



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2011-2012  
Peter Gilligan, *Chairman*  
Ed Warren, *Vice Chairman*

**MINUTES**  
Regular Meeting 30 June 2011  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** – Lot Line Adjustment for Anthony Moulton/Diane Amero, 6 Pine Woods (MBL 12-03-21 and 12-03-05)
- ◆ **Approval** - 16 June minutes

**CALL TO ORDER:** This meeting of the East Kingston Planning Board was called to order at 7:04 pm.

**ROLL CALL:** Mrs. White called the roll.

**Members:** Mr. P. Gilligan, Mr. E. Warren, Dr. R. Marston, Mr. J. Cacciatore, ex-officio Mr. M. Cook.

**Advisors:** Rockingham Planning Commission Planner Ms. Julie LaBranche and East Kingston Building Inspector Ray Donald.

**Also Present:** Mr. & Mrs. Moulton, applicants, Mr. Moulton's Surveyor Thomas Brouillette; and abutter Clint Furnald.

**Continued Public Hearing for a Lot Line Adjustment for Anthony Moulton/Diane Amero, 6 Pine Woods Road (MBL 12-03-21 and 12-03-05) (PB11-01)**

Mr. Gilligan opened the public hearing.

This public hearing had been continued from June 16th as the Board had requested more information be included on the plan. The items needing to be included were topographical information with 3/4 acre contiguous upland shown and identification of the wetlands,

Surveyor Tom Brouillette spoke to the Board. He had inserted the topographical information for both lots which showed there was 3/4 of an acre of upland on each lot, and identified the location of the wetlands in the southeast corner of lot 12-03-05. He had also added where the duck area was on 12-03-21 to the plan.

A waiver request was submitted, asking for relief from Section VII of the Subdivision Regulations which states that "*that at no point shall any lot be narrower than 125'*" since there was a lot line smaller than the 125' required by the regulation. The waiver request states the configuration depicted would allow the duck area and garden to stay intact and be included on the 6 Pine Woods lot (12-03-21), and still allow 17 Stagecoach Road (12-03-05), to keep the required 2 acres, eliminating the burden of displacement of the area. Neither lot can be re-subdivided.

Mr. Gilligan opened the discussion to the Board.

Mr. Warren was concerned that the Board might be setting a precedent by allowing the less than 125' lot line. Mr. Donald noted that each lot was pre-existing with the required 200' of frontage, two acres and a house and Ms. LaBranche noted neither lot could be subdivided any further.

Ms. LaBranche noted in circumventing the duck area and keeping that portion of the property with lot 12-03-21, and the configuration and the size of the lots, there was no arrangement which would allow all lot lines to have the required 125' width and lot 12-03-05 the required 2 acres; the juxtaposition of the two lots would not allow it.

It was ascertained that the duck area and garden had been in the present location for approximately 8 years, and the lots have been in existence since 1964 (Stagecoach Road) and mid-1980's (Pine Woods) respectively.

There was no other Board discussion on the added information to the plan.

Mr. Gilligan asked for a motion to take jurisdiction, which states the Board is accepting the submitted plan as complete.

**MOTION:** Mr. Warren **MOVED** for the Board to take jurisdiction and to accept the submitted revised plan as complete. Mr. Cacciatore seconded; the motion passed unanimously.

Mr. Gilligan opened the floor to abutters. The abutter present had no comment, therefore the floor was closed to abutters.

Ms. LaBranche noted this was the first time the Board would be looking at a waiver request under the new waiver requirements, RSA 674.44. The new waiver requirements stipulate a waiver can only be granted by majority vote by meeting one of two provisions: (1) Strict conformity would pose unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, or (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulation.

Granting of this waiver would bring into conformity a use that is being continued on and incorporate that use onto lot 12-03-21 which is the primary residence of the owner. Looking at the plan, and owing to the unusual "L" shape of 12-03-05, there would be no conceivable alternative configuration to incorporate the minimal width of 125' for all lot lines and allow the existing uses to stay with the primary residence.

Mr. Gilligan asked the Board if they had any more comments on the waiver request. There was no further discussion.

Mr. Gilligan asked for a motion on the waiver.

**MOTION:** Mr. Warren **MOVED** to grant the waiver request on the ground it meets the waiver standards of *RSA 674.44, 3.e.2., Specific circumstances relative to the site plan, or conditions in the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulation.* Mr. Cook seconded; the motion passed unanimously.

Mr. Donald asked about the monumentation, and Mr. Brouillette answered he would contact Mr. Donald and arrange for him to be present when the monumentation is installed. Verifying the monumentation is a stipulation of approval, therefore the plan will not be signed and recorded until it is verified by the Building Inspector.

Conditions of approval include:

- 1) obtaining a Certificate of Monumentation signed by the East Kingston Building Inspector reflecting granite/concrete bounds properly set;
- 2) submitting the final mylar with all required engineering stamps and signatures, together with a full-sized and 11x17 copy of the final plan, to the Planning Board for chairman signature and recording.

Mr. Gilligan asked for a motion on the lot line adjustment.

**MOTION:** Mr. Warren **MOVED** to grant lot line adjustment with the discussed conditions. Mr. Cacciatore seconded; the motion passed unanimously.

Mr. Gilligan closed the hearing.

Mrs. White reminded the Moultons they would need to provide her with a \$25 check made out to the Registry of Deeds for the L-Chip fee. This would need to be presented to the registry when the plan was recorded. Mrs. Moulton gave Mrs. White the check, which she will hold in the file until the mylar is signed and recorded.

Mrs. White will send Mr. & Mrs. Moulton and Mr. Brouillette a copy of the Notice of Decision.

Mr. Moulton and Mr. Brouillette thanked the Board for their time.

Minutes - Approval of the June 16 minutes.

**MOTION:** Mr. Warren **MOVED** to approve the June 16 minutes as presented. Mr. Cacciatore seconded; the motion passed unanimously.

**Building Inspector Update on Fees**

Mr. Donald reported that since several inspections were required in the process of ensuring construction was progressing in an acceptable manner, the Selectmen's Office had agreed to increase inspection fees to \$30, with additional individual inspection fees required for electrical, plumbing and structural inspections.

**ADJOURNMENT**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn; Mr. Cacciatore seconded.

Mr. Gilligan closed the meeting at 7:30 pm.

Respectfully submitted,

*Barbara White*

Barbara A. White  
Recording Secretary

Peter Gilligan  
Chairman

Minutes approved July 21, 2011