

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
June 21, 2001

FILE

AGENDA

7:15 Greg Hill – Depot Road Business – Discussion

Members attending: Richard A. Smith, Sr. – Chairman, Beverly A. Fillio – Vice-chairman, John L. Fillio – Ex-officio, Dr. Robert Marston, and Alternate J. Roby Day, Jr.

Absent: David G. Morse.

Others attending: Maura Carriel – RPC Planner, Lawrence K. Smith – Conservation Commission Chairman, Fire Department Lieutenant Andy Conti, and Greg and Lisa Hill.

Chairman Smith opened this June 21, 2001 planning board meeting at 7:07 p.m. with the role call. He then designated Mr. Day to vote in the absence of regular member David Morse.

Work Session: It was decided that a work session for July was not necessary as the CIP update was near completion and the Growth Management Chapter and Impact Fee Ordinance required more information before moving forward.

Planning Board Minutes: The board reviewed minutes dated May 17, 2001. Those present at that meeting and available to vote on their acceptance were Chairman Smith, Dr. Marston, and Mrs. Fillio.

MOTION: Mrs. Fillio motioned to approve the Planning Board minutes dated May 17, 2001 as presented. Chairman Smith seconded. With no further discussion, the motion carried 3-0 (Mr. Fillio and Mr. Day abstained).

The board reviewed minutes dated May 31, 2001. Those present at that meeting and available to vote on their acceptance were Chairman Smith, Dr. Marston, and Mrs. Fillio, Mr. Fillio and Mr. Day.

MOTION: Mr. Day motioned to approve the Planning Board minutes dated May 31, 2001 as presented. Mr. Fillio seconded. With no further discussion, the motion carried 5-0.

The board reviewed minutes dated June 12, 2001. Those present at that meeting and available to vote on their acceptance were Chairman Smith, Dr. Marston, and Mr. Day.

MOTION: Mr. Day motioned to approve the Planning Board minutes dated June 12, 2001 as presented. Dr. Marston seconded. With no further discussion, the motion carried 3-0 (Mr. Fillio and Mrs. Fillio abstained).

Incoming Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. Creative Workable Communities – workshop on June 28 at Ashworth by the Sea – RSVP to RPC;
2. UNH Cooperative Extension – Community Conservation Assistance Program – offering courtesy copy of *Natural Resources Inventories: A guide for NH Communities and Conservation Groups* – recording secretary to order copy; and
3. Driveway Application for Jeff Caley's independent living facility and multifamily dwellings located on North Road – formerly the Gilbert Bioteau property – "Country Hills of East Kingston".

Greg Hill – Depot Road Business – Discussion: Chairman Smith opened discussion with Greg Hill at 7:25 p.m. Mr. Hill stated that he was interested in purchasing the Young property at 140 Depot Road and operating his business there. He explained that he is the owner of Granite State Trucking Equipment, a truck refurbishing business that was formally located on Haverhill Road on the Marden property. Mr. Marden sold his property to Paul Masone, thus he was forced to shut down his business. He has looked at the Young property and finds it suitable for his business.

Members noted that the Young property is located in a residential zone and the Marden property in a light industrial zone.

At member inquiry, Mr. Hill described his business as a tractor-trailer refinishing business, focusing on cosmetic maintenance, painting, sand blasting, etc. – an autobody facility. He stated that he keeps a very clean shop and was environmentally sound when

located at the Marden property. He was on record with the town for the four years he was located there and worked very closely with the fire department in so far as having all his chemicals on record, proper disposal, etc. He further stated that the trucking traffic problem at the Marden property was solely generated by Burdick Trucking (ADMAT) and not by his business. He said that the current owners of 140 Depot are running a well drilling business and that the property is listed as "home business approved".

Mrs. Fillio stated that the type of business Mr. Hill is proposing is not allowed in that area (Young's) as it is zoned residential.

Mr. Day explained that the issue is complicated by the present owner having a home occupation permit to run their business. The problem is that the parcel is zoned residential and the commercial well drilling business is allowed there because it is grandfathered. If another well drilling business of the same size and scope were to replace the one there, the board would have no objection. Furthermore, case law is clear that a scope or use of a business cannot change when it is grandfathered. The issue is out of the board's jurisdiction.

Mr. Hill questioned the other businesses on the road; Freeman's on the hill by the gas line is operating a truck repair business. He asked if they were grandfathered too.

Members responded that Mr. Freeman has stated to the Selectmen that no such business is in operation there. Mr. Hill replied that such a business is in existence and he knows this for a fact.

Members directed the discussion back to the grandfather issue at the Young property and stated that the Zoning Board of Adjustment has jurisdiction on grandfathered issues.

Mr. Hill left the meeting at 9:45 p.m.

Capital Improvements Plan: Ms. Carriel distributed updated copies of table #9 (requested capital improvements) and table #10 (schedule of capital projects and costs). She noted that she has still not been able to reach the Road Agent for his projected capital road improvements schedule, thus the final figures on table #10 have not been calculated. Mr. Fillio offered to invite the Road Agent to a Selectmen's meeting to get the much-needed information.

At the last meeting, the board assigned some funding priorities to the CIP; they included short-term, medium-term and long-term categories. Members reviewed the ranking and noted that some items have been omitted from table #10 as they were considered budget items. Fire department capital projects were noted (5 of them) the police and emergency management were combined into one project (safety complex), and land acquisition was placed as a short-term project with funding to begin in 2002.

Mrs. Fillio noted that the Selectmen did not submit a CIP worksheet. She further stated that the cemetery is marked carefully with beautiful signs but that she already knows where the dead are – she questioned where the Town of East Kingston signs were that marked the entrance of East Kingston? She stated that those signs (town signs) are far more important than the cemetery signs.

Ms. Carriel stated that she has spoken with the elementary school principal and was informed that the bond item would carry through until 2009 thus it needs to be placed on the CIP. She further noted that the growth capital projects of the Exeter Region Cooperative School District also belong in the plan. Middle school and high school figures were reviewed. All members agreed that these school items must be included in the CIP but that only growth items can impact the impact fee ordinance. Recreation items were prioritized as long-term projects that are eligible for Land and Water Conservation Funding. Cemetery items were removed from table #9, as they did not meet the criteria for CIP projects.

Members asked Conservation Commission Chairman Larry Smith to place a priority on his submitted project of updating the aerial base map. He stated that he wouldn't put it on the short-term list, but they should have a new one someday. The current map is put together hodge-podge and is not very accurate. He further stated that the cost estimate he submitted is three years old. He then explained the procedure and make-up of the map.

Mr. Day stated that it would be best to wait until the new roads (from upcoming developments) are put in before taking aerial photos of the town.

Mr. Larry Smith responded that the aerial photos are the first step in creating new tax maps, which are shared by all departments. It was suggested that a capital reserve fund could be established in 2002 at \$5K a year for five years. Mr. Larry Smith added that there are other sources of funding as well. After brief discussion the majority of the board felt that a new aerial base map was important enough to get sooner than later. Mr. Larry Smith would provide the board with an updated cost estimate at the next meeting.

The library project was considered a short-term project with continued funding. It was noted that the Historical Committee was not awarded the LCHIP grant it applied for, however it would be automatically considered for next year. The recycling project was not considered for CIP placement.

Table #10 is the board's first attempt at putting the CIP list together, however without the highway projects, it cannot be completed. The board did get the general idea of how the projects would be allocated over the years of the CIP.

Mrs. Fillio stated that the Library Trustees intend to request an increase in the Library's capital reserve fund for the years 2002 and 2003 (\$50K each year) and bond the rest (construction to begin by 2003 or 2004). They have already started to setup a needs assessment plan with a professional. It was noted that land acquisition costs were not included in the Library's overall project. Board members recommended that an estimate land figure be added to the library's capital improvement plan. Mrs. Fillio stated that she was uncomfortable adding to the Library Trustees' approved capital figure without first consulting with the other Library Trustees. Members stated that such consulting was not necessary as they had the authority to add a separate line item for a land purchase for the library (estimated cost \$100K). Members discussed different central locations for a new library and safety complex. It was suggested that the developer of the Levis property be contacted to consider donating some land for such purposes.

Forecast valuation and tax rate figures were reviewed. Members agreed that the establishment of capital reserve funds creates less of an impact to the tax dollar than if the project(s) were funded all at once. A public hearing would be held on the adoption of the CIP once all outstanding projects (highway) were added.

Shannon Property: It was noted that an appointment for Bruce Pollard (scheduled by Nancy Kingston, Real Estate Agent) was not kept. The purpose of this discussion was to get the board's input on a proposed 2-lot subdivision of this 22-acre parcel. It was noted that back in the 1970's a mobile home was placed on the property in which a stick-built dwelling already existed. The mobile home was for elderly parents and was to be removed after the parents no longer used it. This removal never occurred and the assessing company further issued a separate property card for the trailer with 1.9 acres. The property was divided on the property cards, but a legal subdivision was never applied for, approved nor recorded. The buyer of the property wants to have the property cards corrected to show the parcel as one lot. The real estate agent was directed to remedy this issue with the Selectmen's office, as the Planning Board has no jurisdiction on that matter. The Selectmen's office would require a deed (one is generated at the time of the sale) to show the parcel as one piece to correct the property cards. The buyer also wanted to request that once the property is legally subdivided, he be allowed to live in the mobile home while another home is being built (on the same parcel). Again, the real estate agent was directed to go to the Selectmen's office as the Selectmen have the authority to allow such a request and implement a performance bond. The real estate agent was insistent on getting her client to meet with the Planning Board despite the recommendations to go to the Selectmen's office. The client did not keep his appointment.

Growth Management Chapter: Mr. Day stated that members Mr. Fillio, Mrs. Fillio and he have been assigned to collect specific town department data to complete the chapter. Members were advised to read the chapter carefully and submit their comments and suggestions at the next meeting. Discussion of when the chapter should be in place transpired. Members felt it should be in place as soon as possible to strengthen and further justify the existing growth control ordinance. Members set a goal to have it completed by August 2001.

Impact Fees Ordinance: Mr. Day stated that he has reexamined the methodology for the impact fee schedule and that he is content with the ordinance portion, however he is still working on the fee schedule part. He has contacted the elementary school principal to collect the necessary data and costs for growth capital projects (2nd floor addition estimated costs, costs associated with the 2000 addition to be able to accommodate a 2nd floor, etc.). The board agreed that the ordinance should be presented at the 2002 Town Meeting, and to possibly get it finished and posted as soon as November. It was noted that impact fees only defray some of the growth costs, and that the ordinance should be proportionately applied to show that all developers are being treated equally.

Kingston Cluster Development: Members reviewed a proposed cluster development plan for land located in Kingston with open space requirements to be met with land located in East Kingston. It was not clear as to the ownership of some the land on the plan thus the recording secretary was directed to contact the Town of Kingston for more information. Despite the fact that all of the development is in the Town of Kingston, members requested that a formal subdivision application be submitted to East Kingston.

Morse Subdivision: Chairman Smith informed the board that he had received a letter of recommendations from the Town Engineer regarding the road layout for the Morse subdivision. He stated he asked Mr. Morse how he was coming along in addressing those issues. Mr. Morse informed him of his talks with a developer from Massachusetts. It was noted that the property is listed as having site plan approval for an elderly housing development when in fact it has not. Members ultimately agreed that regardless of whoever

owns the property, all development must first be approved by the board. If all the conditions of the conditional approval of the subdivision are not met within one year, then the conditional approval lapses. The board has jurisdiction to grant an extension of the conditional approval (with full notification to abutters and public) if they feel it is warranted.

Building Codes Amendment: Mr. Fillio informed the board that the Board of Selectmen would like the Planning Board to consider a revision in the Building Codes – paragraph 2 “Fee Schedule 114.3.1” by removing the last sentence from the third paragraph. He stated that the Selectmen want to implement an hourly salary for the building inspector position so make it more equitably between the Building Inspector and the Deputy Building Inspector. He stated that most of the surrounding towns pay their building inspectors an hourly wage and the Selectmen feel this would be an improvement.

MOTION: Mr. Day motioned to support the proposed amendment to the Building Code by deleting the last sentence from #2 Fee Schedule 114.3.1: “The Town in turn will apply said fees as compensation for the Building Inspector’s services rendered to the Town (i.e., necessary expenses, administration, inspections and enforcement)” as recommended by the Board of Selectmen. Mrs. Fillio seconded. With no further discussion, the motion carried 5-0.

MOTION: Mrs. Fillio motioned to hold a public hearing on the proposed amendment to the Building Code (outlined above) on Thursday, July 19, 2001. Mr. Day seconded. With no further discussion, the motion carried 5-0.

Mrs. Fillio stated that there has also been some concern over the Selectmen’s ability to enforce the Zoning Ordinance. Item #3 of the Building Code, Article 10.11, and Article XIX clearly states that the Board of Selectmen is the authority in enforcing all aspects of the Zoning Ordinance. Members agreed. Mrs. Fillio suggested that the term “may” be replaced with “shall”.

Zoning Amendments: It was suggested that the age restriction regulation under Elderly Housing also be included in the deeds of all property located within the elderly housing developments. Members agreed and requested Ms. Carriel present the appropriate language for amending Article 12.2.8 at the next meeting - members can review the language and vote to hold a public hearing to get the change on the March Town Ballot.

With no further business,

MOTION: Mr. Fillio motioned to adjourn. Doc Marton seconded. With no further discussion, the motion carried 5-0 and this June 21, 2001 Planning Board meeting ended at 9:26 p.m.

Respectfully submitted,

Catherine Belcher, Secretary

Minutes completed and on file June 23, 2001.

Approved: _____

7/19/01