



PLANNING BOARD

TOWN OF EAST KINGSTON NEW HAMPSHIRE

2004-2005:
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman

MINUTES (Work Session July 12, 2004)

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

ROLL CALL: Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman Mr. RA Smith, Sr.,
Alternate members present – Mr. JD Burton, Mr. J. Fillio and Mr. EV Madej, Mr. R. Morales

BOARD BUSINESS:

Minutes—

MOTION: Mr. R. Morales **MOVED** the minutes of the June 17, 2004 regular meeting be approved as presented. Mrs. Belcher seconded. The motion to approve carried unanimously.

MOTION: Mr. R. Morales **MOVED** the minutes of the July 15, 2004 regular meeting be approved with corrections. Mr. Smith seconded. The motion to approve carried unanimously.

Judge Perkin's Order Re: Postle. Mr. Day noted the Judge's Order from the Postle suit. He stated that this was a very instructive piece of work for the Board because the Judge took the position that conditional approvals aren't really approvals. He added that the clock for an appeal to a decision from the Planning Board starts ticking when a signature is put to a mylar and it is recorded. He stated that the date of the recording is the date of the final approval. Mrs. Belcher added that that makes the final approval date after the date of the actual decision. Mr. Day stated that the Judge reaffirmed that the State has authority over driveways and that the Board cannot tell people making driveway cuts into State roads how to configure those driveways. He added that the Judge also stated that the Board did not violate RSA 91A.

Letter from Larry Edelman re: Mower Hearing. Mr. Day stated that he would be out of town for the Friday, October 1, 2004 hearing and asked the Board for volunteers who are familiar with the information to attend this hearing. Mrs. Belcher stated that she thought she would be able to do it. Mr. Day stated that Mr. Edelman is happy that there has been a delay in this because of the suit between Mower and MBR, the contractor, which the Town of East Kingston is not involved with. Mr. Day asked that between this meeting and next week's regular meeting, someone come up to volunteer.

Master Plan Housing Chapter. Discussion ensued regarding multi-family unit and it was concluded that multi-family consists of three or more units Mrs. Belcher stated that, therefore, East Kingston does not have any multi-family housing.

Mr. Day stated that the State defines "affordable housing" as being something that doesn't take up more than 1/3 of a family's income. He added that the Board would not have to create a whole new ordinance to do that. He added that the cluster housing ordinance could be taken into account. Mr. Burton suggested making affordable housing only in the downtown area.

Mr. Day stated starting at page 15, Ms. Carriel goes from a housing chapter topic to land use strategies, which he felt shouldn't be included in the housing chapter. He stated that she has included soil-based, lot size determination, two-family dwellings, a zoning ordinance addressing accessory apartments, multi-family housing and elderly age-restricted housing. He added that these are all strategies that she suggests the Town look at to get to where we want to go.

Mrs. Belcher stated that she felt that anyone who wanted to add an apartment should be allowed to. She added that there should be no problem with having elderly parents living in an apartment or other relatives. Mr. Morales stated that this could help with the affordable housing issue. Mrs. Belcher added that it might also help someone stay in their house longer if they have an apartment that can be rented or rent out the larger part.

Mr. Burton stated that other towns that deal with that issue have specific ordinances to deal with it so that every time someone wants to add an apartment, they don't have to go before the Board.

Mr. Day stated that the Board is in no position to hold a hearing on this matter in September. He recommended another work session in October. He stated that what needs to be focused on are the proposed recommendations. He went over Ms. Carriel's recommendations. He added that the second recommendation has been done by Ms. Carriel by incorporating the Regional Housing Needs Assessment and this will always be a part of the housing chapter and is statutorily required. Ms. Carriel's next recommendation is an amendment to allow multi-family developments. The next issue is the minimum lot size to be determined by soil types, which is another approach to zoning. Mr. Day stated that the next one is the accessory apartment issue.

Mr. Day stated the other potential recommendations are to amend the single-family cluster residential development ordinance to offer a bonus for providing X% of all proposed dwellings as affordable. He added that the Town could do that to offer a variety of options. Mr. Burton stated that it is not working in Exeter at all. He added that what happens is people buy it, live in it for a year and then sell it. He stated that it is a total scam and are sometimes handed out by developers to friends and family.

Mr. Day stated that Ms. Carriel's second recommendation is to create a village or cluster development zoning district. Mr. Day suggested taking a defined area and calling it the "Village Zone". Mrs. Belcher stated that the Town already has little village areas with the new developments, including Maplevale. Mr. Burton stated that he believed the idea of the village concept goes a little further than just having smaller lot requirements. He added that it also is to become the center where most municipal functions and services are available, as well as small businesses. Mr. Day stated that if you look at the statute that describes the village approach to zoning, it involves multi-use zoning, commercial, residential and lot sizes that are driven by something other than just the two-acre cookie cutter approach. He stated that there is already a center of town, but within this center there is not the freedom to have multi-use zoning.

Mr. Burton stated that the center of the Town is not congregate friendly. Mr. Day stated that that was what Maplevale was supposed to do. Mr. Day noted that Ms. Carriel has also included the Town of Hollis' Open Space Plan Development Ordinance. He added that this is the default ordinance in Hollis, whereby if a developer comes in with a subdivision plan, it is first and foremost an open space development plan, that is the starting point. He added that any developer has to justify coming in with something other than an open space development plan. He stated that Dover does this as well.

Mr. Day noted his list of recommendations, which included the notion of taking the entire town and make it a conservation district overlay like there is a wetlands district overlay. He added that this would empower the Board to require whatever is decided within a conservation district. Mr. Day stated that Hollis has done this in sections. He is suggesting taking the whole town.

Mr. Day stated that his recommendation included a village plan alternative subdivision. He added that the village plan would permit multi-use, commercial, residential. He added that this would be in a very restricted area.

Mr. Day suggested another approach would be to create rural open space district. He added that that approach has been used elsewhere in New Hampshire. Mr. Smith noted a town called Unity, New Hampshire in the mountains

Mr. Burton explained that the only thing they are saying in the last sentence is "shall be reviewed by the Conservation Commission". He stated that their point is that there is no empowerment of the Conservation Commission on its own to review a site plan. Mr. Morales stated that it was his understanding that there is no statutory requirement that the Conservation Commission is part of the checklist process.

Mr. Day stated that Mr. Tebo is now back to a cistern. He added that he has plans for both a cistern and sprinkler system. This means another plan revision.

Mr. Day stated that the Board is way ahead by about \$7,000 on the budget so funding a targeted block grant would be no problem at all this year. He suggested maybe spending on visioning goal chapter. Mr. Day stated that the reason for this is Helen Lonek's salary. She has not been claiming the hours allocated for 20 hours per week.

Adjournment: The meeting adjourned at 9:30PM.

Respectfully submitted,

~~Helen M. Lonek~~
Recording Secretary