as regular members.

The board discussed the bonding requirements, acreage for a new Town library and recreational

facilities within an elderly community.

The board discussed the postage-rate increase, the applicant providing the postage, certified mailings, return receipts and envelopes to avoid future postage rate increases. The Board of Selectmen are in charge of fee changes and this will be discussed at the next Board of Selectmen meeting.

The secretary informed the board that the Notice of Decision is sent by certified mail to the applicant and developer.

The board discussed and reviewed the Zoning Ordinance amendment proposal. The Building Inspector noted he would like to see the "Date of Issuance" as the date the permit is signed by the Building Inspector or appropriate individual. The board discussed the date of issuance, the time of year building permits are issued and when construction has to be started (within six months) in order to activate the permit.

The board adjourned at 10:18 p.m.

Respectfully submitted,

Susan J. Rice, Secretary
East Kingston Planning Board

Completed: June 26, 2002

Approved: _____